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## Brand activism: Case illustrations from progressive to regressive

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### Abstract

In the context of a global pandemic, social inequalities such as health disparities, systemic racism and economic shutdowns are among the challenges of a harsh reality. Given these myriad societal issues, consumers are becoming increasingly distrustful of governments and public service support systems. Consequently, there is a call for the corporate world to take a stand on significant societal issues. Yet, brand activism can be precarious ground. In seeking to address the question of brand activism, this paper presents three cases that demonstrate the range from progressive to regressive brand activism. The Patagonia case shows progressive brand activism with a foundational brand purpose of environmentalism. The National Rifle Association (NRA) case also shows a strong brand purpose of gun rights but demonstrates regressive brand activism. The National Football League (NFL) case demonstrates both progressive and regressive brand activism with a weakened brand purpose of a national football league. Theoretically, the dimensions of brand activism are shown to include social, legal, business, economic, political and environmental dimensions. More practically, brand activism consistently demonstrated in an authentic and transparent manner over time reinforces brand purpose. Values-based organisations demonstrating brand purpose in an active and activist manner will engage increasingly discerning consumers who hold similar values. Consumers supporting progressive brand activism will generate momentum. Conversely, consumers withdrawing support for regressive brand activism will also make an impact. Collectively, brand activism may positively influence society's most urgent challenges and effectively build societal resilience.

**Keywords:** brand activism, brand purpose, case study, social justice, racial justice, environmental justice

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## Introduction

Unexpected and uninvited, the novel coronavirus disease (COVID-19) dramatically arrived in the first quarter of 2020, disrupting global supply chains and requiring businesses to pivot. This unprecedented challenge is contextualised in a divisive social and political climate, where racism, environmentalism and health disparities populate the media headlines. In this context, community resilience was tested, and trust in traditional institutions was eroded.

Prior to the COVID-19 pandemic, the corporate willingness to voice a stand on social and environmental justice issues was evident and building. For example, Blackrock is the world's largest asset manager, with a client list that includes many leaders of the world's largest public organisations. Managing a portfolio of USD10 trillion, Blackrock states their purpose is to support their clients' achieving financial well-being with long-term sustainability. Larry Fink, Blackrock Founder and CEO, writes an annual letter addressed to fellow CEOs. In 2018, Fink's annual letter focused on climate action. Fink (2018) encourages Blackrock clients to ensure their respective organisations positively contribute to society. Fink (2022) focuses on the COVID pandemic. He suggests COVID has turbocharged the business climate and "deepened the erosion of trust in traditional institutions." One of the challenges in this context is organisational messaging (Fink, 2022). Fink suggests organisations are increasingly trusted as a source of information more than the government and media. While this question of media consumption is outside the scope of this paper, organisations have a voice; brands are curated for the purpose of achieving trust in the marketplace and for this reason, a clear brand purpose is essential. Yet, Blackrock's messaging has not been well received, with recent client withdrawals of more than USD1 billion based on the critique of a green or 'woke' investment policy (Brush, 2022; Temple-West, 2022). The question of navigating this space of brand activism therefore becomes a timely and worthy question.

Consumers want brands to take a stand on societal issues but transparency and consistency are crucial (Accenture Strategy, 2018; Sprout Social, 2018; Jungle Scout, 2022; Vredenburg et al., 2020). While some business leaders and brand managers may be cognisant of the need to take a stand on certain issues, such as social justice, communicating that position can be rather precarious. The cost of silence may, however, be greater than the risk of taking a stand (Meyers, 2020; Moorman, 2020; Mukherjee & Althuizen, 2020; Sprout Social, 2018). Recognising the precariousness of navigating contemporary complexities, the question of "how do brands engage in brand activism?" requires attention.

To address this question, the following literature review takes the reader on a journey that begins with the seminal work of Sydney Levy, published in 1959, introducing the emergence of customer orientation. Beyond a customer focus, socially oriented marketing addresses stakeholder needs, and brand activism goes further in taking a position on potentially controversial, contentious and divisive social and political issues. The inherent risk involved in taking a stand, therefore, begs the question of, how? In this paper, three brand cases present variations of progressive and regressive brand activism. Patagonia is presented as an exemplary case of progressive brand activism. The NRA case demonstrates regressive brand activism, and the NFL case shows regressiveness contrasted with a progressive attempt. Pro-social consumers align with a progressive brand purpose and brand values, and therefore a momentum can be generated.

## The evolution of marketing and branding

Marketing has evolved from a production era (1870-1930) and sales era (1930-1950), to a marketing era (from the 1950s onwards) (Keith, 1960; Jones & Richardson, 2007). Beyond the functional focus of the 1950s, in 1959 and quite ahead of his time, Sydney Levy radically suggested irrational consumers make consumption choices by considering symbolism and meaning as much as the functional product (Levy, 1959). Ten years later, Levy co-authored another seminal paper with Philip Kotler, arguing about broadening the concept of marketing to include social services such as public services, community service organisations, higher education institutions and religions (Kotler & Levy, 1969). Opposing schools of thought were highlighted to include marketing as a manipulative tool used for immoral purposes, contrasted with marketing as sensitively serving and satisfying human needs (Kotler & Levy 1969).

A market and customer orientation emerged during the 1960's and 1970's. Then, in the 1980s, the information revolution facilitated regular, personalised and customised communications with customers and other stakeholders. The technology of the day, therefore, enabled marketers and brand managers to build a strong market/customer orientation with meaningful stakeholder relationships at scale. From there, a broader view with cause-related marketing and corporate philanthropy grew in prominence (Ross, Patterson, & Stutts, 1992; Varadarajan & Menon, 1988), as did social marketing (Andreasen, 2002; Kotler & Zaltman, 1971; Lee & Kotler, 2019), and later, corporate social responsibility (Brønn & Vriioni, 2001; Maignan & Ferrell, 2004).

