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Snatching Defeat from the Jaws of Victory: The Curious Case [Study] of California’s Proposition 37

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SNATCHING DEFEAT FROM THE JAWS OF VICTORY:
THE CURIOUS CASE [STUDY] OF CALIFORNIA’S
PROPOSITION 37

by

Dave Brundage

A thesis submitted to the Graduate College
in partial fulfillment of the requirements
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Thesis Committee:

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In 2012, California became the first state to qualify a ballot measure for public vote on the topic of genetically modified food labeling. Proposition 37, The California Right to Know Genetically Engineered Food Act, enjoyed overwhelming support leading up to the November elections. However, an 11\textsuperscript{th} hour surge by the opposition led to its defeat. This case study examines the media messages deployed by the pro and anti-labeling groups in an effort to understand how each side attempted to curry favor to their cause. Content analysis was performed on 27 television, radio, and internet advertisements broadcast during the campaign. Focused coding revealed two predominant themes, which were figures of authority and emotional appeals. The ads themselves are the end result of a process which is part of the initiative industry complex. This study strongly indicates that voters are manipulated into going against their best wishes by the public relations firms running initiative campaigns. As a whole, this determination throws into doubt just how democratic the process of initiative voting truly is.
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I would like to thank Dr. Greg Howard for all his boundless enthusiasm, patience and unwavering support. The time and effort expended by my committee members is also much appreciated, as their input greatly helped shape the project. Additionally, this study does not get completed without the tireless efforts of Ms. CarolAnn Ham, quite possibly the most wonderful human ever hatched. Finally, I would be remiss not to thank my parents, two of the most extraordinary people I know.

Dave Brundage
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CHAPTER I

INTRODUCTION

Over the course of the last thirty years, genetically modified organisms (GMOs) have become a global phenomenon. Advances in biotechnology have led to changes in the way crops, fish, and other traditional food staples are raised and disseminated. The process of genetic alteration includes picking and choosing the most desirable traits to be imbued upon an organism, and then through the magic of science, making such a change at the cellular level. As a result, the world has been introduced to insect repelling corn, herbicide resistant soybeans, and salmon which can grow larger and mature much faster than in naturally occurring cycles (Cho, 2013). There are a number of benefits associated with the process of genetic manipulation, including “increased crop yields, reduced costs for food or drug production, reduced need for pesticides, enhanced nutrient composition and food quality, resistance to pests and disease, greater food security, and medical benefits to the world’s growing population” (Phillips, 2008, p. 213). According to the Center for Food Safety (n.d.), “up to 92% of US corn is genetically engineered, as are 94% of soybeans and 94% of cotton…It has been estimated that upwards of 75% of processed foods on supermarket shelves…contain genetically engineered ingredients” (About GE Foods, n.d.).

The proliferation of GMOs in the supermarket setting has become a growing concern for Americans over the past few years. Despite all of the touted benefits, there
are a number of uncertainties regarding the process of genetic manipulation. There are concerns that consumption of genetically engineered foods may be detrimental, as “potential health risks to humans include the possibility of exposure to new allergens in GMOs, as well as the transfer of antibiotic resistant genes to gut flora” (Phillips, 2008, pg. 213).

Public opinion polls conducted over the past eight years reflect the growing unease consumers have towards genetically engineered foods. A Consumer Reports study in 2008 found that 95% of respondents were in favor of labeling foods that experienced cellular manipulation. In 2010, a similar poll conducted for National Public Radio by Reuters showed that 93% of those in the study preferred food labeling (Center for Food Safety, Polling, n.d.). A national telephone survey conducted by The Mellman Group (2012) once again reflected an overwhelming support for labeling, as “More than 9 in 10 voters (91%) favor the FDA requiring that foods which have been genetically engineered or containing genetically engineered ingredients be labeled to indicate that…A mere 5% oppose such a requirement and another 5% don’t know.”

In the United States, nearly half of the states (including the District of Columbia) allow citizens to participate in direct legislation, also known as citizens’ initiative voting (National Conference of State Legislatures, n.d.). Unlike closed legislation, wherein elected officials congregate and vote on laws, initiative measures can be qualified for yearly ballots by just about anyone. The actual substance of any given initiative is determined by the person or persons responsible for drafting it. Once written and submitted, a predetermined number of signatures must be gathered to officially qualify
for the ballot. On the day of the vote, measures are either voted in to law or they are not. California is one of the states that allows direct legislation through ballot initiatives.

In 2012, Californians attempted to transform the negative public sentiment regarding GMOs into concrete law through a ballot initiative, Proposition 37 California Right to Know Genetically Modified Foods. The Right to Know campaign “was initiated by a grassroots organizing effort with the help of thousands of volunteers across the state”, and eventually “…gathered nearly one million signatures from California voters within a ten-week period” (California Right to Know, n.d.). The signatures resulted in a ballot measure that was to be voted on in the November elections. Proposition 37 would “Require labeling of food sold to consumers made from plants or animals with genetic material changed in specific ways” (Ballotpedia, n.d.). It would also prohibit marketing such food, or other processed items, as natural.

In the months leading up to the vote, public opinion polls showed tremendous support for the labeling initiative. A survey conducted in late August by the California Business Roundtable (n.d.) showed that 65% of those polled were in favor of labeling, while 25% opposed and 10% were undecided. In late September 2012, the LA Times reported “Poll finds Prop 37 is likely to pass,” as their survey showed labeling support at 61%, with 25% opposed (Lifsher, 2012). While not a sure thing, victory seemed to be a likely outcome. Stanley Greenberg, CEO of the Greenberg polling firm, declared “It looks like it’s going to pass” (Lifsher, 2012). Yet it was USC’s director of politics Dan Schnur who proved to be clairvoyant. He observed that, in order for voters to get past the negative stigma the words ‘genetically modified’ have come to represent, it would take “a
As it turns out, the opposition to food labeling in California was tremendously well funded. The coalition opposed to GMO labeling raised in total 45 million dollars, which was five and a half times what the pro labeling contingent managed. The money was used in a media blitz which began approximately a month before the November vote. Television and radio were saturated with messages imploring people not to support the initiative, as well as postal mailers sent to voters’ homes. Newspaper editorials began favoring opposition to Prop 37, mostly taking issue with the way the proposal was written. The strategy by the anti-labeling group began working. Only one month after the LA Times suggested a potential victory, the news agency reported that Prop 37 would not pass. In late October, roughly one week from voting, support for labeling had plummeted some seventeen points, with 44% supporting the measure. While supporters would make a final rally in November, it would not be enough, and the initiative to label genetically modified foods was defeated, 51.4% to 48.6% (Ballotpedia, n.d.)

The purpose of this case study is to examine, through the use of Shelly Chaiken’s (1980) heuristic information processing model, how the advertisements for Proposition 37 both pro and con were constructed in a way which would curry favor with voters. A content analysis was conducted in order to identify the cues which were embedded in the ads which may have helped lead to the radical change in public opinion in such a short period of time. As this study discovered, public opinion was influenced by several factors
including the initiative industry itself, emotion, and authority. Implications for further research indicate a need to identify the mechanisms that swayed voters’ minds.

Chapter 2 of this work consists of a literature review which begins with a concerted effort to frame the historical process of initiative voting in general and the ebb and flow of its influence in the state of California specifically. Chapter two will assess available research which either promotes the benefits or detriments of direct democracy. A final point of emphasis in this section is the work of Shelly Chaiken, who examined the ways in which people arrive at informed decision making. Further elucidation is provided regarding her heuristic versus systemic model of information processing, as well as the ways these types of cognitive inputs have been examined by researchers in the intervening years.

Chapter 3 restates the research questions guiding this project. From there an explanation is given as to how the work is presented in the form of a case study. The chapter continues with the way data were collected and analyzed, as well as the way in which specific categories for further evaluation were culled from the advertisements.

Chapter 4 explores the two main categories which were identified through content analysis. The first identified concept explored in depth is how the competing sides on the labeling issue deployed representation of authority in an effort to provide heuristic cues which could potentially sway voters. The second concept that emerged from the case study related to the attempts by both the Yes and No groups to appeal to the voters on emotional levels in order to gain their favor. In addition, musical cues which accompany
the text and narration is analyzed to determine how much it aided in creating an emotional atmosphere.

The study concludes with chapter 5, where the public relations firms responsible for the advertisements are identified as part of a greater initiative industry. Consideration is also given to the ways misdirection finds its way into the advertisements, which could potentially sway voters. Finally, suggestions are made regarding potential future research that could be conducted in relation to initiative voting advertising and its potential influence on swaying the hearts and minds of the electorate. A determination is made regarding this work and its place within the existing literature discussed in chapter 2.
CHAPTER II

LITERATURE REVIEW

Within the context of direct democracy, there are three types of mechanisms through which citizens may participate in legislative maneuvering. First, the initiative is a process allowing individuals or groups to gather signatures in order to qualify a given item for public vote during elections. Throughout this paper, the term initiative may be referred to as direct democracy, citizen lawmaking, direct legislation, ballot measure, or legislation by plebiscite (Sabato, Ernst, & Larson, 2001; Smith & Tolbert, 2004). The second mechanism consists of existing laws and ordinances that can be repealed through popular referendum. In order to have existing legislation revoked, a predetermined number of valid signatures (which varies by state) must be gathered in order to qualify for the ballot. Currently, twenty-four states provide citizens access to direct legislation voting (Braunstein, 2004, p. 6). Although not as common, the final type of citizen lawmaking available in the United States is the recall. Like the initiative and popular referendum votes, a pre-determined number of signatures must be gathered in order to have an elected official removed from office before his or her term is up.

While this study focuses on direct legislation in California, it should be noted that citizen engagement in the political process is not restricted to the United States. To varying degrees, systems of participation in the legal process can be found across the
globe from Switzerland (Lutz & Marquis, 2006), to Jamaica (Blake, 2004), and throughout the United Kingdom (Batchelor, 2005).

History of Direct Democracy in America

In fact, the U.S. model of direct democracy was heavily influenced by Switzerland, which established their version in the mid nineteenth century (Ellis, 2002, p. 28). Direct participation in governmental decision making was believed by populist reformers in the United States to be the remedy against widespread corruption that had taken hold of the political machine during the Progressive Era (Cain & Miller, 2001). Elected officials were seen as colluding with big business at the expense of the working class, resulting in lax labor laws and deteriorating workplace conditions. During this time the electoral process was perceived more like an auction, with the services of officials being bought by major corporations (Broder, 2000). Initially embraced by farmer and laborer groups, the notion of legislation by plebiscite was eventually assimilated into the agenda of progressive politicians looking to make a name for themselves by sweeping corruption from government (Origin, 2011).

South Dakota became the first state to adopt citizen lawmaking in 1898. Over the course of the next two decades nearly twenty others had either initiative or referendum voting, and in most cases both (Broder, 2000, p. 34). In 1911, one hundred years before Proposition 37, California voted into existence the initiative, referendum and recall on the strength of Governor Hiram Johnson’s campaign, which extolled the evils of the South
Pacific Railroad company’s hold over local and state lawmakers (Broder, 2000; Origin, 2011).

The popularity of this new legislative tool spread like wildfire throughout the United States. For instance, the November ballot in Oregon 1912 saw a staggering twenty-eight initiatives on offer. Between 1910 and 1920, Colorado, California, Arizona, and South Dakota all had at least one year with at least fifteen direct legislation measures which qualified for voting (Ellis, 2002, p. 34).

A renewed zeal for direct legislation took root in California in 1978, thirty-three years before Prop 37. Paul Gann and Howard Jarvis, frustrated with rising property taxes in a decade of rampant inflation, introduced the “People’s Initiative to Limit Property Taxation.” The measure itself called for a number of changes to be made, such as capping the annual tax on property at 1% of the value it had been assessed at. The assessed value was not to exceed a 2% rise per year barring new ownership and was retroactive to 1975 dollar amounts (Broder, 2000, p. 45). Further, any new local taxes were to be voted on by the public and would have to pass by a two-thirds majority, while at the state level the enactment of new taxes would have to pass by the same two-thirds majority in the legislature. Proposition 13 proved to be a resounding success, as it was voted into law with 65% of the vote. Additionally, it was the catalyst which drove nearly 70% of California’s registered voters to the polls. Nationally, a number of other direct democracy states followed suit, leading to what is referred to as the ‘taxpayer revolt’.

Beyond the specific issue of taxation, the process of direct legislation itself returned to the forefront. Emboldened by sweeping changes brought forth through Prop
According to Richard Ellis (2002), “more initiatives were approved by California voters in the last two decades of twentieth century than were passed in the preceding sixty-eight years dating back to the initiatives adoption in 1912” (p. 36).

Direct Democracy as a Social Good

In conjunction with the explosion of direct legislation there has been a dramatic increase in research touting the benefits and detriments associated with its usage. Those who see citizen lawmaking as a public good tend to take their cues from Progressive Era ideals which led to its enactment. Daniel Smith and Caroline Tolbert (2004) distinguish between the instrumental purpose of direct democracy and the educational influences it has on citizens (p. xv). Giving the public a direct say in legislative affairs allows for a further check on lawmaking, thus enabling recourse from constituents against corruption or malfeasance. At the same time, laws and amendments may be revised and enacted directly, bypassing the traditional bureaucratic quagmires. As for educational benefits of the initiative, Progressive reformers believed the process would make for a more well-informed, democratic union. Direct legislation offers a window into the political process, allowing citizens to become better versed in legislative decision making. Additionally, this knowledge could be used by individuals to help identify and circumvent the power of special interest groups looking to utilize the initiative process for their own gains. Even though these were the ideals of radical politicians over a century ago, research by Smith and Tolbert (2004) shows that many of these values still hold true, noting “citizens living
in states with frequent ballot initiatives are more motivated to vote, are more interested in and better informed about politics, and express more confidence in government responsiveness than do citizens living in noninitiative states” (p. 138).

One of the earliest and most influential writers on the positive impacts of ballot measures is David Schmidt (1980), who suggests in Citizen Lawmakers: The Ballot Initiative Revolution that direct democracy allows the people themselves to define exactly what the public interest is. The state and national response to Proposition 13 served as an affirmation of that notion. In California, the process of direct legislation has engendered ample support from voters. According to work done by Bowler & Donovan (2000) nearly two thirds of the public are in favor of direct democracy, articulating that it gives them a chance to have a say in governmental affairs.

