

PROMOTING MANDATORY DEPOSIT LAWS IN THE UNITED STATES: A MARKETING APPROACH

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ABSTRACT

Since the latest passage of mandatory deposit laws (bottle bill) on beverage containers in Massachusetts and New York in 1983, a new hope has emerged among the environmentalists to push for a national law. In the Northeast, Maine, Massachusetts, Vermont, Connecticut, New York, and Delaware have already joined the rank of those states with bottle bills. Attempts are underway to get the bill on the ballot in New Hampshire, Rhode Island, New Jersey, and Pennsylvania. This article introduces a conceptual framework on how to market and promote the "bottle bill" as an ecological product.

The application of marketing techniques in non-business areas has increased dramatically in the past decade. Marketing tools are now utilized by government, educational institutions, health and social services, charities, and many other non-business organizations desiring to communicate and promote their point of views or elicit certain behaviors. Marketing is also used by social institutions in advancing social goals. An increasing number of civic organizations have used marketing concepts and philosophies in promoting social causes such as joining the Peace Corps, enlisting for draft, buying U. S. bonds, stopping smoking, etc.

One of the social areas where activities have not been totally successful in motivating the public to adopt a new idea or practice is the mandatory system for beverage containers. For the past five years, the soft drink, beer, and container industries have managed to thwart most environmentalists' efforts to pass mandatory deposit laws in the United States. Since 1979, only Massachusetts and New York have joined the rank of other states—Oregon,

Vermont, Michigan, Maine, Iowa, South Dakota, Connecticut, Delaware—in adopting the law. In 1983, Maryland, New Hampshire, New Jersey, Rhode Island, and Virginia on the East Coast rejected bills on mandatory deposit laws. This year, deposit bills are before legislation committees in Florida, Pennsylvania, and New Jersey, where ecologically concerned activists are lobbying hard for the legislation.

Proponents of mandatory deposit laws are environmentalists and ecologically concerned activists who oppose throwaway bottles and cans. They believe that throwaway containers are a waste of energy and material resources. Besides, throwaways are a major source of litter that pollute the environment and contribute to the solid waste explosion. Supporters also mention potential savings to society in terms of lower litter collection costs and to the beverage industry in terms of lower costs of production due to recycling.

Opponents of mandatory deposit laws—aluminum and can industries, bottlers, and beverage companies—argue that prices of canned and bottled beverages increased and their sales dropped in those states which adopted the deposit law. Consequently, lower state tax revenues and higher unemployment were the outcomes. The opponents further argue that the mandatory law imposes inconvenience on consumers by requiring empty container storage and return. In addition, consumers lose money on the scrap value of used cans [1].

This article discusses the mandatory deposit system as a planned social change and offers a marketing approach to promote its adoption. The mandatory deposit law and its current status in the United States are reviewed. Also, a marketing process through which the mandatory deposit system can be promoted successfully as a social change is introduced and some concluding remarks are discussed in the final section.

BACKGROUND

A significant change has occurred over the past four decades in the way Americans dispose of beverage containers. Back in the 1950s and the early 1960s, over 90 percent of soda and beer containers were returnable [2]. At that time, returnable glass containers were typically used ten to fifteen times before being discarded. Since then, returnable containers have almost disappeared. Partly responsible for this change were the steel and aluminum industries that saw a tremendous growth potential in throwaway containers. By replacing the then returnable containers with throwaways, the container industry could realize 900 percent to 1400 percent growth, given the existing market. To achieve this growth, the industry promoted the virtues of disposables and their “convenience” to the American public. In addition, Americans started to consume more beverages as a result of the post-war affluence. Between 1957 and 1972, the per capita consumption of beer and soft drinks rose by 33 percent while the per capita use of disposable containers increased by 221 percent [3].

The public, however, did not look into the magnitude of the societal costs associated with throwaway consumption.

