

BEYOND TRUTHFULNESS: A KANTIAN APPROACH TO ETHICAL ADVERTISING*

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Abstract

Contemporary advertising has evolved beyond overt falsehoods toward increasingly sophisticated forms of implicit deception, including digital “dark patterns” and semantic manipulation through “clean label” claims. These practices exploit consumer cognitive biases and circumvent rational deliberation, raising ethical concerns that existing regulatory systems often grounded in the “reasonable consumer” standard are ill-equipped to address. While utilitarianism and virtue ethics can criticize deceptive tactics, both frameworks remain limited in offering a consistent and principled condemnation of manipulation that may still generate short-term satisfaction or economic benefit. This article proposes a Kantian deontological framework as a robust alternative for evaluating ethical advertising, emphasizing that the fundamental wrong of implicit deception lies in violating consumer autonomy and dignity by treating individuals merely as means to corporate ends. Using hermeneutical analysis of Kant’s moral philosophy alongside contemporary deontological scholarship, the study develops a “Kantian Audit” based on the Formula of Universal Law and the Formula of Humanity to assess real-world advertising practices. The audit is applied to three

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case studies non GMO salt labeling, Amazon's "Project Iliad," and the hybrid transparency model of Pang Dong Lai demonstrating how implicit deception fails tests of universalizability and respect for humanity. The findings support a normative shift from a narrow focus on "consumer protection" toward a broader principle of "autonomy preservation," with recommendations for legal reform and corporate policy standards designed to uphold rational agency in modern markets.

Keywords: Advertising Ethics, Implicit Deception, Kantian Deontology, Consumer Autonomy, Dark Patterns

Introduction

The ethical framework of advertising has shifted from concerns regard to overt falsehoods to the pervasive and subtle issue of implicit deception (Hastak & Mazis, 2011). This kind of deception uses statements that are accurate, strategic omissions, and carefully designed user interfaces to influence and change what people choose without them think logically (Hastak & Mazis, 2011; Johar, 1995). These strategies create a business setting where consumers' freedom is slowly taken away (Asioli et al., 2017; Gray et al., 2018). "Dark patterns" in digital subscriptions and the "health halo" of "natural" claims on food items are two examples of these kinds of activities.

The "Reasonable Consumer" criteria is utilized by the legal regulatory framework, notably in countries and regions such as the United States. Behavioral economics demonstrates that the typical consumer does not possess the amount of alertness and skepticism that is expected by this legal fiction. The predominant ethical paradigms in business, most notably utilitarianism, have a difficult time providing a consistent condemnation of activities that may boost corporate profit and even bring momentary satisfaction to consumers, despite

the fact that they undermine the foundations of autonomous choice (Bowie, 2017).

The argument presented in this study is that a Kantian deontological method is the only one that is uniquely prepared to diagnose and condemn implicit deception. Kantian ethics offers a non-contingent, universal framework that locates the evil of lying in its assault on human rationality and dignity. As a result of intentionally circumventing the consumer's capacity for rational self-legislation, implicit deception treats the consumer not as an end-in-themself but rather as merely a means to an end, which constitutes a fundamental moral violation independent of measurable financial harm (Berumen, 2003).

Objectives

1. To examine the mechanisms and legal context of implicit deceptive advertising.
2. To establish a Kantian ethical approach relevant to advertising.
3. To evaluate specific deceptive practices through a Kantian audit of contemporary case studies.

Literature Review

1. Landscape of Implicit Deception in Advertising

Implicit deception in advertising relies on the discrepancy between the factual truth and the intended meaning. It often uses the psychological processes of making inferences and cognitive heuristics (Grice, 1975; Kardes et al., 2004). Digital interfaces and physical product labeling are two major areas that show how common this phenomenon is.