Direct Democracy as a Societal Ill

One of the major points of contention regarding direct democracy questions the extent to which it undermines the political structure put in place by the framers of the Constitution. For some, this relatively new legislative practice by the people may eventually replace traditional lawmaking. Peter Schrag (1996) notes the way in which “the initiative has by general agreement become the principal driver of policy in California” (p. 61).

A long standing concern with direct democracy is a feared tyranny of the majority. The process of qualifying an initiative for the ballot is so exorbitantly expensive that many fear big moneyed interests have an advantage pushing particular agendas
(Mahtesian, 1998; Schrag, 1998). Others (Maharidge, 1996) argue that the process of direct legislation is biased based on demographic composition of states, thereby perpetuating traditional racial agendas. Recently, studies have shown that it may not necessarily be the big corporations who are able to have their way through the use of direct legislation. There is evidence that a few wealthy individuals are just as capable of enacting change through the initiative process (Broder, 2000, p. 171).

As a counter to the educational benefits touted by direct legislation supporters, opponents point to issues related to both the quality and quantity of ballot measures. It should come as little surprise that the wording of the initiatives themselves is done in a very technical style which may be hard for the average citizen to decipher. According to a survey conducted by Fred Silva (2000), 79% of Californians agreed that “The ballot wording for citizens’ initiatives is often too complicated and confusing for voters to understand what happens if the initiative passes” (p. 31).

In California, an official assessment of all initiatives appearing on the ballot in a given year is prepared by the office of the Attorney General. This is done in an effort to remedy the impenetrable jargon typically present in the measures. In addition to the full text of each initiative included in the guide, there are also detailed breakdowns which provide a summary, pros and cons, and arguments for and against (California Voter Information Guide, 2012). While in theory it would seem that such a guide acts as a means of creating a better educated citizenry, it does not necessarily come across that way in practice. Research conducted by David Magleby (1994) indicates that these guides are put to use by only a small number of people, due in part to the technical
wording that manifests itself in the bill summaries which require “readability levels ranging from the fifteenth to eighteenth grade levels” (p. 40). Additionally, there were ten initiatives on offer for the 2012 election cycle. Even for those who had the proficiency to make sense of the initiatives, that may be too great a number of initiatives to fully comprehend on one ballot. Considering there have been roughly the same number on offer every two years with no indication of slowing down, it can take a Herculean amount of time and attention to arrive at an informed and meticulously researched decision.

Heuristic Versus Systemic Model of Cognitive Processing

The California voter’s guide is exemplary of the arguments for both the pro and anti-direct democracy advocates. For those in favor, it stands as the vessel through which voters may self-educate themselves in an effort to be a more well informed democracy. Conversely, at typically over one hundred pages, voters may find themselves without the necessary time, patience, or ability to absorb all the information. Bereft of those resources, voters may rely on information shortcuts available to them in an effort to arrive at an opinion on a given issue.

Social psychologist Shelly Chaiken characterizes these opposing means of filtering information as the heuristic versus systematic model of cognitive processing. The former refers to the way actors, in this instance the electorate, utilize information shortcuts stored from their previous experiences in order to make sense of a given phenomenon. The latter suggests that people will expend greater mental effort in surveilling all the information available to them as it is presented. According to Chaiken
(1980), the “systematic view of persuasion emphasizes detailed processing of message content and the role of message-based cognitions in mediating opinion change, whereas a heuristic view de-emphasizes detailed information processing and focuses on the role of simple rules or cognitive heuristics” (p. 752).

Of particular interest to this study is the utilization of heuristic cues. Research shows that humans deploy information shortcuts in decision making on topics as diverse as food selection (Scheibehenne, Miesler, & Todd, 2007; Schulte-Mecklenbeck, Sohn, Bellis et. al., 2013,), reproduction (Todd, Hills, & Hendrickson, 2013), health decisions regarding cancer (Pravettoni, Gorini, Bonanni, & Veronesi, 2013), face recognition (Kleider & Goldinger, 2006), feminist legal theory (Levit, 2006), and sales’ representative interactions with consumers (Whittler, 1994). In the case of electoral politics, citizens make decisions regarding which way to vote in a number of ways, such as party affiliation or particular qualities of candidates (Branton, 2003; Nicholson, 2005; Smith & Tolbert, 2010).

One of the key question guiding this project is in regard to the advertising content produced by the pro and anti-labeling groups for Proposition 37. Without the traditional political heuristic cues available to inform decision making, what was it in the commercials that voters were able to identify with and form some type of opinion on the matter of genetically modified food labeling? The specific indicators embedded in the television, radio, and internet advertisements are identified in the next section.
CHAPTER III

METHODOLOGY

The sudden turnaround in the projected fate of Proposition 37 served as the catalyst for this study. With early polls projecting certain passage of the measure giving way to surveys in the final weeks reflecting significant shifts in public support touting its potential (and eventual) defeat, the question arises; what happened? A fruitful place to begin this inquiry is with the advertisements that were utilized by those for and against Proposition 37.

This study seeks to analyze the narratives which were embedded in the messages sent by both pro and anti-labeling groups in the California voting initiative Proposition 37. What particular elements of the radio, internet, and television ads contributed to such a historic shift in public support? What aspects of those advertisements were subliminal and overt? What were the major ‘themes’ deployed in the commercials, not only within the framework of textual transcription but also with regard to aesthetic and verbal considerations? What was it about the messages in the No on Prop 37 ads that seemed to resonate so strongly with voters? Conversely, what was it about the narrative constructed by the Yes on 37 coalition that potentially drove away the initial support for the initiative, or at least failed to retain it?
Studying the Case

As defined by Feagin, Orum and Sjoberg (1991), a case study is “an in-depth, multifaceted investigation using qualitative research methods, of a single social phenomenon…it is conducted in great detail and often relies on the use of several data sources” (p. 3). The case study methodology was selected for a number of reasons. Since this is a project of discovery related to the impact of initiative advertising, archival data was the obvious choice. Rather than examining multiple initiatives, logic dictated that what could be gleaned from a thorough analysis of one initiative could help pave the way for future research on the subject. Lang and Heiss echo this by stating from a case study “we will know more about the processes as factors in themselves and perhaps apply these (what we have learned) to other similar type persons or organizations” (as cited in McNabb, 2013, p. 318).

This particular case study falls somewhere between explanatory and descriptive. According to Robert Yin (2014) explanatory research seeks to “explain how or why some condition came to be” (p. 238). Through content analysis, the hope is to find indicators in the commercials as to why voters may have been swayed away from supporting food labeling. However, as this is not an experimental study, any findings will be tentative and speculative. As a descriptive endeavor, this research “attempts to present a complete description of a phenomenon within its context” (Hancock & Algozzine, 2011, p. 37).
Archival Data

For this project television, radio, and internet advertisements broadcast during the campaign for Proposition 37 were analyzed. They were available via Youtube, as both the Yes and No coalitions had specific hubs which contained the information. In total, 27 advertisements comprised the research sample. For the Yes on 37 campaign a total of twelve ads were reviewed, of which four were television ads, four radio, and four were internet ads. They were accessed at the Carighttoknow.com page under videos. The No on 37 campaign had a total of fifteen advertisements, which were located through the videos link on their Youtube.com homepage. Of those, eight were for television, two were internet, and five were radio ads. The Youtube sites for both the Yes and No campaigns contained additional videos which were determined not to fall within the parameters of this study. For instance, each side produced a Spanish-language television spot which was excluded due to the language deficiencies of the researcher. The Yes on Proposition 37 site housed several half hour interviews which were omitted, as well as various videos which were uploaded by supporters that were not advertisements. There were several two-minute-long videos produced by the No on 37 group relating to benefits, safety, and labeling which were not included in the study, as they did not fall into the traditional modality of advertisements being under one minute in length.

Coding Methods

Utilizing Chaiken’s heuristic model of cognitive processing, the goal was to identify the themes and patterns in the advertisements that people responded to in relation
to their own previous experiences. As these commercials had no partisan affiliations, the

goal was to determine what other cues were made manifest. As an inductive exercise, the
:focus was not on scrutinizing the spots in relation to some pre-existing expectation;
rather, an effort was made to see what features of the ads were most prevalent.

Analysis was made by transcribing the 27 advertisements into written form. All
the advertisements were archived on an external hard drive to ensure availability for
further analysis. Transcriptions for each spot were conducted utilizing the same template
which consisted of:

1. The title of the ad
2. The duration
3. The type of format (internet, television, or radio)
4. Notes regarding particular features which stood out

There were several considerations made while watching the videos and listening
to the radio spots. First, the spoken words of the narrators were captured in written form.
Television and internet advertisements also tend to utilize visual aids such as quotes and
images, and as such transcriptions were made regarding the pictures and words as well as
at what specific points they appeared in the ad. Complete transcriptions of all
advertisements can be found in the Appendix B. Citations will reference the original ads
as housed on YouTube.

Once the ads had been completely transcribed, the process of initial coding began
wherein each line of text was evaluated and notations were made regarding first
impressions. For instance, a line like “Food is love” was notated as representing some
type of emotional appeal. After the lines for all of the ads had been notated, patterns were identified throughout the data. Further, utilizing a constant comparative method the salient features within each ad in relation to the others were examined. An example of this type of focused coding was identified in the way love is represented in an ad like *Grandma’s House* in relation to the manner in which it was found in any of the other No on prop 37 spots, if it appeared at all.

**Coding Categories**

Through focused coding, it was determined that there were two main patterns consistent within the advertisements which became the focus of this study. First, regardless of the ad, there was some type of narration deployed in an effort to communicate information. During initial coding notes were made of whether the narrator was male or female. In the stage of focused coding, the emphasis was on whether the narrator or narrators had a name and organizational affiliation. This became the category labeled authority, as it represented exactly who it was that conveyed the message.

In addition to the use of authority, the second pattern explicitly featured in each advertisement is some type of appeal to the emotional register. During initial coding, there was an interest in determining if the overall tone of each commercial was positive or negative. After repeated reviews of the transcript, a closer examination of each advertisement focused on which specific emotion was being catered to, be it love, fear, pride, or some other.
A majority of the commercials produced for the labeling initiative featured at least one on screen spokesman or spokeswoman. For potential voters who were not knowledgeable about a given initiative, these figures could be very influential. An individual may choose to support or oppose a measure based solely on who the on screen representative was. For instance, Dr. Henry Miller appeared in several No on 37 television advertisements. Audience members with a familiarity of Dr. Miller may have been persuaded to throw their support behind the initiative or against it based on direct knowledge of his character. Who Dr. Miller was representing was another way in which voters could assess the commercials. In each, he was listed as the founding director of the Food and Drug Administration’s Office of Biotechnology, as well as a member of the Hoover Institution at Stanford University.

Name recognition and group affiliation are tactical ploys constructed by the producers to curry favor among particular audience members. These serve as the heuristic cues embedded within the advertisements, which in turn aid the message recipient in making a decision regarding which way to vote (if at all). In the absence of firsthand knowledge of an issue, audience members use these representations as a proxy for their own interests. Numerous studies have shown that endorsements may be the single most important source of information voters have when deciding which way to go at the ballot (Lupia, 1992; McCuan & Stambough, 2005; Zaller, 1992).

Arthur Lupia (1994) refers to the spokesperson-audience dynamic as a “signaling game” (p. 66). The signals being sent out to the receiver illuminate not only individual
and party identification, but also what can happen if their side is not victorious. Additionally, Lupia (1994) notes, “The inferences that the decision maker is able to draw from the content of the signal depend on prior beliefs about both the information provider’s knowledge and the information provider’s incentives for telling the truth” (p. 66).

During focused coding, a concentrated effort was made to document exactly who the speakers were for each advertisement. Names were catalogued, as were any particular organization they may have been identified with. Per Lupia’s diagnosis of endorsers potentially being held accountable, it is quite telling how the two sides presented themselves. Pro labeling advertisements had little to no identification of their speakers and almost zero group promotion. Conversely, the anti-labeling spots routinely highlighted the name, profession, and organizational affiliation of those depicted. In essence, the pro labeling contingent produced “types” as its pitch-people, while the opposition confidently trotted out a number of credentialed individuals with ties to renowned groups.

**Emotion**

Initial coding of the advertisements was performed under the influence of the work of John Geer. In particular, his research on determining the emotional tone of political commercials informed the initial assessment. Geer (2006) explains “An appeal in a campaign either raises doubts about the opposition (i.e., negative) or states why the candidate is worthy of your vote (i.e., positive)” (p. 23). Although his work is related to
campaign voting, it was considered salient for the sake of establishing the tone in initial coding. Any ad that mentioned the opposition in a negative manner was labeled as such. Conversely, any commercial which did not mention the opponent was deemed positive. Under that diagnosis, eight of the twelve Yes on 37 advertisements were initially negative. Fourteen of the fifteen anti-labeling spots were negative utilizing Geer’s definitions.

However, a closer analysis shows such a diagnosis may be misleading, especially in regard to the pro-labeling ads. Even though they are technically labeled negative, there are a number of ways in which there are positive appeals being made. For instance, love and pride are evidenced in phrases such as “Food is love. Food is life” (We Have the Right to Know, Carighttoknow, 2012l) and “Join all those who believe in freedom, vote Yes on Proposition 37,” as espoused in the ad A Veterans Right to Know (Carighttoknow, 2012c).

The anti-labeling group, however, clearly earned their negative tone codes. Not only were positive appeals like love and pride absent from their commercials, but the negative appeals were manifest in nearly every line of dialogue. The No on 37 spots tended to emphasize anxiety and fear, exemplified in a line like “…the California Grocers Association calls Prop 37 a hidden food tax that would increase grocery bills for a typical family by four hundred dollars per year” (NoProp37, Radio: Quotes v2, 2012k).

There were a total of 27 advertisements transcribed and coded for this project. The full transcription for each can be found in Appendix B. However, since the heuristic cues identified went beyond language, it is beneficial to listen to and view them in their
original form on YouTube. The ads were also archived on an external hard drive by the researcher to ensure preservation of the source material since there is no guarantee that the commercials will not be removed at some point by their authors or site managers.
CHAPTER IV

FINDINGS

The goal of this project was to determine what messages were embedded within the Prop 37 advertisements that may have influenced the voters and helped determine the outcome. Through the process of coding, narration presented itself as a starting point to analyze the divergent tactics of representation deployed by the Yes and No contingents. For each of the advertisements coded, there was either a male or female speaker guiding the viewer (or listener) through the information. For non-radio ads (tv, internet) there was typically some type of visual representation in the form of graphics or text reinforcing the emphasized topic.

