

Ambush marketing in sports: an attack on sponsorship or innovative marketing?

Gerd Nufer

ESB Business School, Reutlingen University, Reutlingen, Germany

Abstract

Purpose – The purpose of this paper is to comprehensively characterise the interdisciplinary phenomenon of ambush marketing in sports, structure its manifestations, illustrate the consequences associated with ambush marketing and provide a critical evaluation from an objective perspective.

Design/methodology/approach – Various approaches to the definition of ambush marketing are presented and the objectives pursued with ambush marketing are identified. In this paper a new approach has been developed to structure the strategies and manifestations of ambush marketing.

Findings – It is a fine line between creative marketing and infringing on sponsorship rights. So the interdisciplinary phenomenon ambush marketing is discussed controversially. Ambush marketing is situated at the intersection of two opposing spheres of interest conducting a battle for shares of the marketing potential of a sports event. On one side there is the disparaging view of ambush marketing founded on legal and/or ethical considerations. On the other, the author has the respectful assessment of ambushers characterised by their innovative, creative marketing.

Practical implications – The analysis conducted in this paper leads to the conclusion that a general evaluation or condemnation of ambush marketing is not feasible. A four-field matrix emerges from the combination of a legal-statutory consideration on one hand and an ethical-moral assessment on the other.

Originality/value – The paper describes and structures ambush marketing in a novel form and discusses illustrating examples from major sporting events. Ambush marketing is evaluated from a neutral perspective by summarising the opportunities and threats of ambush marketing which leads to a nuanced contemplation of ambush marketing.

Keywords Sport sponsorship, Olympics, Sporting events, Ambush marketing, Event marketing, Football World Cup

Paper type Viewpoint

1. Introduction

For many companies, it is major international sporting events in particular (e.g. the Football World Cup or the Olympics) that constitute the ideal platform for the integration of their target group-specific marketing communication into an attractive sports environment. Sports event organisers therefore sell exclusive marketing rights for their events to official sponsors, who, in return, acquire exclusive options to utilise the event for their own advertising purposes. Ambush marketing is the method used by companies that do not actually hold marketing rights to an event, but still use their marketing activities in diverse ways to establish a connection to it.

There is still widespread debate and confusion about the topic. Ambush marketing is often defined in different ways by different people according to their position as either supporters or opponents of the practice (Ellis *et al.*, 2011). The focus of this paper is fourfold: to define ambush marketing and explain its objectives, to structure the different manifestations of ambush marketing, to demonstrate its consequences and to evaluate ambush marketing critically from a neutral perspective. Thus, the purpose of this paper is to analyse the strategies prevalent in ambush marketing practice and to create a novel typology of ambush marketing in order to increase the understanding of the phenomenon.



2. The principles of ambush marketing

The philosophy of ambush marketing consists of achieving conventional marketing objectives with unconventional methods (Schulte, 2007). The general intention is that a relatively small investment generates the greatest possible impact. The phenomenon of ambush marketing is not new, but in recent years it has become significantly more professional. The growing aggressiveness in communications and sponsorship markets has resulted in the fact that ambush marketing can be observed worldwide and continues to grow. Properties continue to offer “exclusivity” for sponsors and more mediums are sued (i.e. social media), which creates an aggressive environment.

2.1 Definition of ambush marketing

Ambush marketing was first coined by Bayless (1988, p. 1) as “a popular tactic [...] to take advantage of [...] an event”. This simple, unambiguous definition describes the false association by a company not sponsoring an event with a view to derive similar benefits as official sponsors of the event do.

Another early definition of ambush marketing originates with Meenaghan (1994, p. 79). He describes ambush marketing as “the practice whereby another company, often a competitor, intrudes upon public attention surrounding the event, thereby deflecting attention toward themselves and away from the sponsor”.

More than a decade later, Farrelly *et al.* (2005, p. 341) define ambush marketing as “a quasi-parasitic appropriation of the brand value of an event by competitors who time a purposeful use of the sport theme during and around the event they seek to ambush”.

More recently, Chadwick and Burton (2011, p. 714) defined ambush marketing as “a form of associative marketing which is designed by an organization to capitalize on the awareness, attention, goodwill, and other benefits, generated by having an association with an event or property, without the organization having an official or direct connection to that event or property”. Furthermore, the authors suggest using the term “pseudo-sponsorship” instead of ambush marketing.