Although the economic benefits to beverage and container industries are obvious, the switch from returnables to throwaways has brought environmental and economic costs to consumer society. Each year, over \$500 million is spent by federal, state, and local governments to pick up roadside litter, of which a large portion is empty beverage containers [3]. As solid waste, disposable cans and bottles are a burden on landfill areas. There are costs of depleting mineral resources—both raw materials and energy—that are less obvious, but nevertheless associated with disposable containers. These concerns have brought about an environmental issue. On one side of the issue are the environmentalists, concerned about litter in the streets, the mounting solid waste problem, and a threat to the environment. On the other side are the beverage and container industries, concerned about sales, higher costs, and profit. Both sides of the issue have launched lobbying and public relations campaigns on state and national levels to prove their points.

Environmentalists have sought legislative action as the most appropriate method of negating the societal costs of throwaway beverage containers. Legislative action may regulate beverage and container industries in four different ways by:

1. requiring retailers to provide consumers with a choice between returnable and throwaway containers;
2. taxing the industries to pay for litter collection;
3. barring the sale of throwaway containers; and
4. requiring a minimum deposit on each container sold [4].

It seems, among the above, the mandatory deposit legislation that requires a deposit on all beverage containers has won the approval from the majority of legislative bodies. Besides equalizing the burdens of cost and inconvenience among consumers and industries, the mandatory deposit system would provide an incentive not only to return but to gather throwaway containers. In addition, it is simple to implement and inexpensive to administer.

Legislative attempts to curb litter by taxing beverage containers began in Vermont and Nebraska in the early 1950s. Over several thousand pieces of legislation have been introduced in the fifty states proposing the mandatory container law since then. However, only a handful of bills have actually been passed to become laws [5]. In 1971, Oregon passed the nation's first state container bill; a bill that withstood industry challenges brought on constitutional grounds (see Table 1). Since 1971, nine other states have enacted mandatory deposit laws, and nine states have defeated such measures in public referenda—Alaska, Arizona, California, Colorado, Montana, Nebraska, Ohio, Washington, and Massachusetts (defeated in 1976, but passed in 1982). Since 1976, the industry has appealed the laws in three states—Michigan, Massachusetts, and Maine—but was defeated [6].

Table 1. Mandatory Deposit Laws in Nine States

| <i>State</i> | <i>Deposit Requirement</i> | <i>Handling Fee</i> |
|---|--|---|
| Oregon (effective 1972) | 5 cents minimum; 2 cents for certified containers ^a | |
| Vermont (effective 1973) | 5 cents minimum | greater of 2 cents or 20% of deposit |
| Michigan (effective 1978) | 10 cents minimum; 5 cents for certified containers | |
| Maine (effective 1978) | 5 cents minimum | 2 cents |
| Iowa (effective 1979) | 5 cents minimum | 1 cent |
| Connecticut (effective 1980) | 5 cents minimum | 1 cent |
| Delaware (effective 1981) | 5 cents minimum | 20% of deposit |
| Massachusetts (effective January 1983) | 5 cents minimum for less than 32 oz.; 10 cents minimum for 32 oz. or more | 1 cent |
| New York (effective September 1983) | 5 cents minimum | 1-5 cents |

Source: C. H. Fiske [6, Appendix].

^a Certified containers are standardized in size, shape, and color and can be used by different brand names (e.g., beer bottles).

A MARKETING APPROACH TO MANDATORY DEPOSIT LAW

Analogous to the marketing of a new product or service, the marketing of a new idea, a new system, or a certain way of life requires a study of the target market, its needs, perceptions, preferences, motivations, inhibitions, and its behavioral patterns. Based on the acquired knowledge, the marketer can then design programs to facilitate the adoption of this change. The process, labeled as marketing of social causes or "social marketing" was initially identified by Kotler and Zaltman as [7, p. 5]:

... The design, implementation, and control of programs calculated to influence the acceptability of social ideas and involving considerations of product planning, pricing, communications, and marketing research.