Digital Dark Patterns

“Dark patterns” are user interface designs that discreetly compel, steer, or deceive people into actions that they did not mean to take (Gray et al., 2018;

Luguri & Strahilevitz, 2021). Implicit deceit is built in digital ecosystems through the use of "dark patterns." Experiments and investigations shed light on the scale of this issue. Mathur et al. (2019) found that an automated crawl of 11,000 retail websites, 11.1% of them used recognizable dark patterns. This percentage is regarded as a conservative lower bound because of the limitations of algorithmic identification. More illuminating is the fact that a human-centric behavioral study conducted by the European Commission (2022) discovered that 97% of the most popular consumer platforms utilized at least one dark pattern.

Taxonomies of coercion are used to organize these behaviors in a systematic manner. Common patterns include Sneaking, which involves concealing or delaying relevant information, such as hidden fees; Obstruction, which involves making a desired action, such as cancellation, disproportionately difficult, also known as the "Roach Motel" effect; Interface Interference, which involves manipulating visual hierarchy in order to privilege certain choices; and confirmshaming, which involves using language in order to instill guilt for opting out (Gray et al., 2018; ICPEN, 2024). These designs are capable of convincing and architecturally subverting the will of the user, substituting rational consent with artificial friction and emotional pressure.

"Clean Labeling" and Semantic Manipulation

In the physical goods industry, specifically the Fast-Moving Consumer Goods (FMCG) sector, implicit deception normally takes the form of "clean labeling," using of terms such as "natural," "non-GMO," or "eco-friendly." Despite the fact that they are frequently technically unregulated or truthful in a limited sense, they are strategically employed to create a "health halo" or imply superiority (Asioli et al., 2017). According to Marketsandmarkets (2024) and Precedence Research (2024), the worldwide clean label sector is expected to reach \$69.3 billion by 2029 and surge to &199 billion by 2035. The phenomenon is driven by consumers' willingness to pay considerable premiums for perceived naturalness and health benefits. However, the ethical infraction is not in the

product reformulation itself; rather, it is in the strategic application of these labels to either imply benefits that are scientifically non-existent or to mask unfavorable qualities (Rozin et al., 2004). For example, identifying abiotic salt as “non-GMO” is a claim that is factually accurate but irrelevant to the category. This claim aims to capitalize on customer fears about genetic alteration in situations where there is no possibility of such concerns. Similarly, creating a misleading impression of purity and little processing by labeling juice from concentrate that contains pesticide residues as “natural” is an example of semantic ambiguity (Axon v. Florida's Natural Growers, Inc., 2022).

2. The Inadequate Legal Shield: The “Reasonable Consumer”

Deception, defined by the Federal Trade Commission of the United States as a representation that is “likely to mislead a consumer acting reasonably under the circumstances” (FTC, 1983). This “Reasonable Consumer” standard is a legal fiction that imagines an individual who is hyper-vigilant and analytically rigorous. It disregards the actual realities of rationality deliberation (system 2) and cognitive bias (system1) (Kahneman, 2011). This norm, as argued by Cohen (2020), essentially punishes customers for acting like the cognitively “miserly” people that they are, while at the same time giving cover for advertisers that devise campaigns that are legally compliant but psychologically manipulative. According to Pridgen (2019), this results in a regulatory blind spot, which means that the victim bears a disproportionate amount of responsibility for recognizing and fending off fraud.

3. The Ethical Lacunae: Utilitarianism and Virtue Ethics

Both utilitarianism and virtue ethics fall short of meeting the requirements of the ethical lacunae.

The Contingency of Utilitarianism

Regardless of whether it is based on rules or acts, utilitarianism evaluates activities based on their effects, specifically how they contribute to the overall

welfare or utility of the population (Mill, 1863). It is possible that a rule-utilitarian would criticize misleading techniques due to the fact that they undermine trust and raise transaction costs, which ultimately results in market inefficiencies such as Akerlof's "market for lemons" (Akerlof, 1970; Hooker, 2000). This prohibition is subject to the manifestation of empirical circumstances. It is possible that the utilitarian calculus may rationally support the implementation of a new technology that would allow for "efficient deception," an undetectable manipulation that would maintain market stability while at the same time improving company profits and even offering consumer delight with a placebo, according to Williams (1973). As opposed to being an absolute obligation, its commitment to truth is more of a hypothetical imperative that is contingent on the instrumental value it has for welfare. Bowie (2017) states this does not take into account the inherent mistake that occurs when a person is treated as a manipulable object rather than a rational individual.