More than a customer focus, socially oriented marketing emphasises corporate responsibility to the broader community and environment, achieved through addressing stakeholder needs to generate community benefit (Kotler & Lee, 2008; Lee & Kotler, 2019). Addressing stakeholder needs necessarily entails a shift away from a transactional approach to a relationship marketing approach, which emerged in the 1990s. Relationship marketing entails a longer-term engagement strategy through nurturing a deeper understanding of customer/stakeholder needs over time (Grönroos, 1995, 1991).

In conjunction with the evolution of marketing, the evolution of branding was also developing. While marketing has evolved from a production to a customer and relationship orientation, branding connects production and consumption and fundamentally transforms how we manage an organisation's identity (Kornberger, 2010). Stakeholders, such as consumers and employees, want to be associated with brands whose values they identify with (Black & Veloutsou, 2017; Eyada, 2020; Key et al., 2021; Voyer, Kastanakis, & Rhode, 2017). Brands with a purpose, therefore, appeal to pro-social consumers, who connect, consume and recommend brands working towards a brighter future and better world (Hsu, 2017). Examples of pro-social brands include Procter & Gamble's Always brand, Unilever's Sustainable Living Plan, Chipotle's 'Food with Integrity' campaign, and GoldieBlox's encouragement of girls in Science, Technology, Engineering and Maths (STEM) (Hsu, 2017). Similarly, a comparative case analysis of 18 activist brands is presented by Sibai, Mimoun and Boukis (2021) to identify how brands negotiate the boundaries of free speech underlying controversial brand activism. The cases selected by Sibai et al. (2021) include Barbie, Benetton, Ben & Jerry's, Bicoop, Breitbart, Crossfit, Diesel, FCUK, Gate Foundation, Greenpeace, Iceland, Lush, Nike, Oatly, Renova, Russell Brand, Salesforce and Starbucks.

From their comparative case analysis, Sibai et al. (2021) suggest that controversial brand activism can be authenticated with displays of moral competency. Stakeholders assess and judge activist positions based on demonstrated morality and competency.

Based on the same principle of consumers' aligning with brand purpose, inversely, consumers switch, ditch and/or avoid brands with values that are contrary to their individual values (Lee, Motion, & Conroy, 2009; Charmley, Garry, & Ballantine, 2013; Sandıkçı & Ekici, 2009). While some consumers might avoid a certain brand following previously unmet expectations and/or a negative experience (Zarantonello et al., 2018, 2016), other consumers avoid brands that are symbolically incongruent with their identity and still, others choose to avoid brands given the brand's negative impact on society (Lee et al., 2009). Morality-based brand avoidance relates to an ideological incompatibility between consumer beliefs and corporate actions (Knittel, Beurer, & Berndt, 2016; Romani et al., 2015).

Consumers are increasingly discerning and sophisticated, and given this context, the importance of brand strategy within marketing activities has grown. The past 25 years have seen branding become increasingly strategic, globalised, interdisciplinary (Veloutsou & Guzmán, 2017) and political (McEnally & de Chernatony, 1999; Eyada, 2020). In building and sustaining brands, brand purpose and brand values are key elements (de Chernatony, 2006, 1999). Cause-related marketing, social marketing and corporate social responsibility approaches promote generally accepted, apolitical social issues (Chernev & Blair, 2015; Luo & Bhattacharya, 2009). Unlike cause-related marketing, social marketing and corporate social responsibility, brand activism entails the organisation taking a position on more controversial, contentious and divisive social and political issues, which therefore involves a degree of risk (Kotler & Sarkar, 2017; Mukherjee & Althuizen, 2020). In line with Kotler and Levy's (1969) original vision for modern marketing, however, brand activism aligns with sensitively and authentically serving human and community needs.

Brand activism is considered a continuum extending from progressive to regressive activism (Kotler & Sarkar, 2017). Table 1 summarises the suggested dimensions of brand activism: social, legal, business, economic, political and environmental activism.

Table 1- The dimensions of brand activism

Social activism	Includes equality, societal, and community issues such as education
Legal activism	Includes laws and policies that impact organisations, such as tax, workplace, and employment regulations
Business activism	Includes governance issues such as corporate organisation, CEO pay, worker compensation, labor and union relations
Economic activism	Includes minimum wage and tax policies that impact income inequality and redistribution of wealth
Political activism	Covers lobbying, voting, and voting rights
Environmental activism	Includes conservation, environmental practices, land-use, and pollution policies

Source: adapted from Kotler & Sarkar (2017)

Brand activism creates an emotional connection beyond product quality and price (Eyada, 2020). Progressive brand activism translates brand purpose into action, where justice becomes the marketing strategy and collective brand action positively influences society's most urgent challenges (Sarkar, 2020). In contrast, regressive brand activism denigrates the common good (Kotler & Sarkar, 2018). Big tobacco denying the addictiveness of nicotine regardless of research findings (see, for example, Hurt & Robertson, 1998) is suggested to demonstrate regressive activism (Kotler & Sarkar, 2017). At the other extreme, Ben and Jerry's Icecream is founded on social justice and emphasise that its social mission is equal to its product quality and economic mission. Amidst much controversy, however, Ben & Jerry's was acquired by Unilever in 2000 (Martinson, 2000). Despite fears that a corporate takeover would derail the brand's social justice orientation and much to Unilever's credit, the Ben & Jerry's brand remains an exemplary case for social activism (Bourgeois, Mariani, & Yu, 2017; Heneghan, 2015; Sibai et al., 2021).