As such, social marketing goes beyond advertising and mass communication of social causes. It encompasses design and implementation of programs with the aid of research, product development, pricing, promotion, and distribution to elicit the desired response(s) from a targeted audience. The desired response is usually a social change that takes different forms. Social change can be a cognitive change (bringing to public's attention problems associated with throwaway containers such as solid waste, energy waste, etc.), an action change (getting people to vote in support of mandatory deposit laws), a behavioral change (discouraging use of non-returnable containers), or a value change (altering public's attitude to value clean environment or energy conservation). There are four basic approaches in producing social change:

1. the *legal* approach in which adopting or abandoning certain practices is mandated by the law;
2. the *technological* approach in which innovations facilitate social change, e.g., recycling technology that facilitates usage of returnables;
3. the *economic* approach that provides incentives to adopt or abandon certain practices; and
4. the *informational* approach that persuades social change by directing information to public, e.g., information on advantages of returnables and disadvantages of throwaway containers.

Using the marketing approach to produce social change provides a conceptual framework to view the adoption of mandatory deposit laws as a social marketing task. Similar to the adoption of a new product, the adoption of social change entails a deep understanding of the needs, perceptions, attitudes, preferences, and behavioral patterns of the targeted public, and the tailoring of marketing strategies to maximize the ease of adopting the change. Figure 1 depicts a conceptual framework to marketing mandatory deposit laws. The marketing process involves five major steps. It includes:

1. gathering information from the macro-environment;
2. analyzing the collected information to identify the targeted public and its segments;
3. formulating marketing strategies based on the characteristics of the public segments;
4. implementing the marketing strategies on the targeted public through personal and nonpersonal communications; and
5. measuring the targeted response and monitoring the effectiveness of marketing strategies and their implementation.