The Vagueness of Virtue Ethics

Virtue ethics places an importance on the moral agent's character, highlighting characteristics such as honesty, prudence, and justice. Solomon (1992) points out that it considers organizations to be communities in which virtuous character should be produced or fostered, when applied to business. Nevertheless, this paradigm is susceptible to the "Situationist Challenge," which is characterized by the fact that individual character can be overpowered by systemic market pressures (Alzola, 2012). More importantly, in the context of contemporary business landscape of data-driven advertising, the "agent" is frequently an algorithmic system that is optimized for interaction. This system is devoid of any character or phronesis (practical knowledge) (Groff & Symons, 2023). On the other hand, virtue ethics runs the risk of legitimizing "benevolent paternalism" (Pellegrini & Scandura, 2007), which is when manipulative nudges are justified by the advertiser's supposedly good intentions to steer consumers

toward healthier or more beneficial choices, thereby disrespecting the consumer's own capacity for self-direction (Aycan, 2006; Crisp, 1987).

4. A Kantian Deontological Framework for Advertising Ethics

Through the process of deriving moral rule a priori from the nature of rational agency itself, Kantian ethics offers a solid base from which to build. For the purpose of judging advertising, its fundamental principles provide a powerful lens.

The Categorical Imperative and Its Formulations

According to Kant, the most important fundamental of morality is the categorical imperative (CI), which commands without conditions, in contrast to hypothetical imperatives, which are connected to desires (Kant, 1785).

The Formula of Universal Law (FUL) states that one should “act only according to that maxim whereby you can at the same time will that it should become a universal law” (Kant, 1785). An agent's fundamental principle (maxim) is put through a test to see whether or not it is universally applicable and logically consistent. The universalization of a maxim may result in a “contradiction in conception” (which would make the practice self-defeating) or a “contradiction in the will” (which would undermine key rational aims) (Korsgaard, 1985). In either case, the maxim would be considered unsuccessful.

The Formula of Humanity (FH) says "So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means" (Kant, 1785), it is important to remember that humanity is a means to an end. This fundamental premise establishes the foundation for dignity in the rational nature. To respect the ability of another person to self-govern independently is to treat them as an end in and of themselves. According to Wood (1999), treating individuals as if they were nothing more than a means of achieving a goal requires manipulating, coercing, or deceiving them in order to circumvent or subvert their rational will.

Autonomy, Dignity, and the Kingdom of Ends

For Kant, autonomy is the property of the will to be a law unto itself. It is the ground of human dignity (Kant, 1785). Dignity is an “unconditional and incomparable worth” that places rational beings above market price (Kant, 1785). “Kingdom of Ends,” is the ideal moral community, a systematic union of rational beings who are both sovereign legislators and subjects of moral law (Kant, 1785). A marketplace governed by mutual respect for autonomy approximates this ideal; one saturated with manipulation constitutes its antithesis.

Methodology

This paper begins with a hermeneutical analysis of Kant's Groundwork of the Metaphysics of Morals and modern deontological literature to define rational agency. Using the “Corporate Internal Decision” (CID) framework, it reconstructs the implicit “corporate maxims” of specific advertising tactics by examining their functional aim in user interfaces, product labeling, and internal strategic directives.

A Kantian Audit using the Formula of Universal Law (FUL) and Formula of Humanity (FH) to identify consumer autonomy breaches on the re-constructive maxims will be applied.

Finally, using Linguistic mapping and Gricean pragmatics, this study decodes the “implicature” of factually correct but contextually misleading utterances, turning semantic ambiguity into an ethical proposition.