In considering the question of brand activism, this paper presents three cases. The Patagonia case details exemplar progressive brand activism and a foundational brand purpose. The NRA case also presents a strong brand purpose but with regressive brand activism. The NFL case demonstrates both progressive and regressive brand activism with a weakened brand purpose. The lessons learned from these cases include a depth of insight into how brands can effectively take a stand on contemporary issues.

## Methods

The research addresses complex phenomena, and case-study methodology is one tool that can be used to describe these phenomena and provide insight to decision-makers. When multiple cases are interrogated with a common investigative focus, the findings inform evidence-based strategy (Yin, 2012, 2009). As an empirical tool of inquiry, case studies enable contextualised insight (Yin 2009). In this work, case study methodology is used to present evidence of brand activism within particular organisational contexts. More specifically, the research question is, "how do brands engage in brand activism?" In addressing this question, three cases are presented that provide a descriptive account of various renditions of brand activism. The outcome of presenting these three case illustrations of brand activism is the depiction of the range of brand activism from progressive to regressive.

Specific cases to include in this paper were selected from a bank of potential cases, including those mentioned in this paper. The unit of analysis is the brand and selection criteria included availability and access to information as well as the depth of brand activism evidence. The Patagonia and NRA cases enable an illustration of the progressive/regressive extremities and the NFL case demonstrates a variation in between.

In writing and analysing these three specific cases, relevant stakeholder voices have been included and opposing views have been integrated to avoid bias. Drawing from multiple sources of information, such as media and industry reports, establishes contextual meaning and shows application in context. This multi-perspective integration across multiple cases adds to the validity of the evidence-based findings.

## Patagonia: Founded on environmentalism

Patagonia's mission statement reads, "*We are in business to save our home planet*", and reflects Patagonia's core value of environmentalism. Demonstrating the depth of this commitment, in September 2022, Patagonia's founder, Yvon Chouinard, announced he was giving away his company. In making this announcement, Chouinard stated that "Earth is now our only shareholder." Instead of going public, the decision was to focus on purpose. Rather than extracting value from nature to generate wealth, Patagonia's wealth will now be used to protect nature. By transferring company voting stock to Patagonia Purpose Trust and non-voting stock to the non-profit Holdfast Collective, Patagonia created a mechanism to address the environmental crisis and defend nature.

Chouinard began rock climbing in 1953 as a 14-year-old member of the Southern California Falconry Club. Being able to scramble up and down sheer cliff faces is a necessary skill to reach the falcon aeries. Chouinard and his rock-climbing friends used single-use soft iron pitons to climb, placed once and left in the rock. Chouinard considered single-use iron pitons as unacceptable and in 1957, he designed chrome-molybdenum steel pitons, enabling a multiple-use advantage. By 1970, Chouinard Equipment was the largest supplier of US climbing hardware. Rock climbing continued to grow in popularity, and demand for the steel pitons exceeded supply. Consequently, an increasing number of steel pitons were damaging the rock face multiple times over. With continued emphasis on environmentalism, aluminium chocks were introduced in 1972. Again, demand well-exceeded supply.

From there, the Chouinard Equipment product line diversified into clothes for climbers, including polyurethane coats, gloves and hats. The brand name for that clothing line was, and still is, Patagonia. Patagonia, as a brand reference, conjures images of faraway places, not quite on the map, imbued with romantic visions of glaciers, fjords and windswept peaks. Development of the Patagonia product line continued with the integration of polypropylene in 1980, then Capilene polyester and Synchronia fleece in 1985. In 1988, Patagonia launched their first national environmental campaign, and they now produce annual educational campaigns focused on various environmental issues, such as the preservation of wildlife and wetlands. Most recently, Patagonia released Newtok, which tells the story of an Alaskan community losing ground to climate change and their resolve to rectify the situation.

In 1996 Patagonia switched their cotton sportswear line to organic cotton. Recent efforts to encourage sustainable consumption include Patagonia's [Worn Wear](#) campaign, which emphasises reusing, repairing and recycling clothing. Currently, 69% of Patagonia's clothing is made from recycled materials. Patagonia has also taken a leading role in the B Corp movement. The B Corp movement is a global collective focused on broadening the corporate perspective to include stakeholders, the broader community and the environment.

On the political front, voting is voluntary in the US and beginning in 2018, Patagonia gives their employees paid time off to vote to encourage voter turnout (Siegel, 2018). Going further, Patagonia persuaded more than 400 other organisations, including Walmart, Tyson Foods and Lyft, to do the same (Blakely, 2018). Since then, more than 700 organisations have followed Patagonia's lead and joined the "*Time to Vote*" movement to give workers time off on Election Day during the US Presidential election (Stone, 2020). Another more explicit demonstration of political activism by Patagonia is the message stitched into their clothing tags that reads,

"VOTE THE ASSHOLES OUT" as Tweeted by Outlander Magazine in 2020 and depicted in Figure 1.



Figure 1- Tweet by Outlander Magazine demonstrates Patagonia political activism stitched into their clothing tags

Coinciding with the COVID-19 global pandemic, the Black Lives Matter movement reverberated around the world and Patagonia was amongst a collective of brands taking a stand on social and racial justice (Snews, 2020). In direct response to the (May 25, 2020) death of George Floyd and in line with global anti-racism protests, Patagonia put out a press release on May 31, 2020, as featured in Figure 2. This press release again reinforces Patagonia's commitment to environmentalism and social justice.

As shown in Figure 2, Patagonia recognises the urgent need for social, racial and environmental justice and commits to further activism stating, "*We have work to do.*" Patagonia also highlights their contribution over the years to social and environmentalism activism and they also announce a USD100,000 donation to the National Association for the Advancement of Colored People (NAACP) Legal Defense Fund. This press release also reinforces Patagonia's ongoing intention to support basic civil rights.