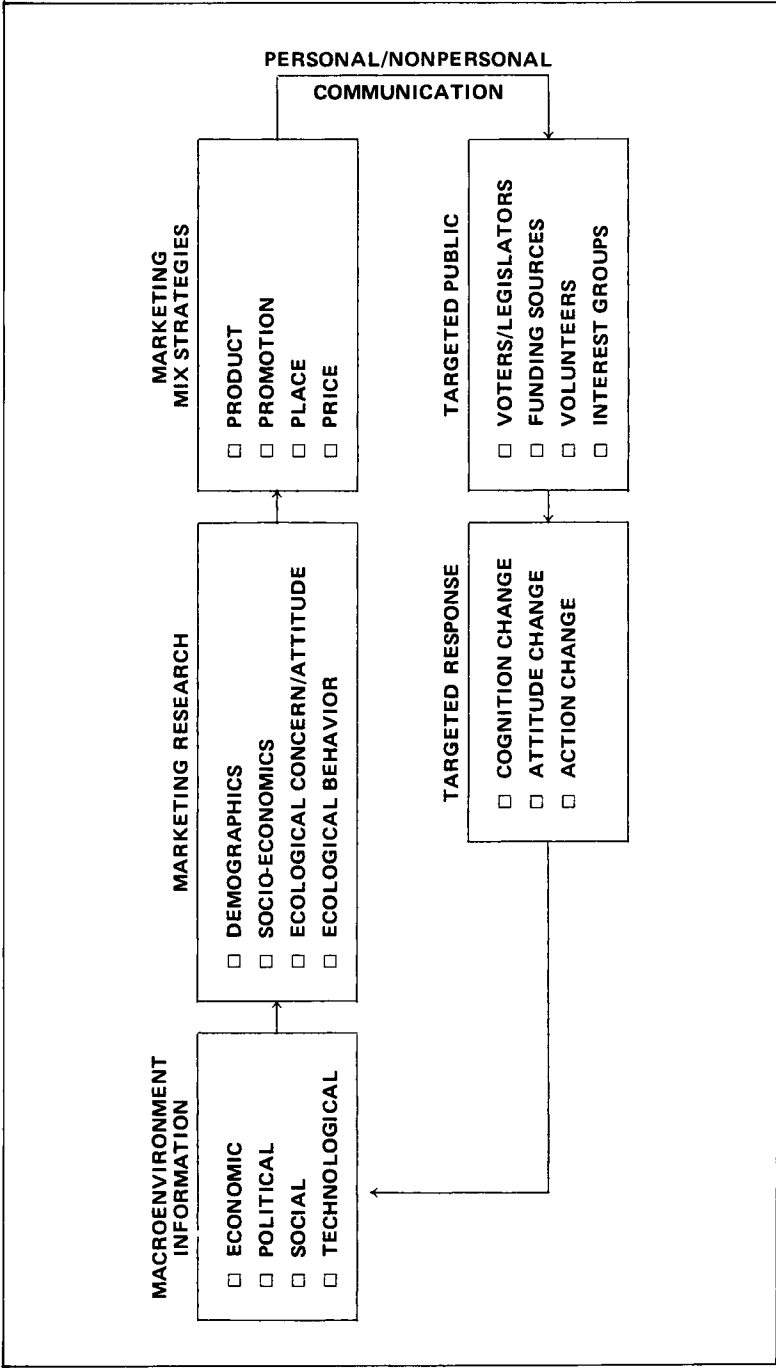


Figure 1. A marketing system for mandatory deposit law.

Macroenvironment Information

Continuous information is called from the macroenvironment by the change agency (e.g., environmentalists, anti-litter groups) which monitors changes in economic, political, social, and technological environments and their impacts on the agency's policies and objectives. For example, environmentalists such as the Environmental Action Foundation, a nonprofit group based in Washington, D.C., can monitor economic developments (beverage consumption and its costs, rate of solid waste, amount of throwaways per capita, unemployment in the container industry, costs of energy and other raw materials), political developments (degree of industry influence on lawmakers, industry political contributions and lobbying efforts, political coalitions among opponents and proponents of deposit laws), social developments (attitudinal changes toward material conservation, solid waste, clean environment), and technological developments (innovative approaches to recover glass, metal, and other materials; e.g., photodecomposing and biodegrading processes, reverse vending systems).

Marketing Research

The study of attitude and behavior of the target audience is necessary to find out to what extent they are concerned about solid waste, raw material waste, and environmental pollution. The marketer should also investigate population reaction to mandatory deposit laws and relate it to other characteristics, such as the use of returnables and demographic, socioeconomic, and psychological characteristics. For instance, the degree of involvement of the target audience is a key to understanding the information processing and attitude/behavior change mechanism when using communication strategies. In the high involvement case, attitude usually precedes behavior; thus mass communications (e.g., T.V. commercials) are utilized to develop awareness and knowledge of the issue among the audience while additional personal selling (e.g., lobbying, telephone campaign) is used to generate behavior. In the low involvement case, mass communications directly affect behavior due to the absence of a well-entrenched attitude structure [8].

On the grounds that both opposing and supporting groups for mandatory deposit laws need different marketing programs, each group can be subdivided by its characteristics. This information not only helps develop marketing programs necessary to change opposition's attitude in favor of the law, it also helps identify the most effective and efficient marketing strategies.

Marketing Mix Strategies

Marketing mix strategies have been used traditionally in business marketing. The marketing mix variables are: product, price, place, and promotion.

Products – As in business marketing, products in social marketing need to be developed according to the needs and wants of the target market. As such, social causes and ideas must be packaged in a manner desirable to the target audience so that they translate the audience’s motivation into action. In the case of mandatory deposit laws, for instance, the social objectives are:

1. to make the public aware of the ecological detriments associated with throwaway consumption;
2. to change the public’s attitude in favor of returnables; and
3. to motivate the public and lawmakers in particular to cast their vote in support of mandatory deposit laws.

To achieve these objectives, various products need to be designed. A public education media campaign providing information on advantages of the container deposit system and its implementation is one such product. Preparing pamphlets and brochures on facts regarding mandatory deposit laws and their success in other states and/or countries in reducing solid waste and cleaning the environment is another product. The credibility of bottle bill-related facts was greatly enhanced with legislators, their staff, and news reporters when the report entitled “mandatory Deposit Legislation: Benefits and Costs for New York,” issued by Governor Carey’s Office of Development Planning, documented how enactment of the bottle bill would benefit the economy of New York State [2]. In developing these products, one should be aware of the core product (the social cause) which is *clean environment* in this case. Then, one needs to create various tangible products and services which are communicable and observable and can be adopted.