A tripartite audit for advertising practices can be operationalized using this structure, which includes the following:

The FUL Test: Does the advertising maxim rely on a premise that, if generally followed, would undermine the communicative or commercial system (for example, a parasitic reliance on the honesty of others)?

The FH Test: Does the advertisement or design circumvent the consumer's reasonable consent, exploiting the consumer's cognitive weaknesses as if they were nothing more than a tool for profit?

The Kingdom of Ends Test: Does the business culture and structure produce a community of transparent co-legislation with stakeholders, or does it foster a community of strategic manipulation?

Results

The Kantian audit was applied to three different case studies.

Case Study I: Non-GMO Salt Labeling

The reconstructed maxim: “I will highlight a truthful but technically irrelevant attribute (Non-GMO) on my mineral product to imply superiority over competitors, intentionally allowing consumers to infer that competitor products might be genetically modified, thereby justifying a premium price”

This maxim failed the FUL test, as its universalization would contaminate the informational environment and render product labels meaningless. It also failed the FH test by exploiting consumer ignorance and circumventing rational deliberation to extract value.

Case Study II: Amazon's “Project Iliad”

The reconstructed maxim: “I will architecturally increase the cognitive and temporal cost of contract exit to subvert the user's will to cancel, thereby retaining them as a revenue stream.”

This maxim failed the FUL test, as a world where all service providers universally obstructed exit would nullify the concept of voluntary contract. It also failed the FH test by treating the user's time, attention, and will as obstacles to be conquered rather than sovereign powers to be respected.

Case Study III: Pang Dong Lai (PDL)

The audit of PDL revealed a hybrid outcome. In its customer-facing practice of radical price and margin transparency following the reconstructive maxim of “I will disclose all relevant financial data to enable the consumer's rational judgment” PDL's actions respected the FH by treating customers as fully informed rational agents, approximating the “co-legislative” ideal of the Kingdom of Ends in the commercial sphere. Conversely, in its internal management, Puncheva-Michelotti et al. (2018) state that the perception of ethical treatment of employees has a significant impact on the attractiveness of a brand and fosters trust among consumers, however, enforcing private lifestyle norms and “forced holidays” for employees' purported well-being, the corporate practice failed the FH and Kingdom of Ends tests. This internal policy imposed heteronomy, substituting corporate-directed virtue for employee self-legislation.

Discussion

Case Study I: The Truth Relating to the Irrelevance of "Non-GMO" Salt

Through the use of Gricean implicature, this case represents a violation of the Maxim of Relation (Grice, 1975). As the results show, the maxim of “truthful irrelevance” is parasitic, dependent on a public expectation of relevance maintained by others. Its universalization creates a “contradiction in conception,” undermining the very system of informative labeling it exploits (Korsgaard, 1996). The failure in FH test confirms that the label operates by circumventing the consumer's reasoning ability, using a manufactured heuristic to treat the consumer merely as a tool for profit (Carson, 2010).

Case Study II: Amazon's "Project Iliad": Architectural Coercion

According to the findings, the maxim is flawed because it results in a “contradiction in the will.” No rational agent would willingly participate in a system that could lead them to become entangled in agreements that they do

not want to be a part of (Luguri & Strahilevitz, 2021). An example of a direct swap of corporate intent (retention) for user choice (cancellation) is revealed by the failure of Full House. According to Susser et al. (2019), this design, which is supplemented by the concept of “confirmshaming,” considers the user not as an end but rather as a captive resource.