Perhaps the most important heuristic cue available to voters in direct legislation campaigning was the perceived expertise exhibited by those representing either side of the issue (Gerber & Phillips, 2003; Goodman, 2011). In one experimental study replicating referendum voting, the authors tested for the possibility that citizens would vote based on the influence of those they perceived as knowledgeable about the issue. Lupia and McCubbins (1998) found that “In over 2,500 cases, their experimental subjects consistently and systematically chose to follow the advice of people whom they perceived to be knowledgeable about the consequences of their actions and for whom they had a reason to trust what they heard” (as cited in Lupia & Johnston, 2001, p. 203).
A survey conducted by Jayson Lusk and Brandon McFadden in September 2012 gives an indication of how uninformed Californians were regarding Prop 37. The authors conducted a poll of roughly 1000 citizens touching on a number of facets regarding the measure. Of those questioned, less than half (43%) were able to match the Proposition number with its corresponding topic (Lusk & McFadden, 2012, p. 11). Further, respondents were asked what percentage of corn, soybean, and wheat crops in the United States are genetically modified. The average responses, per the authors, were “remarkably incorrect” (2012, p. 15). The survey results, in conjunction with the tremendous shift in public support for the initiative, strongly suggest that the voters who participated in Proposition 37 balloting were influenced by the aforementioned heuristic cues.

Authority in No on Prop 37 Advertisements

Throughout the television, radio, and internet advertisements created by the No on Proposition 37 group, there were representatives from a variety of professions salient to the genetically modified food issue. Audience members could look to these figures, their knowledge, and their positions as cues to aid them when considering which way to vote.

Appearing in several No on Prop 37 advertisements is Doctor Henry Miller. The radio spot which bears his name (Dr. Henry Miller-No on 37) introduces him thusly:

Dr. Henry Miller was the founding director of the US Food and Drug Administration’s Office of Biotechnology. Recently Dr. Miller explained
why he joined with hundreds of doctors, scientists and Nobel Prize
winners to urge a no vote on proposition 37 (NoProp37, 2012e).

With this explanation, the audience was informed of several key pieces of information.
First, his role as head of a department within the Food and Drug Administration
engendered if not a sense of trust, at least some measure of competency in his role as a
member of a watchdog organization tasked with ensuring the safety of food. Second, as
head of a biotechnology division, there was an implicit understanding that the
spokesperson would be well versed in the genetically modified phenomenon, and as such
his opinion carried weight. The audience was able to connect a line, such as Prop 37
being “arbitrary and completely illogical,” to an expert in the field with an informed
opinion, as opposed to that of a disembodied voice with no proven credibility regarding
the information being offered. In relation to genetically modified foods, and within the
context of this ad, Doctor Henry Miller represents the ‘doctors, scientists, and Nobel
prize winners’ who opposed the labeling measure.

In the television advertisements Arbitrary Exemptions (NoProp37, 2012a) and
Combo (NoProp37, 2012c), Dr. Miller performs the narration on screen. While he is
speaking, text at the bottom elaborates on his credentials, noting: “Henry I. Miller, MD,
Fellow, Hoover Institution, Stanford University. Founding Director, FDA office of
Biotechnology.” Additionally, the aesthetics of the spot attempt to reinforce his position
as an expert. He was wearing a button up shirt and blazer, positioned in front of what
looks like a governmental or educational building (possibly on the campus of Stanford).
The visuals attempt to reiterate and reinforce his claim as a trusted and educated
professional within the realm of genetically modified foods and that voters could trust his expert opinion.

The No on Prop 37 television advertisement titled *Combo* (NoProp37, 2012c) introduced the audience to “Sherry Franklin M.D. Award winning California Pediatric Specialist.” As Dr. Henry Miller was the spokesman for scientific experts, so Dr. Franklin represented the medical community. Her appearance and words in regard to the measure evidenced the notion that health care professionals were opposed to the measure. Dr. Franklin was wearing a white lab coat, complete with stethoscope. Additionally, she was standing in a sterilized white hospital room with framed certifications adorning the wall behind her. When potential voters heard the doctor say a line like “…a coalition of more than 500 doctors, scientists, and Nobel Prize winners say 37 is a complex, badly written labeling proposition,” verbal and visual cues identified Dr. Franklin as an information shortcut representing the medical community.

Finally, a male authority figure represented the farming community in the anti-labeling promos. Several television advertisements featured Ted Sheely: “California Family Farmer Environmental Stewardship Winner.” In the television spot titled *Farmers vs. Lawyers* he was standing in a field of crops with agricultural machinery behind him, professionally dressed in a button up shirt. In the advertisement, Ted described the situation:

Farming is very important to our local economy, and Prop 37 is bad for farmers. It would create a bunch of costly red tape and food label requirements that don’t exist anywhere else. And then let the trial lawyers
sue us just by claiming that the wrong wording was used on the label. 37 is unfair to California family farmers, and would increase food costs for consumers just to make the trial lawyers richer. Please stand with us and vote no on 37 (NoProp37, 2012f).

Of note in this particular advertisement was the use of on screen text to reinforce the verbal narration. When Ted referred to “us” in the last line, a list of farming agencies opposing Proposition 37 was shown. Groups like the California Farm Bureau Federation, Agricultural Council of California, and the California Beet Growers Association (among others) were included in the commercial. More importantly, they were part of an advertisement utilizing a credentialed expert who was representative of their opposition to the genetically modified food labeling measure. This allowed potential voters the opportunity to put a professional face to a number of organizations.

In addition to specific individuals, there were many references in the anti-labeling advertisements that exemplified the power of persuasion that newspaper editorials possess. In the radio commercial *Newspaper Quotes*, the “no” contingent claimed:

> It’s rare when virtually all major California newspapers have the same position on a ballot measure. So it’s significant that over 30 daily papers throughout the state urge no on 37, the costly food labeling proposition. The San Francisco Chronicle said 37 could be costly for consumers, and would create a legal nightmare for local businesses that grow and sell food. The Sacramento Bee agree, calling 37 an ill-conceived measure that would open the way for countless lawsuits. The San Diego Union Tribune
said the cost and lawsuit burden created by 37 could kill off small local farmers and retailers. And the Los Angeles Times called 37 a sloppily written measure that could be expensive, and make it hard for many mom and pop grocery stores to stay in business (NoProp37, 2012h).

A television commercial titled *Weapons Grade Junk Science* reiterated the opposition to GMO labeling many newspapers espoused (NoProp37, 2012n). During the video, on screen text pulled from various editorials could be seen. For instance, the October 7, 2012 edition of the San Jose Mercury News declared Prop 37 was “badly drafted,” while the October 1 issue of The Press Enterprise declared the initiative a “poorly conceived mess.” The Television spot *Combo* (NoProp37, 2012c), which featured authority figures in the fields of science, farming, and medicine, ended by emphasizing “nearly every major newspaper in the state urges no on 37.” On screen graphics reinforced the message by showing all of the papers which opposed the measure. Research conducted by Druckman & Parkin (2005) assessing newspaper impact concluded, “We find concrete evidence that relative editorial slant can influence voters” (p. 1047).

**Authority in Yes on Prop 37 Advertisements**

One of the more noticeable features of the pro-labeling advertising campaign was its reliance on unidentified narrators to deliver their messages. All eight of the commercials which appeared on television and radio utilized voiceovers performed by men and women who were not identified in any way. Conversely, three of the four pro-
labeling internet ads contained corporeal experts, although their identities were not as clearly articulated as those in the anti-labeling spots.

For instance, *Grandma’s House* is narrated by an older woman who appeared frequently in the clip. The voiceover explained:

> When I was raising my family, I didn’t have to really think about what was in our food. Now you can find GMOs in our basic fruits and vegetables. We don’t know if GMOs are safe or not, and I don’t want my grandchildren, or anybody’s grandchildren, to be part of that kind of an experiment. GMO labeling gives the consumer a choice. Demand it (Carighttoknow, 2012h).

Throughout the spot, images of grandma with her children and grandchildren were shown in various settings, including preparing meals in the kitchen and playing out in the yard. Graphics superimposed over the video at the end directed viewers to vote “yes” on Proposition 37 “For your family.” While the audience never learned the name of this person, the ad went to some lengths to establish her as a traditional grandmother. A young child is seen coloring on a sheet of paper, where the words “grandma’s house” were scribbled in the sky above a hand drawn dwelling. One of the children was shown tying an apron around her grandmother’s waist, while three generations of family members interacted around a table in the kitchen. Here, the pro-labeling group was attempting to appeal to a much more familial form of expert knowledge. Grandparents have typically been associated with being “sage like” in their pronouncements, backed by a lifetime of decision making and experiences. These expert communications are primed
to be passed along to subsequent generations, and in this commercial the elder spokesmen and women were characterized as being anti-GMO while favoring labeling.

Of all the advertisements produced by the Yes on 37 campaign, only one introduced a narrator by name. The internet ad *A Veteran’s Right to Know* transported the audience into the home of Anthony Rios. As with the woman in the *Grandma’s House* ad, no on screen text was used to introduce or explain who Anthony was. However, the voiceover began with an introduction: “My name’s Anthony Rios. I spent 16 years in the Armed Forces, fighting for freedom” (Carighttoknow, 2012c). During the video, three photos were shown to reinforce him as a trusted figure. First, a picture could be seen of a younger Anthony Rios wearing his military uniform, complete with heavy artillery in the background. A second photo showed him posing in his camouflaged regalia, positioned in front of an American flag. Finally, a third photo was shown containing three medals (including a purple heart) Anthony was awarded for service to his country. Through the use of props like photos and medals, this ad did a more credible job of establishing the speaker as being authentic. In addition, Anthony was also identified as a father, noting “I believe it’s my right, as well as the right of my children, to know what’s in the food that we eat.” Various photos were shown depicting Anthony’s children before transitioning into video of the entire Rios family smiling and laughing together outside on a sunny day.

With the internet video *A Farmers Perspective*, the Yes on 37 group attempted to incorporate an expert representing the farming community. Like grandma, the audience was not made aware of the name of this particular individual. His narration began with:
My family has worked this land for four generations. Now a bunch of pesticide companies don’t want me to tell the truth about my food. They don’t speak for me. All the family farmers I know are proud to label their food because we have nothing to hide (Carighttoknow, 2012b).

During the video, the farmer was seen engaged in typical agricultural routines, such as plowing a field and handling crops.

Of all the pro labeling ads, the one with the most unique voiceover was the television commercial *California Right to Know* (Carighttoknow, 2012e). There were three different male narrators, with all three sounding as though their narrations came from speeches and advertisements from the recent past. The voices were made to sound as though they came from scientists, while text and video shown reflected the way times have changed regarding public perception of harmful products. A vintage television ad wondered “What cigarette do you smoke, doctor?” At the same time, onscreen text declared “Cigarettes aren’t harmful.” This served to illustrate the way public perception of certain products has been aided by authority figures in the past.

The next clip in the commercial declared, via text, that “DDT is safe,” while at the same time a voiceover proclaimed “DDT. Used right, it is absolutely harmless to humans and animals.” Finally, viewers saw “Agent Orange is harmless,” while a third anonymous narrator explained, “The herbicide will open up ground areas.”

Unlike the No on 37 advertisements, this one chose not to identify the voiceovers or their credentials to speak as experts. This could have been seen as a detriment as to the efficacy of the ad. However, of all the pro-labeling ads, this one potentially had the most
to say. By locating genetically modified organisms within a historical context, it could make the audience question the infallibility of the experts who have continually claimed that chemicals are safe. The audience was made aware that doctors were wrong when they said smoking was safe; scientists were wrong before when they suggested that Agent Orange and DDT had no health consequences for humans and animals. Without coming out and saying it, this ad in particular wanted voters to make the connection that those who fail to learn from history are destined to repeat it. The No on 37 coalition was following in the footsteps of scientists from the past who got it wrong and with dire consequences. This was an overt attempt to tell the public “don’t be fooled again.”

Contrasting Expertise Among the Campaigners

When assessing the ways in which expert narrators were represented in both the Yes and No on Prop 37 advertisements, it becomes clear each side deployed agents who represented appeals to different types of authority. By emphasizing parental figures like grandma and father (Anthony Rios), the Yes on 37 commercials relied heavily on traditional, familial forms of influence. Per John Macionis (2007), this type of authority is “legitimized by respect for long established cultural patterns” (p. 350).

In contrast, the No on 37 campaign’s advertisements reflected the opinions of rational-legal authorities emanating from bureaucratic institutions. According to Max Weber (1921, as cited by George Ritzer, 2011), such authority is legitimized “on a belief in the legality of enacted rules and the right of those elevated to authority under such rules to issue such commands” (p. 234). As such, when potential voters saw Dr. Henry
Miller, head of the FDA’s Biotechnology Office, they assumed that he had spent many years as a student and as a researcher in order to qualify for the lofty position of head of a prestigious office at the FDA.

The authority figures portrayed in these advertisements also differ in the way they were identified, either on screen or in the radio announcements. For instance, both the Yes and No groups had expert representation from a member of the farming community. However, while the farmer in the pro-labeling advertisement was anonymous, Ted Sheely was specifically introduced in the No on 37 commercials in which he appeared. In addition to being identified as a family farmer, text in the television ad Combo also indicated he was a former recipient of the environmental stewardship award. While it may not have made much difference, the No ads made it easier for viewers to connect their experts to their profession than the pro labeling spots did. For example, several of the Yes on Prop 37 televisions commercials spoke of the support the measure received from the California Nurses Association. Yet the declaration came off as innocuous and could be considered easy to overlook, as this information was provided in the form of a voiceover performed by an anonymous speaker. The audience had no way of knowing if the narrator was a representative of the California Nurses Association or an actor reading a script. There was no identifiable nurse representing the association. Conversely, the anti-labeling group prominently featured Dr. Sherry Franklin to reinforce the fact that a number of medical associations were opposed to the measure and one of their own went on camera to represent their views.
Gendered Narration

There was a difference between the pro and anti-labeling campaigns regarding the representation of male and female narration in their commercials. While eleven of the twelve Yes on 37 ads utilized male or female narration (with one being text only), none of them deployed a mix of both. Half of the twelve advertisements were narrated by a female voiceover and the other half by a male. The television ad California Right to Know used archival voiceovers from the past which were all men’s. In total, a female performed narration in one internet, two television and three radio advertisements. A male voice guided the audience through one radio, three internet and two television spots.