Beyond brand policy or a corporate social responsibility strategy therefore, Patagonia positions on activism and has consistently demonstrated this purpose and position over time, for the benefit of stakeholders, society and the environment. For this reason, Patagonia is considered the gold standard in brand activism (Blakely, 2018).

We join with those who call out the name of George Floyd in sorrow and anger against the systemic racism that pervades our land. We stand in solidarity with African Americans and people of color, including those among our colleagues and their families. And we call on business to work with government and civil society to address racism. We know that we have work to do.

Environmentalism and social justice are inextricably linked and we all must address the intersection of people and planet and the core inequalities in our society. Patagonia remains deeply committed to saving our planet and a world where everyone has access to clean air, water, land, and a healthy community. Since 2016, we have dedicated over \$4M to increasing support and attention to grassroots groups in frontline communities who are often hardest hit not only by racial injustice, but also the climate crisis, environmental pollution, and now the COVID-19 pandemic. Today, we are making a \$100,000 donation to the NAACP Legal Defense Fund. Tomorrow, and in the weeks to follow, we will intensify our efforts to ensure that voting, the most basic civil right we have, is safe for everyone.

Through our Action Works platform, we also encourage our community to learn more about the environmental justice and voter-turnout groups Patagonia supports. And we will continue engaging with our partners and grantees in communities of color to learn how we can best support them. We are committing to not only being more aware of racism and social injustice all around us but actively doing something about it.

Nonviolent activism pushes progress. We have work to do.

Figure 2- Patagonia's press release, May 31, 2020

## NRA: Gun rights and the Second Amendment

Gun ownership was integral to the life and survival of American pioneers, and guns have come to be embraced as symbols of freedom and independence within American culture (McLean, 2015). Yet, in the 1860s, poor marksmanship was evident among civil war recruits, so the National Rifle Association (NRA) was founded in 1871 (Elving, 2017). In 1934, the NRA formed the Legislative Affairs Division, arguing the need to protect the Second Amendment rights of the American Constitution. Legislative information was distributed to members via the NRA's glossy magazine, *The American Rifleman*. In 1975, further steps to protect the Second Amendment included the NRA forming the Institute for Legislative Action (ILA). Throughout the years, the NRA has influenced political opinion regarding the meaning of the Second Amendment and the need for guns in society (Lopez, 2018; McLean, 2015).

The Second Amendment of the Bill of Rights was ratified in 1791 and comprised just 27 words that read, "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed" (Cornell Law School, nd; Tucker, 2019). The debate surrounding the Second Amendment extends from one view that considers an individual's constitutional right for US citizens to keep and bear Arms to the opposing view that considers a well-regulated Militia intended to restrict Congress from eliminating a state's right to self-defence (Cornell Law School, nd).

From 1920-1960, the NRA advocated for gun safety and education (Tucker, 2019; Waldman, 2014). Up until the 1990s, the US Supreme Court and lower courts consistently ruled that Second Amendment rights are reserved to states and respective Militias such as the National Guard (Bogus, 2000). Since the 1970s, however, the NRA has heavily emphasised an individual's right to "keep and bear Arms" (Epstein & Konig, 2019; Tucker, 2019). Within 20 years, the NRA successfully used a fear-based appeal to significantly impact public discourse in their favour (Surowiecki, 2015; Waldman, 2014). In this way, the NRA transcended from the non-political brand purpose of marksmanship to hard-edged political activism (Elving, 2017).

With an annual lobbying budget of USD 3 million (Surowiecki, 2015) and more than 5 million members (Beer, 2017; Elving, 2017; Rushe, 2018), the NRA aggressively promotes the view that gun rights are under threat. As well as paid advertising, the NRA lobbies the government, and they push the election of certain

political candidates. An investment of USD53.4 million in the 2016 US presidential election supported 44 winning pro-gun candidates and opposed 19 candidates who lost (Rushe, 2018). Part of what the NRA does in this regard, is rate political candidates with a letter grade, where the distinction between an A grade or an A+ grade can determine whether a political candidate is elected to office, or not (Elving, 2017). Budget size, however, is not the defining factor in how the NRA effectively shapes public discourse on gun rights. Beyond the budget, the NRA's membership (Elving, 2017; Rushe, 2018) is politically active and engaged; they show up to vote, they write and call their senators, and they are invested in the issue of gun rights (Rushe, 2018; Surowiecki, 2015). While most Americans (57%) agree that gun laws should be stricter (Schaeffer, 2021) and most Americans support gun control policies (Kertscher, 2017; Quinnipiac University, 2017), this powerful political influence has propelled the NRA to be "the *de facto* arbiter of firearms laws in society" (Elving, 2017).

Three in ten American adults own a gun, with gun ownership highest amongst less educated white males living in rural areas (Igielnik & Brown, 2017; Parker et al., 2017). The rationale for gun ownership is reportedly related to protection (Schaeffer, 2021), yet only 19% of gun owners hold membership with the NRA (Igielnik & Brown, 2017; Parker et al., 2017). Regardless, the momentum generated by the voice and power of NRA membership compounds the impact achieved with NRA advertising, and the result is a patriotic connection between gun ownership and American cultural values of freedom and independence (Surowiecki, 2015).

