Case 9-1: Online ads for AIDS drugs and the promotion of unsafe sex

Moral Agent: Executive Vice-President, Gerald Brookhaven.

Question: Whether to withdraw, or change, the Xecor ads.

The ads:

As the Executive Vice-President, Gerald Brookhaven, I am concerned about the arguments being made about the online Xecor ads. I do not want to advocate unsafe or unprotected sex. If a message is being sent out that this kind of irresponsibility is, “okay,” then my company needs to do something about the Xecor ads.

I am, however, taking into account the stockholders and my company’s, “bottom line.” Our venture with this new drug, Xecor, has been very lucrative for the company. I feel that this is the case because the drug is effective against the HIV virus. The idea that the drug is successful against HIV, and that people are seeing this as a way out of “using protection” are interrelated. This makes my decision a sticky one, because I want people who are inflicted with HIV to use my drug, but also realize that it is not a license to be sexually promiscuous.

I plan to change the ads, clearly stating that Xecor is not a reason to be irresponsible. The new ads will still give images of young, youthful people, but not depict any sexual or reckless individuals. These healthy young people will state the reason they are strong and healthy is because they are taking Xecor, and they have decided to make responsible, informed decisions about sex and their sexual partners.

Our company is not advocating unsafe sex, and I’d like to make that clear in our ads. I feel that this new change in our advertisement effort will not detour sales. Xecor is an effective drug and its results will be our best bet at selling our product.

The fate of Merrill-Schuster and Moral Reasoning:

There are several major ethical issues in this case. Many young people are affected by the HIV virus and are new to the issue of sex. Some of these young people are not fully educated on the facts about HIV, or sexual intercourse. As a drug company, advocating for the treatment of a sexually transmitted disease, Merrill-Schuster takes on quite a large moral responsibility.

Some people are offended by the company’s online ads, stating that it promotes unsafe sex. The ads need to be altered to squash the public’s insecurities and backlash towards Xecor. If the ads are not changed, I feel Merrill-Schuster will feel a dip in sales and ultimately gain a nasty reputation and image.

If the Xecor drug is really as effective as promised, the drug will sell itself, and the company will be able to afford a change in their online campaign. As stated above, Merrill-Schuster can keep their images of young, healthy people, but needs to clearly state they are not advocating unsafe sex. The young people need to speak about how they are educated and informed about sex and are careful with the decisions they make. This way, Xecor can still be shown as benefiting young people, and keep the negative critics at bay.
Case 9-2: Investigating Child Pornography: Limits of the First Amendment

Moral Agent: The Post’s managing editor, Paul McKeithen.

Question: Whether or not Mark Goldsmith should download the photos from the website, is he protected from a child pornography charge by the first amendment for reporters?

Pros and Cons of Goldsmith’s proposal:

Pros:
1. The emergence of the story would bring the pedophile up on charges and take him out of the schools so he could not expose any more young girls.
2. The Post’s expose would give them great credibility and media coverage.
3. Mark Goldsmith could advance his career and be seen as a much more advanced reporter.

Cons:
1. The reporter, Mark Goldsmith, could be found with possession of the pictures and brought up on criminal charges.
2. The information could be published and Mark Goldsmith could be labeled as a “pedophile” or such.
3. The Post could catch a bad reputation and lose the trust and support of its readers.
4. The young girls’ identities could be made public, making them and their families even more victimized.

The SAD Formula:

The Situation Definition: The facts are that Mark Goldsmith’s daughter, a student at Branson High School, told him about rumors that a local photographer was taking nude pictures of other young, female students at Branson High. The rumors began to be facts, according to school district officials. A local photographer, David Britt was the perpetrator, and had somewhat of a past record of child pornography.

Mark Goldsmith was given the URL web address of the website David Britt was supposedly publishing the pictures on. In order for Goldsmith to have enough evidence to make the accusations public, he must download the child pornography pictures onto his own computer to see if the girls in the pictures are in fact students at Branson High. If he is found with the pictures on his computer he may be brought up on possession charges.

Does the first Amendment protect Goldsmith’s rights as a reporter? Since he is downloading the pictures in order to expose a criminal does that make him protected, or open for criminal charges?

The Analysis: There are several different moral issues that face the moral agent,
The Post's managing editor, Paul McKeithen. He knows that he has an obligation to the media; he must report the pedophile to the public.

McKeithen also has a responsibility to Mark Goldsmith, who has the evidence and leads to publish the information, but is waiting for McKeithen’s, go ahead. In the same regard, McKeithen must make the right decision in regards to Goldsmith. If he gives Goldsmith the go ahead, and Goldsmith is caught and brought up on criminal charges, McKeithen is ultimately responsible.

In the case, Goldsmith states that the identities of the girls will not be given in his piece. If McKeithen allows for Goldsmith to find out who the girls are, they may end up being made public, and therefore their confidentiality may be sacrificed.

**The Decision:** I feel that McKeithen will turn down Goldsmith’s request to download the pictures and expose David Britt. He will realize all the consequences and feel it’s too much of a risk. With the girls being underage, it’s a very sensitive issue to expose their identities. Especially with being a local paper, The Post has responsibilities to protect their citizens.

I predict that McKeithen should go to the local authorities with Goldsmith’s information and leave it to their discretion. In this way, everyone wins because the photographer could be exposed, and Goldsmith and The Post are protected.

Sometimes you must take risks in journalism, but in this case there’s too much at stake. A community and the reputations of young girls are only to name a few. Mark Goldsmith could be brought up on criminal charges, and the name of The Post could be drug through the mud.