Gendered narration performed within the No on 37 advertisements was not as evenly divided. Each of the two internet spots were performed by anonymous males. Unlike the Yes on 37 spots, all five of the radio commercials involved narration by both men and women. Four of the ads featured alternating line readings, as a female voice read one line and the male voice the next line. A woman’s voice introduced the audience to Dr. Henry Miller in the radio advertisement that shared his name. The eight anti-labeling television commercials overwhelmingly featured men. With the exception of one segment in the Combo ad, all visual or voiceover narration was done by males. Dr. Sherry Franklin was the only female voice heard at any time.

Beyond the words that men and women were tasked with saying, traditional stereotypical gendered roles were also reinforced through the advertisement produced by the Yes and No groups. Men in these spots were portrayed as scientists, soldiers, and farmers. Women were portrayed as nurturers and familial matriarchs. Even though Sherry
Franklin was an M.D., her area of specialization was identified not as something like surgery or oncology but children’s health. Of her two spoken lines, one specifically was made in relation to family, noting “and 37 would increase grocery bills for California families” (NoProp37, 2012c).

It is difficult to know what impact, if any, the gendered stock voiceovers had in the overall scheme and persuasiveness of the advertisements. According to a survey conducted by The Harris Polling Group (2010), roughly one half of the 2,200 respondents indicated that the gender of the voiceover did not matter. That leaves open the possibility that half of the respondents did feel that gender mattered in the voiceovers. When an initiative only needs one more vote than the opposition that could make a difference at the ballot box.

Emotion in No on 37 Advertisements

As political transmissions, it should come as little surprise that the campaign advertisements for Proposition 37 were saturated with emotional appeals. Research conducted by Ted Brader (2005) suggests that “emotions can be central to whether and how campaign ads work” (p. 403). Each of the twenty-seven commercials attempted to create a certain mood through spoken words and text. In addition to the dialog and imagery, most of the ads contained some type of musical content. More than just superfluous filler, audio cues could be deployed in an effort to reinforce the tone of the overall message. As Ted Brader (2006) explained, “Images, music, sound effects, and color not only fit the promising or threatening messages of the ad, but also dovetail to
send a consistent audiovisual signal” (p. 68). These elements typically occurred in conjunction with some particular issue, such as increased food costs, in an effort to amplify whichever part of the emotional register campaigners were attempting to target.

Overwhelmingly, the anti-labeling advertising campaign was predicated on eliciting fear in the audience. All fifteen of their ads were constructed in a way which could create anxiety in the viewer or listener. Smith, Frankenberger, and Kahle (1990) suggest that “when emotional tension is aroused, the audience will become highly motivated to accept the reassuring beliefs or recommendations advocated by the communicator in order to reduce the tension” (p. 89). One of the most prominent topics of attention highlighted in the No commercials was an emphasis on the additional costs that would result from the passage of Prop 37. As was mentioned in the section on gender, Dr. Sherry Franklin referred to the inevitable rise in food costs that would accompany passage of Prop 37 into law. The Attorney General of California, Kamala Harris, agreed that there would be a significant economic impact due to an increase in labeling oversight. According to a 2012 summary estimate, there would be “Increased annual state costs ranging from a few hundred thousand dollars to over $1 million to regulate the labeling of genetically engineered foods” (Attorney General, 2012). It would not be just the consumers who suffered, according to the anti-labeling television ad Complex and Costly, which claimed passage of Proposition 37 “would increase costs for California farmers and food companies by over a billion dollars per year, and increase grocery bills for a typical family by 400 dollars per year” (NoProp37, 2012d). As the spot
indicated, there were three distinct audiences who would have cause for concern regarding this outcome and all three had a reason to vote No.

First, farmers would potentially incur additional costs from segregation of genetically engineered organisms from the non-GMO crops. Growing, storing, and transporting genetically modified foods would require a completely separate system than that of non-modified foods. Additionally, the No on 37 television ad Ask a Farmer mentioned the plight of the agricultural community and resultant increases in crop costs in the wake of widespread drought which devastated California’s agricultural landscape in 2012 (NoProp37, 2012b). The implication being that farmers had suffered enough with the drought; this would be too much.

The second group that would have been impacted were business owners. The Complex and Costly commercial indicated they would have to deal with growth and distribution costs which would spring up from a positive vote on 37. In addition, they would also have to foot the bill for additional labeling of food packages affected by the passage of Prop 37. It was implied that small businesses and owners were in particular trouble, since the increased expenses incurred from labeling could potentially drive customers away to bigger chains who could sell cheaper.

Finally, the group the viewing public could identify with the easiest was the family. The family was facing the prospect of paying an additional 400 dollars annually on groceries, something most could ill-afford. Considering the economic state of California at the time, which was not good, this type of information (substantiated by the Attorney General) could be seen as a threat to the fiscal viability of struggling families
and individuals. As David Altheide (2006) suggests in *Terrorism and the Politics of Fear*,

The psychological dimension of fear may be tapped by propaganda about threat and death. These images and feelings can be generated not only by real, immediate threats, such as one’s child being hurt, but also by skillful use of symbols and language, including photos (p. 6).

Eleven of the fifteen No on 37 advertisements either visually or audibly referenced the potential increase in costs for consumers, farmers, and businesses.

According to Dr. Altheide, another hallmark of the psychology of fear is toughness. He explains “Toughness plays well in a climate of fear…toughness trumps intelligence and sophistication” (2006, p. 4). When perusing the coded categories, stern wording could be seen embedded throughout the No on 37 ads. Repeatedly, Proposition 37 was touted as an “ill-conceived, badly drafted mess” which was “designed to scare voters into swallowing a costly, misleading food labeling proposition,” as evidenced in the *Weapons Grade Junk Science* television spot (NoProp37, 2012n). There can be no mistaking their take on the matter. Not only did this represent a ‘no prisoners’ type of approach, it also worked to undermine the credibility and competency of the pro labeling contingent. Additionally, the radio advertisement *Quotes v.2* determined “37 is a complex, badly written labeling proposition that makes no sense” (NoProp37, 2012k). This was a bold declaration that neatly encompassed nearly all of the perceived flaws in the measure in just a handful of words.
The television commercial *Makes no Sense* continued with the undermining theme by calling into question the consistency of the initiative related to which foods would be labeled and which would not (NoProp37, 2012g). As the television commercial explained:

This carton of soy milk would have to be labeled genetically engineered but this carton of cow’s milk wouldn’t. Ok. Frozen pizza labeled but delivered pizza not labeled? It’s a little confusing. The meat in dog food labeled, but meat for people not labeled? What? Food made in America labeled, food imported from foreign countries exempt if they simply claim they’re exempt? Huh?

These examples were used to reiterate Proposition 37 was poorly drawn up and executed, as it seemed to restrict only some foods as being genetically modified. The television commercial *Arbitrary Exemptions* claimed such labeling inconsistencies “give an indication of the arbitrary and completely illogical nature of this ill-conceived proposition” (NoProp37, 2012a).

Mistrust vis a vis deception was another recurring theme throughout the ads. This observation was most noticeable in the anti-labeling radio commercials, calling into question the integrity of the Yes on 37 group. *They’re at it Again* suggested the pro labeling contingent was comprised of special interests, whose endgame was to benefit the authors of the proposal at the expense of California farmers, business owners and consumers (NoProp37, 2012m). The commercial intimated the measure was “a food labeling scheme written by trial lawyers to benefit trial lawyers,” who could “file
shakedown lawsuits against farmers, grocers, and food companies over the wording on food labels.” The title of the advertisement itself doubles as a subtle indicator of the way fear responses were being catered to. According to Betty Zisk (1987) in *Money, Media and the Grassroots*, the use of a term like “they’re at it again” works to “imply a sinister force at work rather than the thousands of California citizens who had signed the petition” (p. 121). *Quotes v.2* suggested Prop 37 was tantamount to “a hidden food tax” (NoProp37, 2012k). All five of the radio advertisements ended with the not so subtle line “Paid for by No on 37, Coalition against the deceptive food labeling scheme.”

Finally, there were numerous warnings regarding the perils of ‘red tape’ and increased bureaucracy that would manifest itself from the passage of Proposition 37. Clearly, this was an attempt to play off the perception of perception. Meaning, it was anticipated that there would be pushback by the average citizen related to the inevitable increase in bureaucratic procedures that passage of the initiative would cause. In this case, in reference to the expanded number of federal inspectors the Attorney General suggested would need to be hired to ensure labeling compliance. Red tape was deployed as shorthand for the perils and pitfalls engendered through the application of additional oversight. While this is typically seen as a slowing down of services, there could also be a monetary penalty in this particular instance.

**Use of Music to Reinforce the Emotional Impact of No Ads**

For the No on Proposition 37 advertisements there was a much greater emphasis on visual and verbal emotional appeals than on musical ones. Of the eight anti-labeling
television advertisements, only four had musical beds. *Weapons Grade Junk Science*, *Farmers vs. Lawyers, Complex and Costly*, and *Combo* all contained musical cues. However, the same bed was used for each one, and it did little to invoke a particular emotion, positive or negative. Although the wording of the ads could be characterized as attacking, the music was more atmospheric than directed. There were no ominous, doom riddled piano chords being struck. At the same time, it certainly was not uplifting guitar strumming. In many ways, the music was there but made no significant impression on the audience.

Perhaps even more surprising, only one of the five No on 37 radio advertisements utilized a musical cue. Considering these spots did not have the advantage of being seen, it would seem they would have benefitted from the extra mood setting music had to offer. However, that was not the case. The one ad that did have a musical bed, *Dr. Henry Miller*, utilized the same atmospheric, non-emotion inducing music used in the four television ads.

Conversely, the two internet ads utilized by the anti-labeling group both had musical accompaniment that made an impression. The beds deployed in these commercials used music different from that found in the television and radio ads. *Online* had atmospheric music which did not seem intent on catering to a particular emotional response (NoProp37, 2012i). *Pizza* was more complicated in that it seemed more playful in relation to the message being depicted (NoProp37, 2012j). In this 15 second spot, the No coalition wondered why one slice of pizza would require a label, while an exact duplicate would not. The meaning behind the ad was that there were inconsistencies with
the way labeling would be done. As such, the music evoked a mischievous, almost circus-like tone.

Use of Emotion in the Yes on Prop 37 Advertisements

While not as unrelentingly reliant on fear as an emotional response to their advertisements, labeling proponents did occasionally incorporate anxiety and uncertainty. For example, the television commercial *Label Genetically Engineered Food* claimed “A new study links genetically engineered corn to tumors and organ damage,” while “big agrichemical corporations also say Bt-toxins are safe for us to eat” (Carighttoknow, 2012k). A negative impact on health was one of the major concerns with regard to fear. In this case, a shadow was also cast on the big corporations who knew there were negative health implications yet pushed genetically modified foods in an effort to maintain profits. This was also indicated in the radio commercial *Dial*, which noted “Like that campaign from Dow, Monsanto, and foreign chemical companies spending millions, trying to protect their profits, and hide what they’re doing to our food” (Carighttoknow, 2012f).

Strategically deployed words were utilized to evoke imagery that portrayed genetically modified foods in a negative light. The *Lunch* radio spot observed “Experts are still debating if foods modified with dna from other plants, animals, bacteria, and even viruses are safe” (Carighttoknow, 2012i). Of particular interest here was the inclusion of the words “bacteria” and “viruses,” two things which audience members
would be familiar with related to their daily life and the need to avoid them, but unfamiliar with how they related to genetically modified foods.

Scare tactics were also visually deployed in several pro-labeling advertisements. The *Mythbusters* internet spot started out by showing a factory spitting out smoke into the sky, while the line “Pesticide companies want you to believe Prop 37 will increase the price of food” was said in voiceover (Carighttoknow, 2012j). A second internet spot, *California Right to Know*, suggested that genetically modified foods were akin to tobacco and the poisonous herbicide ddt in that they initially had the support of the scientific community as non-toxic products (Carighttoknow, 2012e). Large print toward the end of the advertisement asks the voter to wonder “If Monsanto and Dow think these foods are safe…why are they fighting our right to know what’s in our food?”

Beyond fear, however, there were several other noticeable attempts by the Yes on 37 campaign to tap into a different part of the emotional register. Unlike the direct, matter of fact approach taken by the anti-labeling group, the majority of the pro-labeling commercials were upbeat. The atmosphere of these spots echoed research conducted by Aaker & Stayman (1990) who define ‘warmth’ in advertising as “a positive, mild, volatile emotion involving physiological arousal and precipitated by experiencing directly or vicariously a love, family, or friendship relationship” (p. 54). These experiences were perfectly encapsulated in a number of pro-labeling advertisements. Television commercials *We Have the Right to Know* (Carighttoknow, 2012l) and *Vote Yes on Prop 37!* (Carighttoknow, 2012a) each began with the same three lines: “Because food is love. Food is life. Food is family.” The emphasis was on family, as mothers and
children were depicted preparing food in the kitchen or sitting down to eat. Also, love was exemplified through a kiss on the forehead of a son from his mother. More than just love between family members, there was also the notion that we love our food as well. In the radio commercial Lunch, the narrator stated “Or maybe even that sandwich made with love this morning”, intimating that the association consumers have with their food is not passive (Carighttoknow, 2012i). Clean, non-genetically modified foods lead to healthy minds and bodies, and in return we respect and appreciate those foods.

The Yes on 37 internet ad Grandma’s House relies on a wistful, nostalgic connection in order to curry resonance with viewers (Carighttoknow, 2012h). The title of the ad itself, Grandma not Grandmother, is an indicator that people typically have some type of positive connection at some point in their lives with this particular place, with the less formal version “grandma.” Visually, three generations were represented (grandmother, daughter, granddaughters), frolicking outside, coloring inside. Food preparation was at the center of the familial get together, as meal preparation was intertwined with hugs and smiles.

Finally, although it was only one ad, A Veterans Right to Know was just bursting with Patriotic fervor (Carighttoknow, 2012c). Anthony Rios, a former soldier and recipient of multiple commendations, suggested that those who voted in favor of Prop 37 “believe in freedom.” He espoused the “American Spirit,” which he “knows and loves.” Yet this ad perhaps did the best job overall in regard to portraying “the right verbal and visual alchemy that gives a…spot its true potential to spark the viewer’s emotions” (Brader, 2006, p. 30).
Musical Cues in Yes Ads

Musical cues were much more readily apparent in the Yes on 37 commercials. In each of the four television advertisements, the music clearly reflected the emotional tone that was being depicted. The television commercials Vote Yes on Proposition 37! (Carighttoknow, 2012a) and We Have the Right to Know (Carighttoknow, 2012l), with their overarching message of love and family, were accompanied by the light strumming of a guitar. This created an almost peaceful atmosphere which worked to reinforce the optimistic message found in the soothing female narration. By contrast, Label Genetically Modified Food (Carighttoknow, 2012k) was one of the few times the pro labeling group attempted a purely fear driven ad. The matter-of-fact male narration, touting the dangers inherent with eating genetically engineered corn, was accompanied by piano music that heavily emphasized ominous notes. The fourth television spot California Right to Know, was interesting in that it had music that did not seem intent at invoking enthusiasm or fear. It could be classified as atmospheric without attempting to sway the listener one way or the other.