Research consistently shows that a higher number of guns in the community translates to a higher level of crime and gun violence (Hepburn & Hemenway, 2004; Monuteaux et al., 2015; Moore & Bergner, 2016). With gun ownership much higher in the US than in other countries, mass shootings occur daily in the US (Johnson et al. 2021; Lopez, 2019). In 2012, a gunman killed 20 children, six adults, and himself in Sandy Hook, Connecticut; in 2016, 50 people were killed at the Pulse nightclub in Orlando, Florida; in 2017, a gunman shot 59 people attending a music festival on the Las Vegas strip; in 2018, 20 students and six teachers lost their lives at the Marjory Stoneman Douglas High School in Parklands, Florida; in 2019, 24 Walmart shoppers were killed in El Paso, Texas (Lopez & Sukumar, 2020). In 2022, 19 schoolchildren (all less than 10 years) and two teachers were gunned down at the Robb Elementary School in Uvalde, Texas (Findell et al., 2022). Sadly, this list continues to grow.

Following the devastating and deadly attack that happened at Sandy Hook in 2012, the NRA's CEO Wayne La Pierre sent a series of emails to the NRA membership warning that the event would be used to ban guns and "destroy the Second Amendment" (Surowiecki, 2015). After the 2017 Las Vegas shooting, the NRA temporarily silenced a scheduled political campaign in Virginia intended to sway votes in the state governor's election (Beer, 2017). After both Sandy Hook and Las Vegas, La Pierre held press conferences blaming Hollywood for promoting murder and violence (Beer, 2017; Surowiecki, 2015). In fact, as early as 1995, LaPierre was warning the NRA membership that an assault weapons ban was on the way and would give government the power to take away the constitutional right of Americans to own a gun, or the government may destroy property and injure or kill American citizens (Cohen, 2020). The Uvalde shooting once again inflamed the gun control debate (Poliquin, 2022). Yet just 72 hours after and 250 miles (402 Kms) east of the Uvalde Texas shooting, the NRA held their annual convention in Houston Texas (Despart & Kriel, 2022).

The US holds 46% of the world's civilian-owned guns and ranks highest internationally for firearms per capita, with an estimated 393.35 million firearms in civilian possession and 392.28 million unregistered firearms (Small Arms Survey, 2020). Between January 2019 and April 2021, gun ownership in the US surged with

7.5 million Americans (3% of the population) are becoming new gun owners (Miller, Zhang, & Azreal 2022).

In 2020, the US Centers for Disease Control and Prevention (CDC) reported a total of 45,222 people died from gun-related injuries (Gramlich, 2022). The NRA perspective is that gun access is not the problem, but a broader societal breakdown is the problem. More specifically, the NRA suggests gun control laws are not part of the solution but rather a harder stance on crime control (NRA-ILA, 2022).

## The NFL, Colin Kaepernick, and Nike

Professional football in America is a billion-dollar business. Founded in 1920 with 11 teams, the National Football League (NFL) comprises 32 professional football teams, each with an estimated average value of USD 3.48 billion (Statistica, 2022). The average NFL player salary is USD 2.7 million, with quarterbacks earning the highest salary average of USD7 million (Edmonds, 2022). Each NFL team operates as an independently owned franchise, with the top two teams valued at USD8 billion (*Dallas Cowboys*) and USD6.4 billion (*New England Patriots*) (Statistica, 2022). Jerry Jones owns and operates the Dallas Cowboys and Robert Kraft owns and operates the New England Patriots. Like Jones and Kraft, most NFL team owners are white, except for the *Jacksonville Jaguars'* owner Shahid Khan who is Pakistani-American and the *Buffalo Bills'* owner Kim Pegula who is Asian-American (Garcia, 2018; Henson, 2020). With no black owners of NFL teams (Goodling, 2022), this lack of diversity in NFL team ownership is the subject of a recent class-action lawsuit filed by former Miami Dolphins coach Brian Flores, which alleges racial discrimination (Goodling, 2022; Ozanian, 2022). In contrast to the racial constitution of NFL team owners, however, approximately 70% of the NFL player population is Black (Coaston, 2018; Goodling, 2022; Henson, 2020; Ozanian, 2022). Yet, while the power in the NFL is held by the wealthy and predominantly white team owners, there would be no NFL without the support of the players and fans. The reckoning of player power within the NFL begins with the story and actions of Colin Kaepernick.

Colin Kaepernick played quarterback for the San Francisco 49ers, beginning late 2012 through 2016 (Guerrero, 2020). As a star player for the 49ers, Kaepernick rushed for 181 yards and threw for 302 yards in 2013, then in 2014, signed a USD114 million, 6-year contract (Guerrero, 2020). But, in 2016, Kaepernick began to be noticed for more than his playing prowess. Without any announcement, at a Green Bay Packers pre-season game, Kaepernick was seen to be seated rather than standing while the national anthem played (ESPN, 2016; Hauser, 2016). In a post-game media interview, Kaepernick is quoted as stating, *"I am not going to stand up to show pride in a flag for a country that oppresses black people and people of color"* (Coaston, 2018; Popken & Atkinson, 2018; Wyche, 2016).

Following this initial protest and statement, Kaepernick had a conversation with Nate Boyer. Nate Boyer is a long-time 49ers fan, former Seattle Seahawks player, US army veteran and Green Beret. Boyer explains his position in an open letter to Kaepernick (Wagoner, 2016) and suggests that while he was initially angry with Kaepernick protesting by sitting during the national anthem, he goes on to express his respect and support for Kaepernick's right to protest and the courage required to take such action. From that discussion, Kaepernick decided to kneel during the national anthem rather than sit (Brinson, 2016; Wagoner, 2016).