Pricing – In social marketing, pricing represents the costs that one incurs in obtaining a social product (clean environment). It includes monetary costs as well as non-monetary costs (e.g., time, energy, inconvenience). Thus, the potential costs of adopting the mandatory deposit system includes higher prices of beverages, distributors’ capital investments for new equipment, retailers’ costs of storage space, new hires, sanitation, and consumers’ inconvenience in storing and returning empty containers.

Utilizing price as a strategic tool in marketing the deposit system is based on the premise that the targeted publics perform a cost-benefit analysis when considering the investment of time, money, energy, or convenience in voting for mandatory deposit laws. They weigh the benefits and compare them against the costs and the strength of their motivation. Thus, the strength of motivation to act directly depends on the magnitude of excess benefit. The marketer of the container deposit system has to envision (through research) how the benefits of this social product can be increased relative to the costs, or the costs to be reduced relative to the benefits, in the eye of the targeted publics and to find a mix with the other strategic tools (product, promotion, place) that simultaneously increases the benefits and reduces the costs.

Place – The third element of the marketing mix strategies in promoting the mandatory deposit laws calls for providing adequate and compatible distribution and response channels. For example, motivated people should be counseled about what to do and where to go to endorse the “bottle bill.” Some social campaigns ignore this important task. Although they are successful in making people aware of environmental pollution, they fail to suggest clear action outlets, such as signing a petition or electing anti-pollution representatives, for those motivated to do something about it. When formulating social marketing strategies, proper planning for developing accessible outlets that allow translation of motivations into actions is crucial. Measures that facilitate distribution and response channels for the mandatory deposit proposition include personnel and mobile trucks appearing in busy neighborhoods on different days to inform the public; information tables placed at busy locations like shopping malls to reach the target audience; the distribution of literature in the streets and through department stores, banks, post offices, supermarkets, and schools.

Promotion – The communication persuasion tool that makes the product familiar, acceptable, and desirable to the targeted audience is promotion. Social campaigners assign promotion the primary role in achieving marketing objectives. In social marketing, promotion goes beyond mass media communication; it encompasses activities in the areas of advertising and public relations, personal selling, publicity, and sales promotion. Each of these promotional tools involves sophisticated levels of knowledge and techniques. With respect to advertising, for example, the marketer of “bottle bill” has to determine the advertising appeals, the copy, the media, and the scheduling of execution in reference to the targeted audience. Advertising include such activities like placing ads in newspapers, radio, and television and distributing posters at high traffic places such as city centers, movie houses, subways, and city buses. The industry has used a variety of advertising tools to stop the bottle bill. They have used supermarkets to put stickers on six-packs of beverages saying the bottle bill would raise the price. They have also used supermarkets to print anti-bottle bill slogans on paper bags so that a shopper carrying a bag becomes a walking billboard [9].

Closely related to advertising is public relations. Public relations has been widely used in social campaigns. Both proponents and opponents of “bottle bill” utilize public relations to promote their point of view. The major emphasis in any public relations activity is of course public opinion. Using public opinion survey techniques, the marketer of social cause determines messages and tactics of penetration. Opinion survey also provides a tracking mechanism during a campaign. A survey of voter preference conducted just before the 1976 bottle bill referendum in Michigan showed that Michiganders would endorse the proposed deposit law [1]. A July 1982 telephone poll, conducted by The Garret News Service, also indicated that 70 percent of New Yorkers favored the

bottle bill [2]. These results further solidified the advocates' position and encouraged the public to vote for the passage of mandatory deposit law.

With respect to the personal selling of "bottle bill," activities vary from lobbying, direct mail, telephone campaigns, to door-to-door/sidewalk presentations, convocations, and parlor meetings. In personal selling, marketers have to determine and coordinate the size of total sales force, the sales territories, and assignments. They also have to provide sales force motivation and supervision as well as the evaluation of personal selling effectiveness.