Three of the four Yes on 37 radio advertisements all contained the same line of music. As the tone of each of these ads was positive, with the narration touting the ways in which consumers have a loving relationship with what goes into their bodies, the accompanying piano music was upbeat. Unlike the piano chords used in their fear inducing television ad, here the tempo was a bit faster, and the keys being utilized were lighter, creating a more relaxed atmosphere. The Breakfast, Lunch, and Dinner radio ads
all followed this format while a fourth, Dial, utilized no music (Carighttoknow, 2012d, f, g, i).

Only one of the four internet ads, Mythbusters, failed to utilize some type of musical cues. Those that did once again tailored the audio to the verbal and visual. For instance, Grandma’s House had a mid-tempo, uplifting acoustic guitar piece playing beneath the images of a family gathered for a day of frolicking good fun. A Veteran’s Right to Know, as a means of reinforcing the patriotic nature of the message, had the soft taps of a snare drum playing in unison with a soaring piano medley. Finally, A Farmer’s Perspective proved a little harder to qualify (Carighttoknow, 2012b). It started out with eerie synthesizer music, while the narrator proclaimed, “My family has worked this land for four generations.” However, the light playing of guitar kicked in around the eight second mark. Soft piano notes began to become noticeable approximately halfway through the ad (fifteen second mark). For the entirety of the ad, the same ominous synthesizer chord from the beginning of the ad played in unison with the uplifting notes of the guitar and piano. As far as musical cues reinforcing the message of the advertisements goes, A Farmer’s Perspective is particularly confusing.

Contrasting Emotions

When comparing the Yes and No labeling advertisements, it can be said that the pro-labeling group attempted to manipulate a more diverse range of emotions. There was no obvious pattern from one Yes ad to the next as to what the pro labeling coalition was attempting to appeal to; in one ad, it appeared to be euphoria, another patriotism, and still
others attempted to utilize ominous imagery of the big agrichemical business in an effort to scare the audience. There is media research which suggests the inconsistent emotional appeals possibly played against the Yes on 37 coalition. Graeme Burton (2002), writing in *More than Meets the Eye*, suggested “Impact means that, to put it at its simplest, if something is repeated often enough it will tend to be believed and remembered…This is a basic principal on which advertising works” (p. 110). Conversely, the No contingent shoved fear down the throats of the listeners. When they took a break from fear, it was to emphasize the incompetence of those involved with the labeling initiative. In addition, the anti-labeling ads wasted no words. Their advertisements did not ‘breathe’. Information came fast and direct, and it was all aimed at tearing down support for the measure. Not only was there repetition in the emotional content of the ads, the sheer number of times audiences were exposed to these commercials skewed heavily in favor of the anti-labeling group. As Smith, Frankenberger, & Kahle (1990) declare, “as perceived fear increases, the attitudes of the audience will more closely approach the recommended attitude of the message” (p. 89). A formula the Yes on 37 coalition failed to follow, most likely to their detriment.

**Contrasting Musical Cues**

According to Ted Brader (2006), “the congruent use of musical soundtrack and imagery strengthens the communication and arousal of specific emotions” (p. 68). If the pro-labeling advertising was erratic in its deployment of emotional cues, it was consistent
in reinforcing the mood through musical accompaniment. Nearly all of their spots contained instrumental pieces which aided the overall mood.

By contrast, musical beds were conspicuous by their absence in the No on 37 commercials. Had the cues been a missing element of the Yes on Prop 37 advertisements, it would be possible to chalk it up to lack of funding. In the same regard, re-using the same piece of music over nearly all the ads could also be seen as a cost cutting measure. However, considering the 45 million dollars spent, it is highly unlikely that cost was a factor. It seems far more likely that focus group studies suggested the spoken words and images were more than enough to pique the emotional register. With regard to the literature there is a vast amount that has been written concerning audience response to electoral voting and negative advertising. (Franz, 2007; Geer, 2006; Lau & Pomper, 2004). Much of what has been documented revolves around the argument that voters may be turned away from advertising that is too heavy handed. In essence, there is a potential backlash against ads that are deemed negative, effectively curtailing their influence. It is possible that focus groups responded poorly to musical beds that reinforced the ‘attack’ nature of the No on Prop 37 ads.

In examining for heuristic cues in these commercials one thing became very clear early in the analysis, which is the Yes and No contingents put a lot of thought into what they believed would tip the vote in their favor. Both used authority, emotion, and music to try and sway voters. Yet there was some advantage the No on 37 group had which was enough to change certain victory to a surprising loss for the Yes on 37 coalition in a mere thirty days.
On the surface, the commercials for both sides of the labeling argument were markedly similar. There was no discernable difference in the quality of presentation for either side. Radio spots featured clean vocalization and crisp sound effects. Aesthetically, television and internet advertisements were slickly produced and professionally constructed. However, upon closer scrutiny the divergent tactics between the two groups became more apparent.

While many of the commercials employed anonymous voiceovers to disseminate their messages, some utilized individuals identified as experts in their field as narrators which represented competing definitions of influence. The pro-labeling group relied on traditional representations of authority by emphasizing the importance of family. Their experts (when identified) were parents and grandparents who promoted the importance of knowing the organic content of foods for the sake of their children. These ads relied on general archetypes of the loving family, instead of specific agents representing larger agencies, as was the case with the No on 37 commercials. Dr. Henry Miller, for instance, served as a proxy for the myriad groups of scientists and Nobel Prize winners who opposed labeling. His position with the Food and Drug Administration reflected his rational legal authority, wherein audience members interpreted his status as the culmination of years of training and experience in the field of biotechnology and, more
directly, genetically modified organisms. The anti-labeling advertisements also extended beyond identifiable human authority by highlighting a number of newspapers which spoke out against the measure. If the voters had doubts about the testimony of individuals, perhaps the additional evidence of a series of newspapers against the measure would convince them of the evils of labeling.

Each side also displayed a difference of opinion regarding the emotional currents embodied within the commercials. The Yes on Prop 37 group produced ads which were patriotic, nostalgic, romantic, and from time to time, alarming. With the exception of a few spots which attempted to create a sense of fear in the audience, the warm tones which permeated their commercials created a positive atmosphere that was reinforced by soothing narration. Musical accompaniment was performed in unison with text and video to create an audiovisual alchemy that enhanced the emotional resonance. Conversely, there was no mistaking the emotion targeted by the No coalition, and that was fear. Their commercials all worked to create a sense of anxiety in the audience should the initiative pass. Bigger grocery bills, increased lawsuits, and more government red tape were all alarmist proclamations found over and over again throughout the anti-labeling commercials. Surprisingly, there was little musical accompaniment to reinforce the dour tone of the spots.

The Initiative Industry

While California’s Proposition 37 was the first to attempt food labeling of genetically modified organisms, it would not be the last. Since 2012, Washington,
Oregon, and Colorado have all qualified similar measures which were put to a public vote. As with the campaign in California, each of the attempts at labeling was defeated. Although the outcome of Colorado’s Proposition 105 was not close, the polling results in Washington and Oregon were markedly similar, with the anti-labeling groups managing victories by slim percentages.

In all of these cases, advertisements and their constituent elements are the end result of a time consuming and costly process. Successful initiative campaigning requires money, labor, experience, and time (Ellis, 2002; McCuan & Stambough, 2005; Smith & Tolbert, 2004). Historically, Proposition skirmishes have typically pitted grassroots supporters versus larger corporate interests. This type of “David versus Goliath” mentality was highlighted in the Yes on 37 radio commercial Dial, which declared “It’s Californians versus the corporations” (Carighttoknow, 2012f). States like California which participate in direct democracy typically have some type of infrastructure in place which facilitates the creation and promotion of popular issues attempting to make their way to the ballot. These bureaucratic institutes comprise what is colloquially known as the initiative industry, which Gerber, Lupia, McCubbins and Kiewiet (2001) describe as:

   professional consultants (who) offer a full range of services, including running polls and focus groups; providing drafting assistance; hiring and managing paid signature gatherers; assisting in fundraising; coordinating advertising, direct mail, and other campaign activities; and assisting with post-election litigation (p. 11).
This goes beyond the content of the advertisements themselves, and in order to truly understand what happened with Prop 37 one must analyze the divergent ways in which the pro and anti-labeling groups navigated the initiative industry in an effort to achieve victory in the measure.

Proposition Drafting

The process through which initiatives make their way to the voting booth has changed little since being introduced over a century ago. As articulated by Gerber, Lupia, McCubbins and Kiewiet in *Stealing the Initiative* (2001), there are three distinct stages involved in ballot measure promotion. The initial stage involves the drafting of the measure itself. While it may sound tempting to the average citizen to pony up the two-hundred-dollar qualification fee and write up their own issue for submission, the way in which potential propositions are researched and worded plays a key role in the way they will be received, not only by the voting public but also (potentially) by the state judicial system (p. 9). According to David Broder (2000), the drafting phase “…typically costs the sponsor of a California initiative about $100,000,” of which “…$30,000 goes to legal fees, an equal amount for a statewide poll, perhaps $15,000 for focus groups…and perhaps $20,000 for the first work by the campaign consultant” (p. 72). It is no exaggeration to say that the language of the initiative at this stage is crucial to the chances that the measure will have going forward, as it must be drafted in a way that conforms to existing state and federal regulations. Even if an initiative does win on Election Day, there is always the possibility of judicial recourse from the opposition. Legal reprisal is
more than a hollow threat. According to Gerber et al. (2001), “Between 1960 and 1999, 36 of the 55 initiatives passed by California voters (65 percent) were challenged in state and federal courts” (p. 4). Half of those cases which were legally contested resulted in either complete or partial nullification of the measure due to elements of the wording being found unconstitutional.

It should come as no surprise that those typically in charge of qualifying initiatives have a strong background in law. This was the case in Prop 37, which saw one James Wheaton assume the mantle of author. Not only was he a professor of law at both Stanford University and UC Berkley, he had been involved in the creation of previously successful initiative drives. Beyond his expertise in the legal realm, his position as council member with the First Amendment Project, which purports itself to be “a nonprofit advocacy organization dedicated to protecting and promoting freedom of information, expression, and petition” (First Amendment Project), no doubt helped facilitate the practices integral to the second stage of initiative creation: signature collecting.

Signature Collection

The crux of the qualification stage is signature collecting, which is the only true determinant of which measures make the ballot and which do not. Each state with direct democracy mandates a particular number of personally signed forms which serve as a proxy for support of an issue. In California there is a 150-day window in which to gather signatures from the time the Attorney General’s office declares a ballot title and summary
for any measure. For Proposition 37, the deadline to have the petitions collected and submitted was July 13, 2012. By May, 970,000 signatures had been amassed. Although California law requires the total number of signatures be equal to 5% of the entire vote in the latest gubernatorial election, the petition collection process typically produces far more than necessary. As David Broder (2000) explains, the excess is due to “erroneous or invalid signatures,” which in turn “requires collecting close to a million names” (p. 55).

Succinctly put, “groups require either vast sums of money to hire professionals or hire a standing army of volunteer signature gatherers to have any hope of qualifying their initiative for the California ballot” (Gerber, Lupia, McCubbins, & Kiewiet, 2001, p. 10). In the case of Proposition 37, a signature gathering firm by the name of Masterson & Wright handled the petition drive. In total, it cost nearly 1.5 million dollars to amass the total signatures. Apparently, the 2012 November election was the last time they were on record as being involved in signature gathering as it related to initiatives. At the time of this writing, they have no web presence through which to determine whether they were strictly a signature gathering group, or one that offered a myriad of campaign services.

**Campaigning**

Due to the successful signature petition, Proposition 37 was officially declared for the November ballot on June 11, 2012, at which time the campaign stage began. By this point the Yes on 37 coalition had already spent nearly 1.6 million dollars just to qualify the measure. While that was no small sum of money, it paled in comparison to the total amount poured into the campaign by donors on both sides of the GMO labeling debate.
Those in favor of the initiative contributed 8.7 million dollars to help ensure victory. The opposition to the measure spent nearly five and a half times that, amassing a staggering 45.6 million for the war effort (Ballotpedia, n.d.). All of this is important to understand the complexities behind Proposition 37. Of course, just because there is correlation does not mean there is causation. There is no way to empirically state that the superior amount of money spent on No on 37 led to their victory. However, it is strongly intimated that money as a resource bias is a pretty strong indicator of success. Writing in *Educated by Initiative* Daniel Smith and Caroline Tolbert (2004) declare, “Keen observers of the initiative process…would admit that money currently plays a significant if not decisive role in ballot initiative campaigns” (p. 90). David Broder (2000) states “Where economic interests have been able to significantly outspend the opponents…they have carried the day” (p. 221). Gerber, Lupia, McCubbins, and Kiewiet (2001) indicate “Large expenditures of campaign money are more effective in defeating than in passing initiatives” (p. 11). According to Rich Braunstein, writing in *Initiative and Referendum Voting* (2004), “groups with access to financial resources are particularly successful in opposing ballot measures” (p. 76). Finally, the characteristics of the disparity in financial contributions falls well within the parameters of Daniel Lowenstein’s notion of one sided spending (1982). In campaigns with contributions greater than $250,000, one sided spending occurs when one side spends at least double what the other does. Further, in those cases, Lowenstein determined that 90% of initiatives were unsuccessful when opposition to a measure engaged in such spending (p. 518).
Multi-media messages generated by both sides of the GMO labeling issue were of particular interest while this research was being conducted, and as such it was fruitful to assess the firms which were responsible for their creation. Attempts to determine which media group or groups were responsible for the creation of the television and radio advertisements used in the pro 37 campaign were unsuccessful. The most that could be inferred regarding their creation was that they were produced by the Yes on Proposition 37 California Right to Know campaign. Considering the grassroots nature of their endeavor, it is not beyond reason to believe the spots were created in house, without the aid of any particular production agency in an effort to curtail spending. However, it was possible to track down those responsible for the creation of the four internet ads utilized by the Yes coalition.