Case Study III: Pang Dong Lai: The Complexity of Benevolent Paternalism

In the case of PDL, a Kantian dilemma becomes apparent. Respecting the customer as a rational co-legislator in the market transaction is demonstrated by the positive result in customer relations, which proves that radical transparency operationalizes the FH. Nevertheless, the unfavorable outcome in employee management sheds light on the basic conflict that exists within the concept of benevolent paternalism. In spite of the fact that it results in outcomes that are objectively advantageous, the coercive enforcement of private virtue places an emphasis on outcomes rather than the will of the individual, which results in heteronomy (Bowie, 2017). According to Kant's deontology, moral significance is not derived from desirable results that are imposed from the outside but rather from duties and respect for self-legislation (Kant, 1785). Despite the fact that they are humanitarian in nature, policies such as “Unhappy Leave” (Xiao et al., 2025) run the risk of imposing a “forced rationality” that regards employees as subjects devoid of the ability to manage their own lives.

Comprehensive Analysis for the Kantian Audit

Collectively, these results validate the Kantian audit's diagnostic power. Cases I and II demonstrate clear, unequivocal violations where practices are designed to systematically bypass rational agency for profit. The PDL case refines the analysis, showing that even within a generally ethical operation, the key limitation remains respect for individual autonomy. A real “Kingdom of Ends” requires each member to be a legislator of the laws they obey. When a

corporation uses its authority to mandate virtuous private behavior, it ceases to regard the individual as an end-in-themself and begins treating them as a “human asset” to be optimized. This confirms that any bypass of rational agency, even with benevolent intent, constitutes a violation of dignity by substituting sovereign individual will with a corporate-mandated version.

Originality and Body of Knowledge

This research makes a contribution to the development of a new ethical framework for analysis of advertising. Specifically, it puts into practice the tripartite test known as the “Kantian Audit” in order to identify violations of consumer autonomy. In it, the basic wrong in implicit deception is articulated as a breach of rational agency and dignity, and it argues for a shift in normative standards from “consumer protection” to “autonomy preservation.”

Recommendation

The Kantian framework identifies the damage as a breach of dignity that occurs as a result of the instrumentalization of the rational consumer.

It suggests that the “Reasonable Consumer” should be replaced with the normative standard of the “Rational Agent,” who should be entitled to conditions that facilitate autonomous choice. This supports the idea that the regulatory focus should move from consumer protection to autonomy preservation.

Practical Recommendations:

Right to Exit (Symmetry of Will): policies ought to make it a requirement that the amount of effort required to quit a service must not be more than the amount of effort required to join it. The development of “Roach Motel” designs must to be prohibited by regulatory action, and “one-click” cancellation ought to be required for “one-click” enrollment.

The Right to Relevance requires that regulations prohibit assertions that are factually accurate but materially irrelevant, which take advantage of the ignorance of consumers. The use of “exclusionary claims” ought to be limited to areas in which they bear some degree of scientific significance.

A “Kantian Decision Protocol” (table 1) can be implemented by corporations for the purpose of conducting internal audits. It mandates that campaigns be evaluated based on universalizability, respect for humanity, and reversibility.

One of the primary focuses of consumer education should be “cognitive self-defense,” which involves instructing the general public to identify dark patterns and semantic halos as forms of attacks on autonomy.

Although truthfulness is a defense, it is not sufficient. By ensuring that its fundamental structure preserves the conditions for rational agency, a market that places a high value on human dignity is required to do so. In order to require that advertising actively respects the autonomy of consumers, Kantian deontology provides the ground for these demands.

Table 1: Kantian Decision Protocol

Kantian Principle	The “Audit” Question for Marketers	Failure Condition
Autonomy (The Will)	Does the interface empower the user to make an active choice, or does it engineer a passive outcome?	If the design relies on “friction” to prevent an intentional exit (e.g., Amazon Iliad).
Categorical Imperative	If every competitor used this exact tactic,	If the claim depends on the consumer’s expectation of relevance

	would the market's language still function?	while providing irrelevant data (Parasitic Maxim).
Formula of Humanity	Am I banking on “System 1” (fast, emotional) thinking to close this sale before the user can reflect?	If the profit margin depends on a pseudo-scientific misconception or bypassing rational deliberation.
Reversibility	Would I, as a rational expert with full information, still consent to this transaction if I were the buyer?	If the marketer would feel manipulated or “shamed” by their own interface if they were the user.

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