Protesters suggested kneeling to be an *"act of humility"* whereas critics argued the chosen venue and platform as

inappropriate (Coaston, 2018; Gregory, 2016). Whereas many others, including (then current and now former President) Trump, perceive kneeling during the American anthem as disrespectful (Beaton & Futterman, 2017; Coaston, 2018; McCann, 2017). With reference to Kaepernick, Trump publicly announced, *"Get that son of a bitch off the field"* and explicitly requested NFL leaders to fire players who kneeled in protest as well as encouraging spectators to leave the stadium as a counter-protest (Graham, 2017; McCann, 2017).

Public reaction to Kaepernick's protest was strong and generated a fiery national debate about American pride and patriotism (Gregory, 2016) as well as race, inequality, police brutality and the Black Lives Matter movement (Coaston, 2018). The situation brought a level of public hostility not previously experienced by the NFL (Belson & Leibovich, 2018). Regardless, support for Kaepernick grew from other NFL players, such as Eric Reid, as well as elite athletes from other sports (Beacham, 2016), such as US women's soccer star Megan Rapinoe (Coaston, 2018; Wagoner, 2016). Support became widespread, and athletes throughout NFL stadiums and other sporting arenas chose to kneel during the national anthem as a silent protest (Coaston, 2018; Gregory, 2016; Murphy, 2016).

In response to this national action and debate, *Time Magazine* featured Kaepernick on the October 3, 2016, cover with the headline, *"The perilous fight."* Also, in October 2016, Kaepernick renegotiated his contract with the 49ers to include a clause to opt out in 2017. Despite posting his best statistical performance in 2016 and receiving the Len Eshmont Award for inspirational and courageous play, Kaepernick enacted his opt-out clause to become a free agent (Wagoner, 2017). Two seasons later, however, Kaepernick and Reid alleged being blacklisted by the NFL because of their protests during the national anthem and consequently filed a collusion grievance against the NFL in October 2017 (Belson, 2019; Chavez, 2017; Wilner, 2019). During the arbitration, the NFL's request for summary judgment was denied, enabling the grievance to proceed to trial (McCann, 2018).

Happening concurrently in October 2017, a group of NFL owners, players and executives met to confidentially discuss the protests being conducted while the national anthem was played at NFL games. Kaepernick was a focal point in this confidential discussion that was later leaked to the *New York Times* and reported by Benson and Leibovich (2018). Several players present at this meeting voiced their frustrations about Kaepernick's exclusion from the NFL, claiming his exclusion as a reflection of owners' opposition to Kaepernick's protests of social injustice. In this same meeting, NFL owners divulged their fears of further aggravating (then President) Trump. Following the publication of Benson and Leibovich's (2018) scoop, one month later, the NFL announced a policy revision to their national anthem protocol, inviting players to stay in the locker room while the anthem is played during the pre-game ceremony or requiring players to stand in respect for the American flag and anthem, with penalties imposed for those who choose to kneel (Belson, 2018; Futterman & Mather, 2018).

Facing depositions, in March 2019, the NFL settled the Kaepernick and Reid grievance claim out of court for less than USD10 million with a confidentiality agreement preventing further comment (Belson, 2020, 2019; Lockhart, 2019; Shapiro, 2019; Wilner, 2019). In late 2019, Nike released the *Nike x Colin Kaepernick Air Force 1 Low*; a shoe featuring an embroidered illustration of Kaepernick on the heel panel and "7" (Kaepernick's former jersey number) on a hashtag. This shoe sold out in one day (Bain, 2019; Setty, 2019). While Nike had taken a calculated risk of knowingly losing some business, they engaged in this collaboration with confidence that their core young, racially and ethnically diverse customer base was likely to support Kaepernick's protest (Bain, 2019).

Then, the 2020 anti-racism protests that began in the US in response to the tragic death of George Floyd on May 25, symbolically juxtaposed Kaepernick's silent protest with the violent imagery of George Floyd not being able to breathe under the knee of a white Minneapolis police officer (see, for example, Armour, 2020; Ong, 2020). The violent imagery of the police officer kneeling on Floyd's neck starkly contrasted with Kaepernick kneeling in silent protest against police brutality (Armour, 2020; Ong, 2020).

Beginning in Minneapolis, the anti-racism protests spread to hundreds of cities across the US, and then reverberated around the world (Haddad, 2020). In support of the protests and in rapid response mode, on May 29 Nike intentionally contradicted their usual tagline with a clever twist and simple advertisement titled, "*For once, Don't Do It*" (Ong, 2020). Without mentioning police brutality or the oppression of African Americans, the Nike ad includes the statement, "*Don't pretend there's not a problem in America. Don't turn your back on racism. ...Let's all be part of the change.*"

Also attempting to demonstrate a timely, compassionate, and empathic response, on May 30, 2020, the NFL tweeted a statement recognising protesters' "*pain, anger, and frustration*" and asserted their commitment to "*address these systemic issues together with our players, clubs, and partners.*" That tweet is tagged with #InspireChange. Contradicting the NFL's anti-protest stance to Kaepernick and other players taking a knee, the full statement is featured as Figure 5.