Tiny Rebellion

Back in 2012, during the food labeling battle, a firm by the handle of dh+w was retained to create online advertising. Since then, the agency has gone through a rebranding, and is now known as Tiny Rebellion. To a certain extent, the way the agency represents itself through its web pages is a reflection of the Yes on 37 campaign itself. Their landing page strikes the viewer as artistic and unorthodox, the serene image of a beautiful lazy day at the beach setting off to the right of the screen. In the top left hand corner in big bold letters is “WHY,” while their mission statement is situated near the bottom left. Their message is as follows:
Why we do what we do. We are agents of positive change. We know that positive change isn’t just about social responsibility or sustainability. It’s not on the margin of what companies need to do. It’s at its center. Our Vision: A world where business is the most powerful force for positive change.

The site can be further navigated by links at the top of the page, which redirect the viewer to sections labeled “who,” “news,” “contact,” “culture,” and “work.” Clicking on the culture and work links bring up various videos for the different groups who have retained their services for work. Their internet ads for the Yes on Prop 37 campaign are housed in the culture section, along with thirteen other projects. A total of five internet videos may be accessed, one of which was not included in this research. One telling bit of information is contained below the video player on the page with the videos. As the videos are in support of GMO labeling, the website claims “We reached out to the campaign for Yes on 37 to offer our services, which resulted in these spots.”

The who section also gives a glimpse into the personality types of those who run Tiny Rebellion. On their homepage is a picturesque image of palm trees swaying lazily before an ocean of crystal blue water which greets the viewer on the right side of the screen. “Who We Are…” sits middle left of the screen below the photo. As if to reinforce the freedoms (or lack of constraints) evoked by the palm trees, the members of Tiny Rebellion report themselves as:

a family of thinkers and doers, artists and nerds, leaders and collaborators, and creators and number crunchers who all believe in having a meaningful
impact on our clients, each other, the industry, and society at large. We partner with corporations, organizations, individuals, and communities that want to put something useful and powerful into the world.

Much like the overall advertising vibe for the Yes coalition, the agency comes across as a group of well meaning, free spirited community members looking to do some good in the world. While there is nothing inherently wrong with that spirit, it could be argued that it is not necessarily the mind set a company or campaign needs to adopt in order to enact a law.

When piecing together the disparate strands of the pro-labeling contingent’s campaign, it is apparent there was no all-inclusive company retained to guide their measure from draft to poll day. James Wheaton authored the measure, Masterson & Wright helped gather signatures, Tiny Rebellion offered to help them with their online advertising, and more than likely a friend of a friend with some recording equipment and a studio helped produce their television and radio spots.

Winner and Mandabach

If the initiative industry had a face, there is no doubt that Winner and Mandabach Campaigns would be its perfectly sculpted model. They are the firm that directed the come from behind victory over the labeling initiative in California, and then replicated the phenomenon one year later in an identical battle that occurred in Washington State. One visit to their website makes it apparent the defeat of Prop 37 in California and Initiative 522 in Washington was no fluke.
Almost to the letter, Winner & Mandabach (n.d.) offer all of the luxuries mentioned above, and then some. Their homepage could not be more dissimilar than that of Tiny Rebellion. Far removed from the images of sunny days at the beach, one is greeted with what is best described as a digital business card. The entirety of the landing page consists of the company logo on the left, with a wall separating it from the words “The Nation’s Leading Ballot Measure Consulting Firm” on the right. Centered directly below those two elements is text which reads:

Winner & Mandabach Campaigns is a full service, national political consulting firm specializing in ballot measure campaigns. The firm has managed and consulted on over 160 local and statewide ballot initiative campaigns in 29 states-more than any other firm in the nation-while maintaining a win rate of over 90% (Winner and Mandabach Campaigns, n.d.).

Nearly every link reinforces the notion that they are all business. Visiting the campaign services pages leads to sections pertaining to strategic planning and assessment, paid media, public opinion research, and campaign management. Their track record link leads to a page trumpeting the fact that “Over the last ten years, W&M has won 29 out of 32 statewide ballot measure votes, including 17 YES votes, which are historically much more difficult to win than NO votes.” Upon visiting the general background page, visitors are informed that Winner and Mandabach “…has produced and tested more than 2,000 television, radio, and digital advertisements and mail pieces for ballot measure campaigns.”
Public Opinion in Response to the Media Blitz

While it is beyond the scope of this project to draw a correlation between anti-labeling advertising and the eventual defeat of Proposition 37, it is possible to look at the gradual deterioration of support the measure experienced in relation to the way commercials for both sides were broadcast.

The California Business Roundtable Initiative Survey Series is a tremendously helpful resource, showing preliminary initiative polling for all measures on the ballot for 2012. Beginning with their poll conducted on July 19, 2012, 65% of respondents claimed they would vote for labeling of genetically modified foods, while 24% claimed they would not. Polling was conducted six times between July 19 and September 27, with nearly identical results each time. The final two times polling was conducted, however, an abrupt change is apparent. A survey done on October 11 showed that support plummeted, down to just 48% of respondents planning to vote for the initiative. Conversely, those planning to go against the measure were up to 40% of the total. A final poll taken October 30, 2012 showed a complete reversal, with more than half of the participants claiming they would vote no on Prop 37, while support had deteriorated to 39% (California Business Roundtable, n.d.).

The high percentage of support in the early polls for Yes on 37 reflected the broad support that had been building in national surveys for labeling since the mid to late 2000s. While the case very well may be that, all things being equal, the average American citizen would support a measure promoting labeling of genetically modified
foods, Californians were the first to see there would potentially be consequences to enacting such a law. That realization began to manifest itself early in October, when the No on Prop 37 coalition began an all-out media blitz. Rich Braunstein (2004) believes that “an effective use of the media may be singly responsible for a successful or unsuccessful ballot campaign, which is contingent upon a group’s ability to purchase media time” (p. 77). While the No coalition was bombarding the airwaves, the pro labeling group was unable to counter. According to David Bronner, one of the campaign leaders for Yes on 37, his side could not afford to air their first television commercial until ten days before the vote (Allison, 2013).

For those uninitiated in direct democracy campaign strategies, the last minute defeat of Prop 37 seemed quite shocking. After seeing newspaper article after internet blog steadfastly indicating a potential victory, losing at the 11th hour was quite eye opening. However, scrutiny of the direct democracy literature suggests the labeling initiative was almost doomed from the start. Mediated messages proclaim the No campaign snatched victory from the jaws of defeat; more likely, they had the Yes contingent right where they wanted from the start.

Distorted Communications

Continuing with the theme of communication, there is also a question regarding just how free and unrestrained information exchanges are in a given public sphere. Jurgen Habermas believes that true human freedom is constantly infringed upon by “the one sided development of the potentials of modernity under the influence of capitalism and
administrative power” (Morris, 2001, p. 6). What is interesting about Proposition 37 (and most initiative cases in general) is that it was framed as a David vs. Goliath type of battle. On one hand, there were grassroots campaigners, hardworking citizen activists standing up for the rights of their fellow Californians against the potentially harmful covert actions of evil corporate overlords. If the narrative is to be believed, the labeling initiative itself began with a grandmother from Chico, California, who felt it was wrong that foods which were genetically modified had no distinguishable markings on food packages. While there is plenty of truth to be found in those portrayals, they fail to tell the whole story. As seen earlier, the measure involved plenty of professional support, far beyond a grandmother from Chico. David Broder (2000) summed it up perfectly, stating “…many…public interest initiatives get onto the ballot not through some mass movement but because a handful of highly motivated people prepared to pay for signatures to qualify the measures and persuade the voters that they are worth supporting” (p. 167). That was clearly the case with Prop 37, with donations of over one million dollars submitted by Joseph Mercola, a personal health advocate, and Kent Whealy, the founder of Seed Savers Exchange. Another half a million was donated by David Bronner, founder of Dr. Bronner’s Magic Soaps (Ballotpedia, n.d.).

Further evidence of distorted communications emanating from the pro labeling contingent revolved around the composite group The Organic Consumers Fund. Although there is nothing particularly nefarious in the message they sent out, it is the right of consumers to know what is in their foods, information came to light after the voting which illustrated they may have had a different motivation in supporting food
labeling. In the United States there is a growing market for foods that are labeled fresh or
organic. Since the Food and Drug Administration considers genetically modified foods
natural, they may be labeled as such. However, the passage of Prop 37 would have
disallowed such representation. The organic food industry stood to gain significant
market share in light of labeling. In some ways, when it comes to initiative balloting, it is
closer to the truth to look at it not as campaigns of inequality; more like Little Goliaths
vs. Bigger Goliaths.

Distorted communications coming from the No coalition are not quite as clearly
delineated, considering they structured their advertisements (and the emotional appeals
within) around determinations made by the Attorney General’s Office. Although perhaps
overly dramatic in their portrayals, there was truth in their assertions regarding increased
food costs and potential lawsuits. Probably the best example of attempted manipulation
came in the form of the commercials featuring Dr. Henry Miller. The ads identified Dr.
Miller as being associated with Stanford University. The Yes on 37 group petitioned the
school to verify this claim, which agreed that he was erroneously representing them. As it
turns out, Dr. Miller was part of a think-tank that happened to be headquartered on the
Stanford campus. Eventually the spot was pulled, but only after it had aired for a
significant amount of time.
Implications

Deconstructing the advertisements used in the Yes and No campaigns on Proposition 37 only yields the tip of the iceberg. There is so much more to examine than heuristic cues. One need only give a cursory glance at the amount of money spent and the firms employed to conduct the campaigns to realize the research for this project was narrow in scope. When assessing the win percentage touted by Winner & Mandabach, it becomes apparent that research into the public relations firms involved in proposition balloting may yield promising results. After all, these institutions have new ballot topics which require fresh strategies presenting themselves every year. From this study, it seems that the topics of debate which become Yes and No campaigns, such as GMO labeling, are subordinate to the emotional manipulations and heuristic cues endemic to political advertisements.

While money may not have been a deciding factor in the fate of Proposition 37, it clearly allowed for a difference in the organizational structures utilized by the Yes and No groups. The excessive dollar amounts spent by the anti-labeling coalition allowed them to hire a professional, all in one agency which specialized in winning direct balloting contests. Stewart Clegg (1989), writing in *Frameworks of Power*, sees power as:

not an over-extension of any single sovereign power conception. Instead, it argues for the distinct circuits of episodic, facilitative, and dispositional power, distinctions clearly grounded in the grammar of power as a
Central to each of these circuits, it has been argued, is effective organization (p. 239).

Conversely, a lack of funding led the grassroots campaigners to make do with a much more piecemeal type of representation which necessitated the involvement of a number of unaffiliated pieces. The group behind the labeling initiative, the California Right to Know GMOs, is part of a broader coalition of interests active in a number of states. They identify themselves as “…a grassroots movement of mothers, farmers and citizens dedicated to regaining our basic right to know what we’re eating and feeding our families” (California Right to Know). It may be instructive for future research to delve deeper into exactly who the major actors are participating in this group, as well as to what extent they can be characterized as a social movement as opposed to an interest group. An assessment of this group through the lens of resource mobilization may help in coming to a better understanding of how GMO labeling has failed to pass in any state through direct democracy to this point. What were the resources available to members of the Right to Know group which allowed them to “launch an organized demand for change” (Jenkins & Perrow, 1977, p. 266)? Further, to what extent do activists such as Joseph Mercola, one of the leading financial supporters of Proposition 37, provide “a healthy input of resources” to the organization in a showing of elite support (McAdam, 1982, p. 22)? It would also be interesting to see how open to this line of research the initiative industry would be. Much of past initiative advertising is conspicuous by its absence from the internet, in particular television radio and internet spots deployed by the opposition to GMO labeling. The fact that commercials from Proposition 37 were readily
available is not the norm. Perhaps the industry would prefer to keep their strategies to themselves.

Conclusion

While determining causation between advertising and support for Proposition 37 is beyond the scope of this research, it is possible to tentatively place the findings within an existing academic framework. As content analysis of the Proposition commercials showed, there was a marked difference in the way heuristic cues were deployed between the pro and anti GMO labeling groups. As suggested by existing research, the deck was stacked against the Yes on 37 group in the sense that those attempting to pass an initiative into law had to first convince potential voters that there was a problem that needed fixing. Early polling indicated that there was support for labeling, with support hovering around 70% up until roughly a month before the vote. Yet the literature also indicates that once the opposition begins advertising, support will only deteriorate. Staying true to form, those running against initiatives typically have time to craft a thorough defense, which takes the form of advertising which attacks on multiple fronts.

One of the more alarming aspects of this research is the way in which these heuristic cues can be used by campaign managers as a way of gaming the legislative system. Advertising and political messages are finely tuned, the end result of painstaking research into the proposition itself, a variety of potential demographic representatives, pollsters, and any number of other participants. In the end, the overall emphasis of and advertising campaign is on how an issue is framed.
Here is one illustration: In *Democracy Derailed*, David Broder (2000, p. 88) spoke with Les Francis, one of the managing partners of Winner, Wagner & Mandabach campaigns (the same group who provided media services for the No on 37 coalition). With regard to issue framing, Les pointed out the work his group did combating a recycling measure in Massachusetts in the early 1990s. Even though the voters were in favor of recycling in general, the campaign substituted the word recycle with repackaging. This introduced enough confusion into the equation that people, in essence, voted opposite their self-interests.

Even more illuminating is the detailed description of the advertisement for Measure 3 itself. According to Broder:

> It shows a grocer who looked like Mr. Whipple, the character in the ads who admonished people, “Don’t squeeze the Charmin,” busily restocking the shelves of his store. A strand of red tape hangs from the ceiling, and as he works, he slowly twists himself into more and more of the red tape, until he looks like a mummy. The voiceover says, “They’re at it again. Another attempt to find an answer with more government bureaucracy, more red tape. Question 3, the repackaging bill, would create three new state bureaucracies, twenty pages of red tape that would tie up Massachusetts store owners with regulation after regulation, forcing higher consumer costs. Question 3-the more you know about it, the less you’ll like it (p. 88).
Two decades later, the same public relations firm ran an almost identical advertisement for the No on 37 campaign. Here is the transcription for the online ad entitled *Red Tape*:

The last thing small business owners like this grocer need, is more bureaucracy and government interference. Prop 37 is a confusing labeling scheme that would tie him up with red tape and cost him and his customers thousands of dollars a year. And 37 would open the door to shakedown lawsuits. The whole thing is a big tangled mess (NoProp37, 2012).