Publicity is similar to advertising, but it is an unpaid form of promotion where the sponsor is usually unidentified. Publicity activities range from major news about the container deposit system in mass media to appearances in talk shows, to writing feature stories in major print media. Publicity has certain major qualities that makes it, on occasions, a better promotional tool than advertising. First, it is perceived with higher veracity as it appears as normal news and not as a sponsored ad campaign. Second, it tends to catch the audience off-guard who might otherwise actively avoid a sponsored campaign. Third, it may arouse attention by dramatizing the message in the guise of a noteworthy news.

"Sales promotion" comprises a wide range of promotional tools with a short-term incentive potential designed to stimulate faster and stronger audience response. Sales promotion tools offer three major promotional benefits:

1. they *communicate* by gaining attention and providing information on the issue;
2. they provide *incentive* by incorporating inducement and urgency designed to communicate value to the audience; and
3. they *invite* the audience to engage in the desired activity such as signing a petition, joining a procession, and voting for a cause now.

With respect to the marketing of "bottle bill," sales promotion can be activities like shows (art, fashion), parties (dance, dinner), benefits (theatre, movies, sports), and tours (walkathons, hikeathons, jogathons) with the theme to generate awareness, interest in the issue of returnable containers and to promote action for the passage of the "bottle bill." Supporters of the "bill" have already staged a variety of sales promotion campaigns like long-distance walking, collecting empty containers as a symbolic gesture, and sponsoring rallies for the cause.

Targeted Public

To see the passage of the mandatory deposit law, its advocates need to obtain the support and the vote of certain target groups. These groups will be communicated to and influenced by the marketing strategies specifically

formulated for the purpose. The relevant publics the marketer of the mandatory deposit law should target at are voters, legislators, funding sources, volunteers, and interest groups. Voters are the primary public both in referendum voting and as constituents. They have the ear and the attention of the legislators who represent them and who have to satisfy them to get reelected.

Legislators usually stay in touch with their constituents' views by receiving letters, conducting opinion surveys, appearing at local events, and welcoming visiting delegations. For the marketer, an effective influence strategy would be activating grassroots support for the *deposit law* and having it expressed through letter writing campaigns, visiting delegations, and so on. The marketer must show the legislator that supporting the cause will win votes back home.

Legislators can also be influenced through opinion leaders, elected officials, gatekeepers (e.g., mass media), personal friends/acquaintances, and public opinion. For example, if public opinion survey shows that the public strongly supports the passage of the law, the marketer can capitalize on the finding and present it to the legislator. On the other hand, if the poll shows that the public opinion is weak or indifferent on the issue, the marketer can campaign to create a favorable public opinion.

Funding sources, volunteers, and interest groups are other targeted publics that should be influenced to support the mandatory deposit bill. Funding sources range from individual givers and corporations (e.g., recycling firms), who are ecologically concerned and sympathize with the cause, to government agencies at the federal, state, and local levels which are able to make grants (e.g., Environmental Protection Agency). The marketer of the deposit bill should cultivate opportunities in funding sources through effective communications.

Volunteers are another public that need to be addressed. They consist of various supporters of returnable containers who sympathize with the cause. They are articulate and individually effective with different types of groups. To be successful in marketing the deposit system, the marketer should utilize various volunteers who can carry out the multitude of tasks involved in an environmental campaign, including preparing mailings, making telephone calls, collecting signatures, canvassing and registering voters, and providing transportation.

Supports from various interest groups are instrumental in the passage of the "bottle bill." Interest groups are those business groups, trade unions, and public groups who see the mandatory deposit system as a help in advancing their interests. The interest groups apply influence by giving financial and manpower supports to certain legislators, who in turn feel obligated to reciprocate by supporting their interests and listening closely to their views. The marketer of deposit bills should try to identify the interest groups who sympathize with the cause and to whom particular legislators pay attention and to enlist their supports. There has been an increasing use of coalitions and united fronts among environmental groups, trade unions, religious organizations, fraternal

organizations, and consumer groups in trying to influence lawmakers to pass certain legislation. For example, a recent coalition between environmentalists and the League of Women Voters has launched grass-roots lobbying efforts for the deposit bill in the state of Pennsylvania [10].