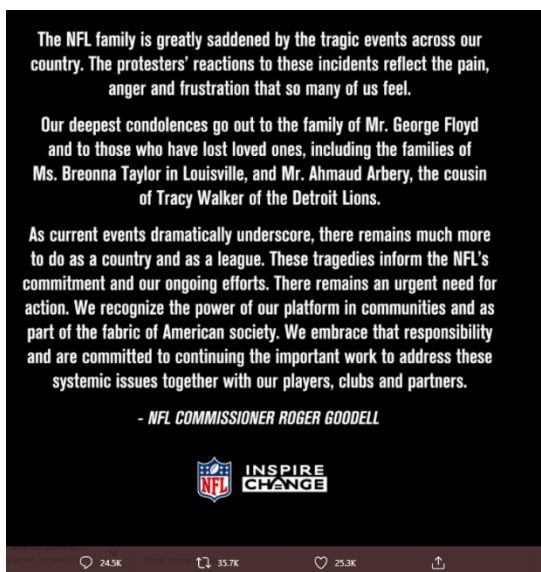


Figure 3- NFL Tweet May 30, 2020

In response to the May 30, 2020 NFL tweet featured as Figure 5, on June 4, 2020, more than a dozen star NFL players made a [powerful public request](#) for the NFL to listen to the players and condemn racism and the oppression of black people (Cancian, 2020; ESPN, 2020). Succinctly, in one minute and 11 seconds, the players highlighted the brutal murder of George Floyd, listing the names of individuals who also violently lost their lives in police custody and strongly asserted that Black Lives Matter. Most importantly, the players included a positioning statement demonstrating their power in the NFL, announcing "*We, the players ...the National Football League ...call on the NFL to admit wrong in silencing players to peacefully protest.*"

The next day, June 5, 2020, NFL Commissioner Roger Goodell made a public statement and posted that statement to Twitter (Seifert, 2020a, 2020b). As requested by the players, Goodell explicitly admits the NFL was wrong for not listening to players about police brutality and systemic racism. Goodell takes his cue from the players' request and states, "*We, the National Football League, condemn racism and the systemic oppression of black people. We, the National Football League, admit we were wrong for not listening to the NFL players to speak out and peacefully protest. We, the National Football League, believe Black Lives Matter.*" The statement by Goodell goes on to recognise that "...without black players; there would be no National Football League." And he adds, "...the protests around the country are emblematic of the centuries of silence, inequality, and oppression of black players, coaches, fans, and staff." He also promises to contact players in order to improve going forward. Again, the post is tagged #InspireChange.

When players raised this issue of racism and racial injustice in the context of the Black Lives Matter movement, the NFL was forced to take action and admit their mishandling of the situation. Goodell promises that the NFL will implement social justice initiatives considered important by Black players and fans (Assimakopoulos, 2020; Bernstein, 2020; Hollingsworth, 2020). While traditionally, the football stadium might have been considered grounds safe and devoid from politics, that was no longer the case in 2020.

As the 2020 football season kicked off on September 10, 2020, the Black national anthem played at pre-game ceremonies, messages such as "*It takes all of us*" and "*End racism*" were stencilled on the end zones of every league field, and [Keedron Bryant sang "I just wanna live"](#) (Bernstein, 2020). Players also honoured the victims of police brutality by wearing their names on the back of the players' helmets. At this first game of the season, the Super Bowl champions Kansas City Chiefs played the Houston Texans. The Houston Texans decided to stay in the locker room while the anthem played and when they emerged from the locker room, fans of the Kansas City Chiefs booed (Hollingsworth, 2020; Teicher, 2020). The booing continued during a moment of silence when the players from each team walked to mid-field, shook hands and interlocked arms forming a chain of players stretching from one end zone to the other. Capturing the moment, including the booing, the [NFL tweeted a 23 second clip](#) captioned by, "*A moment of silence dedicated to the ongoing fight for equality in our country*" and using the hashtag #ItTakesAllOfUs. This clip has more than 9.3 million views at the time of writing.

## Discussion

The evolution of marketing and brand strategy continues to emphasise a strong market and customer orientation. More than customer orientation, however, a stakeholder approach has emerged where corporate social responsibility includes consideration of the broader community and the environment. Astute marketers and brand managers are therefore, increasingly focused on building meaningful and mutually beneficial stakeholder relationships.

Stakeholders such as consumers and employees, want to associate with organisations and brands with values that align with their own values (Black & Veloutsou, 2017; Eyada, 2020; Key et al., 2021; Voyer et al., 2017). Brands with a purpose, appeal to pro-social consumers who connect, consume and recommend brands working towards a brighter future and better world (Hsu, 2017; Sibai et al. 2021). Traditionally however, cause-related marketing, social marketing and corporate social responsibility approaches promote generally accepted, non-divisive social issues (Chernev & Blair, 2015; Luo & Bhattacharya, 2009). In contrast, brand activism is about brands taking a social, ethical or political stand on often controversial societal issues (Kotler & Sarkar, 2017; Mukherjee & Althuizen, 2020). Brand activism therefore aligns with Kotler and

Levy's (1969) original vision for modern marketing as sensitively and authentically serving human and community needs.

Recognising brand activism as comprising social, legal, business, economic, political and environmental dimensions, Kotler and Sarkar (2017) propose a continuum ranging between progressive activism and regressive activism. In seeking to address the question of brand activism, the three cases presented provide evidence of Kotler and Sarkar's (2017) range from progressive to regressive brand activism. The Patagonia case details progressive brand activism with a strong brand purpose, while the NRA case also demonstrates a strong brand purpose but is teamed with regressive brand activism, whereas the NFL case shows both progressive and regressive brand activism and hence, a weakened brand purpose.

As an exemplary case of progressive activism, Patagonia has built their brand on the purpose of environmentalism. Patagonia's environmental activism is baked into its mission and foundational core values. More than environmental activism, however, Patagonia also demonstrates strong social and political activism. Social activism is evident with Patagonia's May 31, 2020 press release articulating their position on social justice and systemic racism and their commitment to continue the "work" on this front.

On the political dimension of brand activism, Patagonia made operational decisions designed to facilitate increased voter turnout (Siegel, 2018), going further to convince other organisations to do the same (Blakely, 2018; McGregor, 2020), and further generating momentum with the "Time to Vote" movement (Stone, 2020). Political activism is also evident with Patagonia's support for basic civil rights and financial contributions to the NAACP Legal Defense Fund. Other political activism efforts include encouraging the vote with an explicit message stitched into their clothing tags. These myriad actions over time favourably contribute to the common good and present extensive evidence of progressive brand activism that consistently reinforces the strength of Patagonia's environmental brand purpose.