The similarities are striking between the two commercials, even though they were for completely separate measures twenty years apart decided on opposite coasts of the United States. There is a strong indication here that the slickly polished campaign firms and media managers rely on smoke and mirrors to dupe voters into doing exactly what they want them to, whether they have been hired to oppose or support a given proposition. As Winner and Mandabach so proudly announce, they have a 90% rate of success, and it becomes easy to see how. They have found a way to manipulate the system. (Broder, 2000, p. 88).

When looking at the money spent on both sides of a given initiative, the firms hired to sway voters, the deliberate heuristic cues employed to manipulate the electorate, and the intentional use of miscommunication in the advertisements, the big question raised is just how democratic is initiative voting? California has an average of 12 initiatives every two years which means the average voter does not have time to become educated on every single issue. For many, the only source of information will come in the
form of advertising, and as has been analyzed here, those advertisements are meticulously crafted messages not designed to educated voters but to get them to vote a certain way. Yet if those transmissions work against what people actually want, does that not run counter to the principals of direct legislation. In a final analysis, is that not the antithesis of direct democracy?
Appendix A

HSIRB Approval
Date: June 30, 2015

To: Gregory Howard, Principal Investigator
David Brundage, Student Investigator for thesis

From: Amy Naugle, Ph.D., Chair

Re: Approval not needed for HSIRB Project Number 15-06-26

This letter will serve as confirmation that your project titled “Authority and Emotion in the Political Communications of the Proposition 37 Contest in California” has been reviewed by the Human Subjects Institutional Review Board (HSIRB). Based on that review, the HSIRB has determined that approval is not required for you to conduct this project because you are analyzing political advertisements and you are not collecting personal identifiable (private) information about individual and your scope of work does not meet the Federal definition of human subject.

45 CFR 46.102 (f) Human Subject

(f) Human subject means a living individual about whom an investigator (whether professional or student) conducting research obtains

(1) Data through intervention or interaction with the individual, or
(2) Identifiable private information.

Intervention includes both physical procedures by which data are gathered (for example, venipuncture) and manipulations of the subject or the subject's environment that are performed for research purposes. Interaction includes communication or interpersonal contact between investigator and subject. Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a medical record). Private information must be individually identifiable (i.e., the identity of the subject is or may readily be ascertained by the investigator or associated with the information) in order for obtaining the information to constitute research involving human subjects.

Thank you for your concerns about protecting the rights and welfare of human subjects.

A copy of your protocol and a copy of this letter will be maintained in the HSIRB files.
Appendix B

Transcription of Advertisements
Yes on 37
12 Ads total (4 TV, 4 Internet, 4 Radio)

Television Ads

#1.
Title: Label Genetically Engineered Food
Time: 30 Seconds
Type: Television Ad (has disclosure at end)
Notes: As ad plays, the script is shown word for word, including sources.

Male Narrator:

Big agrichemical corporations have produced genetically engineered corn that includes insecticides. (Resource cited in ad: Bessin, Ric [2004], “Bt Corn: What it is and how it works” University of Kentucky College of agriculture

Not on the corn. (Emphasis from visual)

But in the corn. (Emphasis from visual)


We shouldn’t be forced to gamble with the health of our families.

We have the right to know what’s in our food.

Vote yes on proposition 37.
Title: Agent Orange is “Harmless”
Time: 30 Seconds
Type: Television Ad (has disclosure at end)
Notes: The commercial shows television footage reflecting smoking, ddt and agent orange usage. Footage is shown during voice-overs for each section.

Text:
1. We’ve Heard the False Corporate Health Claims Before… (Shows from beginning of ad until .02 second mark.)
Voice:
1. Doctors in all parts of the country were asked “what cigarette do you smoke doctor?” See how mild and good tasting a cigarette can be. (Plays from beginning of ad until the .08 second mark.)

Text
3. DDT is “safe.” (Resource cited in ad: As reported by Frank Graham Jr. “DDT is Too much with us.” New York Times, February 20, 1971) (Plays from .08 second mark until .12 second mark)
Voice
2. DDT. Used right it is absolutely harmless to humans and animals. (Plays from .08 second mark until .13 second mark.)

Text
4. Agent Orange is “harmless.” (Resource cited in ad: As reported in Time. January 21, 1980.) (Shown from .13 second mark until .16 second mark)
Voice
3. The herbicide will open up ground areas (Heard from .13 second mark until .17 second mark)

Text

6. If Monsanto and Dow Think These Foods Are Safe…Why are they fighting our right to know what’s in our food? (Shown from .20 second mark to .24 second mark)

7. Yes on 37 for the right to know what’s in our food. (Shown from .25 second mark until end)
Female Narrator:
Because food is love.
Food is life.
Food is family.
We all have the right to know what’s in our food.
That’s why so many consumers say yes to proposition 37.
It gives us the right to know, if there are genetically engineered ingredients in our food.
With clear information on package labels.
That’s the very same right, consumers in nearly 50 other countries already enjoy.
Yes on 37.
We have the right to know what’s in our food.

Text during commercial:
Yes on 37 (:10 second mark until :18 second mark)
It gives us the right to know (:13 second mark until :18 second mark)
Yes on 37/Right to know GMO (:26 second mark until end)
Female Narrator
Because food is love.
Food is life.
Food is family.
We all have the right to know what’s in our food.
That’s why the California Nurses Association, consumer groups, and thousands of others say Yes to 37.
Pesticide companies like Monsanto and Dow shouldn’t be able to hide that they are genetically engineering our food.
61 other countries already have the right to know
Shouldn’t we?
Simple.
Clear.
Doesn’t cost a dime.
Yes on 37.
The right to know what’s in our food.

Text:
California nurses, consumers, and so many say (:8 second mark to :11 second mark)
Yes to 37 (:11 second mark until :14 second mark)
Monsanto and Dow Shouldn’t Be able to hide (:14 second mark until :16 second mark)
Monsanto and Dow are genetically engineering our food (:17 second mark until :19 second mark)
61 other countries already label genetically engineered food (:19 second mark until :22 second mark)
Simple. Clear. Doesn’t cost a dime. (:23 second mark until :25 second mark)
Yes on 37 (ad stamp) (:25 second mark until end)
We have the right to know what’s in our food (:27 second mark until end)
Internet Ads

***These spots created by dw+h (now TinyRebellion) ad agency

#1
Title: Mythbusters Video
Time: 31 Seconds
Type: Internet
Notes:

Male Narrator
Pesticide companies want you to believe Prop 37 will increase the price of food
Actually, adding simple GMO labels doesn’t cost a dime
They say prop 37 is full of exemptions
Truth is prop 37 follows the same labeling standard as all other food ingredients
They say farmers oppose prop 37, when a majority of family farmers say yes on 37
Don’t be deceived by pesticide companies
Vote yes on labeling genetically modified foods
Vote yes on 37

Text:
Cartoon picture of factory/pollution emanating from smokestacks (:00-02)
“Prop 37 will increase the price of food…” (:02-04)
Picture of Truth-o-meter/True on left, False on right/Arrow pointing to false on right (:04-06)
Picture of cartoon/hand drawn polygraph machine going off (:06-07)
Cartoon dime introduced, vanishes in puff of smoke (:07-09)
“Prop 37 is full of special interest exemptions” (:09-11)
Picture of truth-o-meter from earlier/arrow pointing to false on right (:11-12)
Picture of piece of paper on left/contains “Prop 37”. Another paper on right contains “Current Standards”. Equal sign (=) introduced between them. (:13-16)
“Farmers oppose Prop 37” (:16-19)
Arrow pointing specifically to false (:19-20)
Cartoon Tractor/Farmer with “Yes on 37” attached to trailer behind tractor (:20-22)
Demand the Truth. (:22-24)
Vote Yes! on Prop 37 (:25-29)
Find out More www.carighttoknow.org (:29-30)
Female Narrator
When I was raising my family, I didn’t have to really think about what was in our food
Now you can find GMOs in our basic fruits and vegetables
We don’t know if GMOs are safe or not, and I don’t want my grandchildren, or
anybody’s grandchildren to be part of that kind of an experiment
GMO labeling gives the consumer a choice
Demand it
Male Narrator
My name’s Anthony Rios
I spent 16 years in the US armed forces, fighting for freedom
I was wounded in action during my last tour, and I believe it’s my right, as well as the
right of my children, to know what’s in the food that we eat
Why I support proposition 37, as well as GMO labeling, because I like to know what I’m
feeding my family
Those that oppose proposition 37 put a lot of effort into hiding it and keeping us in the
dark, and that’s not the American spirit that I know and love
Join all those who believe in freedom
Vote yes on proposition 37
Male Narrator
My family has worked this land for 4 generations
Now, a bunch of pesticide companies don’t want me to tell the truth about my food
They don’t speak for me
All the family farmers I know are proud to label their food because we have nothing to hide
The way I see it, labeling GMOs is a win for California farmers, and a win for consumers
Simple as that
I have a right to know the truth
We all do
Radio Ads

#1
Title: Dial Radio Ad
Time: 1:01
Type: Radio Ad
Notes:

Female Narrator:
Wherever you turn this election, it’s hard to ignore the ads
They’re everywhere.
Like that campaign from Dow, Monsanto, and foreign chemical companies spending
millions, trying to protect their profits, and hide what they’re doing to our food.
But when you tune in to what’s really happening, prop 37 just gives us the right to know
if our food is genetically engineered
37 is about a simple label that doesn’t cost a dime.
So it’s won the support of consumers, doctors, farmers, and so many others.
So when you hear those ads, remember they’re funded by Monsanto, Dow, and foreign
chemical companies trying to sell more pesticides
Yes on 37
It’s Californians versus the corporations
Shouldn’t we have the right to know what’s in our food?
Proudly paid for by yes on 37 for your right to know if your food has been genetically
engineered.
Supported by consumer advocates, makers of organic products, and California farmers.
Major funding by Mercola.com health resources llc and the organic consumer’s fund.
Female Narrator:
One of the most important decisions at work today
Whats for lunch?
Maybe that quick slice of pizza and a cold soda.
Or the salad bar.
Or maybe even that sandwich made with love this morning.
But whatever sounds good, we wanna know what’s actually in our food.
That’s why so many of us support proposition 37
Farmers, consumer groups, doctors, the list goes on and on
Prop 37 is simple.
It gives us the right to know if our food has been genetically engineered
It puts clear information on food packages so we know what’s in our food
Experts are still debating if foods modified with dna from other plants, animals, bacteria,
and even viruses are safe.
But while the debate goes on, we all have the right to make an informed choice.
Yes on Prop 37
Because we have the right to know what’s in our food.
Paid for by yes on 37 For your right to know if your food has been genetically engineered.
Supported by consumer advocates, makers of organic products, and California farmers.
Major funding by Mercola.com health resources llc and the organic consumers fund.
Female Narrator:
The end of a long day.
But there is something to look forward to.
Dinner
Salmon. Grilled baked or pan seared, with just a dash of lemon.
Corn
That special recipe you are never going to share with your sister.
But, whatever you’re eating, you want the right to know what’s actually in your food.
That’s why so many of us support proposition 37
We just wanna know what we’re feeding our families
Prop 37 puts clear information on food packages, so we know if our food has been genetically engineered.
The same big corporations making billions selling foods modified with dna from other plants, animals, and even viruses are now spending millions to hide that information from us, even though they already provide this information on labels in nearly 50 other countries.
But we say, yes on 37.
Because we have the right to know what’s in our food.
Paid for by yes on 37 for your right to know if your food has been genetically engineered.
Supported by consumer advocates, makers of organic products, and California farmers.
Major funding by Mercola.com health resources llc and the organic consumers fund.
Male Narrator:
That perfectly cooked egg.
Or just a hot cup of coffee
Maybe breakfast is a full bowl of cereal
And some fresh orange juice
But whatever you’re eating, you wanna know what’s in your food.
That’s why so many of us, from the California nurses, to sierra club, to the consumer federation of America, say yes to proposition 37.
37 just gives us the right to know if genetically engineered ingredients are in our food.
Prop 37 puts simple information on packaging.
So we know what we’re really eating.
These genetically engineered foods are already labeled in nearly 50 other countries.
We just want the right to know what’s in our food.
Join us in voting yes on 37
Find out more at carighttoknow.org
Paid for by yes on 37 for your right to know if your food has been genetically engineered.
Supported by consumer advocates, makers of organic products, and California farmers.
Major funding by Mercola.com health resources llc and the organic consumers fund.
No on 37
(15 Total/5 radio/2 internet/8 television)

Radio Advertisements

#1
Title- Newspaper Quotes
Time- 1:01
Date Introduced- October 1, 2012
Notes-

Male Narrator:
It’s rare when virtually all major California newspapers have the same position on a
ballot measure.
So it’s significant that over 30 daily papers throughout the state urge no on 37, the costly
food labeling proposition.

Female Narrator:
The San Francisco Chronicle said 37 could be costly for consumers, and would create a
legal nightmare for local businesses that grow and sell food.

Male Narrator:
The Sacramento Bee agreed, calling 37 an ill-conceived measure that would open the
way for countless lawsuits.

Female Narrator:
The San Diego Union Tribune said the cost in lawsuit burden created by 37 could kill off
small local farmers and retailers.

Male Narrator:
And the Los Angeles Times called 37 a sloppily written measure that could be expensive,
and make it hard for many mom and pop grocery stores to stay in business.

Female Narrator:
To read editorials from over 30 California newspapers that urge no on prop 37, visit
noprop37.com

Different female voiceover:
Paid for by no on 37. Coalition against the deceptive food labeling scheme.
Sponsored by farmers, food producers, and grocers.
Major funding by Monsanto, Dupont, the grocery manufacturers association, and more
than 40 food company members.
Promoters of prop 37 say it’s a simple little food labeling measure.

But a coalition of more than 500 doctors, scientists, and Nobel Prize winners say 37 is a complex, badly written labeling proposition that makes no sense.

In fact the FDA says a labeling policy like prop 37 would be inherently misleading to consumers.

Farm Bureau Federation say 37 would bury farmers and grocers in red tape, and let trial lawyers file frivolous shakedown lawsuits against them, over the wording on food labels.

The independent nonpartisan legislative analyst office says 37 could cost taxpayers millions.

And, the California grocers association calls prop 37 a hidden food tax that would increase grocery bills for a typical family by 400 dollars per year.

Before you vote, learn more by visiting noprop37.com.

Paid for by no on 37. Coalition against the deceptive food labeling scheme. Sponsored by farmers, food producers, and grocers. Major funding by Monsanto company, Dupont, the grocery manufacturers association, and more than 40 food company members.
Male Narrator:
They’re at it again.
Special interests pushing a proposition that would create more government red tape, more lawsuits, and higher costs.
This time, its prop 37, a food labeling scheme written by trial lawyers to benefit trial lawyers.