Targeted Response

The marketer of mandatory deposit laws aims to bring about desired responses in the targeted public through certain marketing programs. These responses are manifested as changes in the public's awareness, attitude, or behavior toward the deposit system. Three types of changes are desirable in this context: cognitive change, attitude change, and action change.

Cognitive changes can be brought about through public information and public education campaigns. In producing a cognitive change, the advocates of deposit system do not need to change public's deep-rooted values or behavior. Their goal should be primarily to create awareness or knowledge. Toward this aim, the marketer of deposit laws should research the targeted audiences to identify their media habits, to formulate the needed messages, and to carry these messages to them through the most effective and efficient marketing programs (e.g., advertising, publicity, personal appearances, displays, exhibitions etc.). The effectiveness of these programs then should be measured by postsampling the targeted audiences and monitoring the amount of change in their awareness of the issues.

The second category of targeted responses is attitude change. In changing public's attitude, the marketer of deposit laws aims to generate favorable evaluations of the laws, to instill positive emotional feelings toward the idea of returning empty cans and bottles, and to promote action tendencies toward adopting the returnable system. Changing people's attitudes are rooted in basic values and people's basic values orient their social, moral, and intellectual perceptions and choices. Therefore, the marketer's efforts in changing public's attitude toward the mandatory deposit system should be well researched and accompanied with well-designed marketing programs. Again, post measurement is necessary to monitor the change(s) and to better direct further efforts.

Finally, response can be targeted as a change in people's action. Action changes are somewhat harder to bring about than cognitive or attitude changes. Because the targeted audience first has to comprehend, for example, the mandatory deposit system and its advantages, and to develop a favorable attitude toward it before taking the desired action(s) such as signing the petition, participating in referendum, joining rallies, and voting for the law. Action involves a cost to the actors. Even if the actors' attitude toward the action is favorable, their carrying it out may be impeded by such factors as distance, time, expense, inconvenience, or plain inertia. The marketer has to find out about these impediments through research and to design marketing programs that overcome them. Action changes

should be monitored and compared with the desired response(s). This would help to spot problems in the design and/or implementation of marketing programs and remove bottlenecks.

CONCLUDING REMARKS

Whether the advocates of mandatory deposit laws become successful in promoting these laws in other states across the United States depends on how broad a base they can build and how well they can get their message to voters and to legislators. In most states the battle has been waged first in the legislature where it is much easier and more effective for industry to apply its influence than in general referenda, and where environmental groups have not had much lobbying success. The winning strategy for "bottle bill" advocates should be promoting the bill among the general public and putting the issue before the voters in ballot initiatives wherever possible.

Now that mandatory deposit laws are in effect in ten states, environmentalists are pressing for a national deposit law. The rationale behind a national law is that if state laws are effective in solving litter, solid waste, and energy problems at the state level, they should solve these problems even more efficiently on a national scale. The experience of those states with deposit laws has showed that the legislation is effective. Such an experience is specially worthwhile in highly populated, industrial states like New York, Massachusetts, and Michigan which took the initiative and posed as test markets. Environmentalists' fears that the industry will work to subvert an otherwise successful deposit law by repealing process has not been proven. No state that has put such a measure on its books has later repealed it.

With the effective implementation of deposit laws in Massachusetts and New York in 1983, now one-fifth of the nation—over 43 million—are enjoying the benefit of the "bottle bill." Ballot initiatives in Colorado, and California were underway in 1986. Bottle bills are in Committee in New Jersey, Pennsylvania, and Florida. The "domino effect" on neighboring states that border on bottle bill states also should not be discounted. Activist groups from New York and Massachusetts have been campaigning for the passage of deposit laws in New Jersey, New Hampshire, and Rhode Island. The passage of the law in one or two large states (for example, California) can create overwhelming pressure for a national law. It is even possible that industry lobbying will subside once the public and industry realize the simplicity of a uniform national deposit law, rather than a variety of inconsistent state laws.

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