While the Patagonia case evidence demonstrates progressive brand activism with a strong brand purpose, the NRA case evidence also demonstrates a strong brand purpose but with regressive brand activism. An abundance of political activism shows the NRA actively influences political opinion with regard to gun rights. At the community level, the NRA has cultivated a five-million-strong membership who believe the Second Amendment is about an individual's right to bear Arms. The voice and power of the NRA membership are compounded by the NRA's advertising investment, resulting in the patriotic connection between gun ownership and American values of freedom and independence (Surowiecki, 2015). At the government level, the NRA invests their multi-million-dollar promotional budget to actively lobby for pro-gun political candidates.

This powerful political influence positions the NRA as "the *de facto* arbiter of firearms laws" (Elving, 2017). More guns in society, however, means more gun violence (Hepburn & Hemenway, 2004; Monuteaux et al., 2015; Moore & Bergner, 2016). In the US, this situation tragically translates to daily mass shootings (Lopez, 2019) and results in an extreme number of deaths related to gun violence far above any other developed country (Lopez & Sukumar, 2020). This evidence of the NRA's regressive brand activism includes political activism, as well as social, business and legal activism. At the societal level for example, rather than taking a corporate social responsibility approach and promoting responsible gun ownership or increased gun control to reduce gun violence, the NRA warns of the government's intention to "destroy the Second Amendment" (Surowiecki, 2015), destroy property and injure or kill American citizens (Cohen, 2020). Effectively, this demonstration of regressive social activism negatively impacts the community and reinforces the NRA pro-gun brand purpose.

Unlike both Patagonia and the NRA case, the NFL case demonstrates both progressive and regressive brand activism and, consequently, a weakened brand purpose. As a franchised system of predominately white, wealthy team owners, the NFL serves a majority black player base. Historically, the power of the NFL is found in team ownership rather than the players. That story is beginning to change, however, with the players increasingly finding their voice and the NFL decidedly reversing their long-held position on anti-racism protests. When Colin Kaepernick initially took a knee in 2016 to silently protest black deaths in custody, the NFL response was one of opposition rather than support for their players.

This lack of support is evident to the extent that a collusion grievance was settled out of court. Regressively, NFL legal activism saw the NFL challenging the players' grievance and settling for a nominal fee and a non-disclosure agreement. In contrast to the NFL's actions and regardless of consumer backlash, Nike boldly featured Kaepernick in their 2018 global ad campaign, demonstrating progressive social brand activism. Then in 2020, the symbolism of Kaepernick's non-violent protest juxtaposed with a white Minneapolis police officer kneeling on the neck of George Floyd was undeniably powerful. Following the widespread anti-racism protests, nationally and internationally, Nike responded in a timely manner with a strong message of racial justice and the need for change. Many other brands also responded with similar brand messaging, including the NFL.

Yet, such a progressive message from the NFL denouncing systemic racism was in direct contrast to their previous position on players' choosing to kneel in silent protest of Black oppression. While, in isolation, the May 30 tweet from the NFL might be deemed as progressive social brand activism, this published statement (see Figure 5) was a contradiction to their previous position on the issue and therefore was lacking substance. The players responded to this NFL flip by publicly calling on the NFL leadership to "admit wrong in silencing players to peacefully protest." Maybe surprisingly, the NFL did admit wrong, explicitly and publicly, promising a series of corrective initiatives in support of social and racial justice. Again, while this messaging and these initiatives might be considered progressive social brand activism, there is much ground to make up. Given the damage inflicted by way of regressive brand activism over an extended period, corrective actions may also require consistent effort over an extended period. The NFL flip from regressive to progressive social brand activism does, however, weaken the brand purpose as a national football league.

## Practical implications

In the face of coinciding crises of Covid-19, systemic racism and climate change, brands have rushed to communicate with customers their intentions and positions. At a fundamental level, effective brand activism is about consistently communicating meaningful messages that reinforce a particular positioning and purpose. Brand activism consistently demonstrated in an authentic and transparent manner over time reinforces brand purpose. Inauthentic attempts at brand activism potentially damage or weaken brand purpose.

Voicing support for community health and equality, when misaligned to brand purpose and/or historical actions, is a shallow and meaningless statement. Random, inconsistent, and inauthentic marketing and brand messaging may denigrate the strength of a brand's purpose and positioning. While businesses and brands may attempt to use a platform of social justice or environmental justice with the intention of demonstrating brand activism, when that attempt is inauthentic, the result may be a corporate crisis that generates a negative impact.



Values-based organisations demonstrating brand purpose in an active and activist manner will engage increasingly discerning consumers who hold similar values. Consumers will align with demonstrated brand purpose and values. Consumers supporting progressive brand activism will generate momentum. Consumers withdrawing support for regressive brand activism will also make an impact. Collectively, brand activism may positively influence society's most urgent and wicked challenges to effectively build societal resilience.

## **Conclusion**

This paper presents three cases that demonstrate a range between progressive brand activism and regressive brand activism, with some variation in between. The Patagonia case shows progressive brand activism with a foundational brand purpose of environmentalism. The NRA case also shows a strong brand purpose but presents regressive brand activism. The NFL case demonstrates both progressive and regressive brand activism with a weakened brand purpose, given the evident inconsistency. As a multi-dimensional concept, brand activism can be demonstrated in various ways: social, legal, business, economic, political and environmental activism. Effective brand activism, however, requires consistency and authenticity over time.

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