Female narrator:
37 would ban thousands of common food products in California, unless they’re specially relabeled to meet complex new requirements and restrictions that would only exist in our state.

Male narrator:
37 would cost California tax payers millions for more bureaucracy and red tape, and increase food costs for a typical California family by hundreds of dollars per year.

Female narrator:
And 37 would give trial lawyers a special new right to file shakedown lawsuits against farmers, grocers, and food companies over the wording on food labels.

Male narrator:
Look into the facts by visiting factson37.com.

Different female voiceover:
Paid for by no on 37. Coalition against the deceptive food labeling scheme.
Sponsored by farmers, food producers, and grocers.
Major funding by Monsanto company, Dupont, the grocery manufacturers association, and more than 40 food company members.
Male Narrator
Promoters of Prop 37 say it’s a simple little food labeling measure
Female narrator
But a coalition of more than 500 doctors, scientist, and Nobel Prize winners say 37 is complex, badly written labeling proposition that makes no sense
Male Narrator
In fact, the FDA says a labeling policy like prop 37 would be inherently misleading to consumers
Female Narrator
Farm Bureau federation says 37 would bury farmers and grocers in red tape, and let trial lawyers file frivolous shakedown lawsuits against them over the wording on food labels
Male
The independent nonpartisan legislative analyst’s office says 37 could cost taxpayers millions
Female
And, the California grocer’s association calls prop 37 a hidden food tax that would increase grocery bills for a typical family by four hundred dollars per year
Male
Before you vote, learn more by visiting noprop37.com
Female
Paid for by no on 37. Coalition against the deceptive food labeling scheme.
Sponsored by farmers, food producers, and grocers.
Major funding by Monsanto, Dupont, the grocery manufacturers association, and more than 40 food company members.
Female Narrator
Dr Henry Miller was the founding Director of the US food and drug administration’s office of biotechnology
Recently Dr Miller explained why he joined with hundreds of doctors, scientist and Nobel Prize winners to urge a no vote on proposition 37
Narration by Dr Miller
The way that prop 37 has been crafted, really makes no sense at all
There are some foods that are captured for the labeling requirement while others aren’t, and they seem to have been chosen on the basis of special interests
For example, why the meat in dog food should be covered but meat for human consumption is not, makes no sense
It just gives an indication of the arbitrary and completely illogical nature of this ill-conceived proposition
Female narrator
To find out why doctors, scientists, and major newspapers statewide urge no on 37, visit noprop37.com
Paid for by no on 37. Coalition against the deceptive food labeling scheme.
Sponsored by farmers, food producers, and grocers.
Major funding by Monsanto, Dupont, the grocery manufacturers association, and more than 40 food company members.
Male Narrator
How much would Prop 37’s food labeling scheme cost?
Billions to repackage and remake thousands of common food products just for California
Increasing a typical family’s grocery bills by four hundred dollars per year
It’s all costs, no benefits
Look into the facts

Visuals:
Calculator tallying up numbers on paper/”The cost of prop 37” superimposed (:00-03)
Image of food packaging conveyor belt/”the cost of prop 37 “ at top. Box in middle “Billions in higher food production costs” Bottom box “Source: Study by University of California, Davis economic researchers, august 2012 (:03-07)
Background image switches to worker on production line. Middle box switches to “$400 per year for a typical family” (:07-10)
Text: All Costs on top left No benefits on top right No on 37: Stop the deceptive food labeling scheme Factson37.com (:10-15)
Male Narrator
Why would this pizza need a label, but not this one, which has the exact same ingredients?
Look into the facts
Vote no on 37

Visuals:
Piece of pizza on top right of screen, text to left “Why would this pizza need a label (arrow pointing right to pizza under text) (:00-04)
Second piece of pizza (identical to first) moves right to bottom left, ending up under text above. Text on bottom right (under pizza) “But not this one, which has the exact same ingredients?”, arrow below pointing left to piece of pizza. (:04-08)
Text “Look into the facts” (:08-10)
No on 37: Stop the deceptive food labeling scheme Factson37.com (:10-15)
Television Advertisements

#1
Title- Weapons-Grade Junk Science
Time- :31
Introduction Date- November 2, 2012
Notes- Newspaper editorials overlay during narration

Male narrator:
The promoters of prop 37 are making claims the LA times reveal to be junk science, designed to scare voters into swallowing a costly, misleading food labeling proposition. In fact, 37 is an ill-conceived, badly drafted mess. It would benefit trial lawyers and the rich donors who are behind it, but it would create a legal nightmare for California farmers and grocers, and increase food costs paid by California consumers. Major newspapers statewide urge no on 37

Text shown during ad:
1. Los Angeles Times/"Using junk science to promote Prop 37"/10-4-12 (displayed from :05 second mark until :12 second mark)
2. The Sacramento Bee/"ill conceived"/9-16-12
San Jose Mercury News/"badly drafted"/10-7-12
The Press-Enterprise/"poorly conceived mess"/10-1-12
All shown together from :13 second mark until :15 second mark
3. The Fresno Bee/"would encourage countless lawsuits"/9-19-12
The San Diego Union Tribune/"leading donor appears to stand to gain"/9-29-12
Shown together from :17 second mark until :19 second mark
4. San Francisco Chronicle/"a legal nightmare for those who grow, process, or sell food"/9-20-12
Shown from :20 to :22 second mark
5. San Francisco Chronicle/"costly for consumers"/9-20-12
The Orange County Register/"costs passed on to grocers and the consumers"/9-28-12
Shown from :22 second mark to :27 second mark
Male Narrator 1:
Henry I. Miller, M.D.
Fellow, Hoover Institution, Stanford University
Founding Director, FDA Office of Biotechnology
Speaks from beginning to :09 second mark.

The way that prop 37 has been crafted, really makes no sense at all.
There are some foods(?) that are captured for the labeling requirement, while others aren’t.

Male Narrator 2:
Ted Sheely
California Family Farmer
Environmental Stewardship Winner
Speaks from :09 second mark until :15 second mark

Farming is very important to our local economy and prop 37 is bad for farmers.

Female Narrator:
Sherry Franklin M.D.
Award winning California Pediatric Specialist
Speaks from :15 second mark until :23 second mark

Administering 37’s complex regulations would waste millions of tax dollars.
And 37 would increase grocery bills for California families.

Male narrator:
No wonder nearly every major newspaper in the state urges no on 37
Check the facts for yourself.

Text shown during ad:
1. Prop 37’s Deceptive Food Labeling Regulations
Under that header, screen is split left and right.
ON LEFT:
Labeled “genetically engineered”
Even if there is no detectible level
Shows picture of a can of dog food (referencing the meat)
ON RIGHT:
Exempt
Even when produced with genetically engineered products
Shows picture of a package of meat
Appears from :05 second mark until :09 second mark
2. $400 per year for a typical family/source- Prop 37 economic study
Shown from :20 second mark until :24 second mark
3. Ending graphic shows list of newspapers that are against 37
Male Narrator:
Henry I. Miller, M.D.
Fellow, Hoover Institution, Stanford University
Founding Director, FDA Office of Biotechnology
Speaks for entire Ad

The way that Prop 37 has been crafted really makes no sense at all. There are some foods (sounds like he says ‘boods?’) that are captured for the labeling requirement while others aren’t, and they seem to have been chosen on the basis of special interests. For example, why the meat in dog food should be covered but meat for human consumption is not, makes no sense. It just gives an indication of the arbitrary and completely illogical nature of this ill-conceived proposition.

Text shown during ad:
1. Prop 37’s Deceptive Food Labeling Regulations
Under that header, screen is split left and right.
ON LEFT:
Labeled “genetically engineered”
Even if there is no detectible level
ON RIGHT:
Exempt
Even when produced with genetically engineered products
Graphic shows from :05 second mark until :20 second mark.
Items on left and right change during that span.
Soy Milk shown on left (labeled) side, while cow’s milk is shown on right (exempt) side from :06 second mark until :08
Juice is shown on left (labeled) side, while beer and liquor are shown on right (exempt) side from :08 second mark until :11 second mark
Bread is shown on left (labeled) side, while cheese is shown on right (exempt) side from :12 second mark until :14 second mark
Dog food is shown on left (labeled side) beginning at :15 second mark, while package of meat is phased in to the right (exempt) side at :18 second mark. The time gap reflects the words of the narrator. Graphic ends at :20 second mark.
Male Narrator:
Under prop 37’s complex, badly written label regulations, some foods would need special labels to be sold in California, while others would get special exemptions. This illogical, unfair labeling proposition makes no sense, and it would increase costs for California farmers and food companies by over a billion dollars per year, and increase grocery bills for a typical family by 400 dollars per year. No wonder nearly every major newspaper in the state urges no on 37. Check the facts for yourself.

Text shown during ad:
1. Prop 37’s complex food label regulations (header)
   Under header (ON LEFT)-Labeled
   Under header (ON RIGHT)-Exempt
   Soy milk shows as labeled at :04, cow milk phases in at :08 second mark.
   Changes to juice (labeled) and beer/liquor (exempt) at :09 second mark
   Changes to bread (labeled) and cheese (exempt) at :11 second mark
   Changes to dogfood (labeled) and meat (exempt) at :13 second mark
   Graphic starts at beginning of ad and runs until :14 second mark.
2. Prop 37’s Costs:
   $1.3 billion per year for farmers and food companies (source: study by university of California at davis economic researchers)
   Shows from :14 until :19 second mark
3. Prop 37’s costs:
   $400 per year increase for a typical family (source: prop 37 economic impact study, july 2012)
   Shows from :19 until :23
4. Ending graphic shows list of newspapers that are against 37
   Begins at :24 and shows until end of ad
Male Narrator:
Ted Sheely
California Family Farmer
Environmental Stewardship Winner
Speaks for entire ad

Farming is very important to our local economy, and prop 37 is bad for farmers. It would create a bunch of costly red tape and food label requirements that don’t exist anywhere else. And then let the trial lawyers sue us just by claiming that the wrong wording was used on a label. Prop 37 is unfair to California family farmers, and would increase food costs for consumers just to make the trial lawyers richer. Please stand with us and vote no on 37.

Text shown during ad:
1. No on 37 (:04 second mark until :13 second mark) (:18 second mark until end)
2. Prop 37 would increase costs to farmers, taxpayers, and consumers (:06 second mark until :13 second mark)
3. Prop 37: Written by trial lawyers to benefit trial lawyers (from :14 to :18)
Male Narrator 1:
Farmers already face a devastating drought, causing higher food prices.
Now, California farmers are threatened by prop 37, a complex bureaucratic food labeling proposition that would increase costs to food producers and consumers by billions of dollars.

Male narrator 2:
Ted Sheely
California family farmer

It’s gonna put the California farmer at a disadvantage with the other 49 states. The people that are least able to pay are gonna be forced to pay more. Please join California farmers in voting no on prop 37.

Text shown during ad:
1. Assorted Newspaper Headlines:
Drought Outlook “Grim News”
Drought takes $5 billion toll
“Drought expected to take toll at checkout” NBCNews.com August 15, 2012
“California agriculture faces challenges as drought continues” NPR 8/8/12
“Drought means wilting crops, higher food prices” Huffington Post, 7/18/12
Shown from beginning of ad until :08 mark
2. Prop 37 (shows from :08 until :16 second mark)
3. Prop 37 would increase food costs by billions/Cost impact study of Prop 37/July 2012
Shows from :09 until :16 second mark
4. No on 37
STOP the deceptive food labeling proposition
Shows from :16 until end of ad
5. Family farmers urge NO on 37
California farm bureau federation
California tomato growers association
California beet growers association
California canning peach association
California women for agriculture
Agricultural council of California
(partial list)
Shows from :27 until end of ad
Male narration
The last thing small business owners like this grocer need, is more bureaucracy and government interference
Prop 37 is a confusing labeling scheme that would tie him up with red tape and cost him and his customers thousands of dollars a year
And 37 would open the door to shakedown lawsuits
The whole thing is a big tangled mess
Vote no on 37

Visual:
Small grocer checking inventory in his shop, red tape begins dangling from ceiling.
Continues to accumulate as he struggles to free himself from it for the duration of the ad
Male Narration
Let’s see if prop 37’s proposed food labeling regulations make sense
This carton of soy milk would have to be labeled genetically engineered but this carton of cow’s milk wouldn’t?
Ok
Frozen pizza labeled but delivered pizza not labeled?
It’s a little confusing
The meat in dog food labeled, but meat for people not labeled?
What?
Food made in America labeled, food imported from foreign countries exempt if they simply claim they’re exempt?
Huh?
Prop 37
It’s deceptive and costly
Look into the facts

Visually:

Text: “Prop 37: Does it make sense?” (:00-05)
Photo of Soy Milk container on left of screen. Underneath text “Labeled ‘genetically engineered’ even if there’s no detectible level.” On right, a picture of a container of cow’s milk. Underneath text “Exempt even when produced with GE products” (:05-10)
Photo of box of pizza on left. Text below “Labeled genetically engineered even if there’s no detectable level.” Photo of box of pizza on right. Text below “Exempt even when produced with GE products.” (:10-15)
Photo of can of dog food on left. Text below “Labeled genetically engineered even if there’s no detectable level.” Package of hamburger on right. Text below “Exempt even when produced with GE products.” (:15-19)
Quick edit at :18 of guy with arms outstretched, look of shocked disbelief on his face
Photo of bag of potato chips on left. Text below “Labeled genetically engineered even if there’s no detectable level.” Photo on right of bottle of foreign products. Text below “Exempt even when produced with GE products.” (:20-26)
Text: “Prop 37 Vote No: Does not make sense! Look into the facts yourself.
www.factson37.com” (:26-30)


Carighttoknow. (2012g, September 12). *Yes on prop 37: Dinner radio ad!* Retrieved from https://www.youtube.com/watch?v=CDvtUAmNBWU


Carighttoknow. (2012k, September 26). *Yes on 37 to label genetically engineered food. We have the right to know*. Retrieved from https://www.youtube.com/watch?v=yZCBlIFWGXk

Carighttoknow. (2012l, September 18). *Yes on 37: We have the right to know*. Retrieved from https://www.youtube.com/watch?v=3SVcs3H_Rw


NoProp37. (2012m, September 17). *They're at it again*. Retrieved from https://www.youtube.com/watch?v=0prG2KdP6uY