There is a lack of agreement about what exactly constitutes ambush marketing. Thus, there is still disagreement about the definition of ambush marketing. Because of the widespread character of ambush marketing for the following analysis a comprehensive definition will be applied: ambush marketing is the practice by companies of using their own marketing, particularly marketing communications activities, to give an impression of an association with the event to the event audience, although the companies in question have no legal or only underprivileged or non-exclusive marketing rights for this event sponsored by third parties. Thus, ambushers want to promote and sell products via an association with the event in the same manner as official sponsors have paid to do so.

In popular sources, ambush marketing is frequently used synonymously with terms such as “coattail marketing”, “parasitic marketing” and “free-rider marketing”. Official sponsors define these ambushes on high-priced advertising rights as “theft” and emphasise the illegal aspects of ambush marketing (Payne, 1998; Townley *et al.*, 1998). However, there are also proponents, who see ambush marketing as a legitimate power that facilitates more efficiency in the sponsorship market. “All this talk about unethical ambushing is [...] intellectual rubbish and postured by people who are sloppy marketers” (Welsh, 2002).

Typically, ambush marketing does not always include illegal marketing activities, and its status as an “ambush” may depend upon perspective (Robinson and Baumann, 2008; Scassa, 2011). Further, ambushers can be said to have a financial duty to their

stakeholders (e.g. customers, stockholders, etc.) and are abdicating this duty when they fail to engage in the most effective and cost-efficient marketing activities that will benefit their company or brand (Grady *et al.*, 2010).

2.2 Objectives of ambush marketing

The idea of ambush marketing is to capitalise on the success of sports sponsorship without taking on the intrinsic obligations of an official sponsor. The objectives of ambush marketers are therefore largely identical to those of the sponsors, but are to be attained with reduced financial expenditure (Burton and Chadwick, 2009; Pechtl, 2007). The objectives of ambush marketing can thus be deduced from the objectives of sponsorship. Their primary function is the achievement of communicative (psychological) aims (see Figure 1).

Ultimately, the exploitation of the marketing potential of a sports event implies the targeting of economic objectives such as sales, revenue, market share and profit. This is to be understood as directly related to the range of event-related products and services (Pechtl, 2007).

The pre-economic (psychological) objectives are situated primarily in the area of communication impact. Like sponsors, Ambushers target psychological objectives such as attention to their own advertising, the increase of their awareness levels as well as a sense of being up-to-date. They aspire to achieve image enhancements through their (supposed) sponsorship (goodwill), as well as an image transfer from positive attributes of the sport event to the image of the product or the company. In addition to these goals, ambush activities also feature explicit competition-oriented objectives. The intent is to diminish the communication-political effectiveness of the sponsorship, thereby weakening the competition (e.g. by obviating the exclusivity of the sponsorship, the reduction of the share of voice of the sponsors or obstructing the sponsors' advertising) (Nufer, 2013).

3. Structuring the manifestations of ambush marketing

A novel approach to structuring the various manifestations of ambush marketing is presented below. This classifies ambush marketing into different categories, case groups and cases. For this purpose, based on the definition of ambush marketing, a documentary analysis was undertaken, identifying international cases of ambushing, from which a number of key themes and common traits emerged.

3.1 Differentiating the fundamental categories of ambush marketing

In the first step, three basic categories of ambush marketing are differentiated.

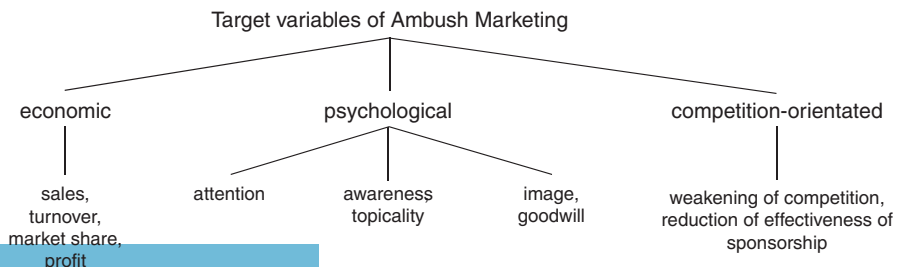


Figure 1. Objectives of ambush marketing

To begin with, it can be differentiated between direct (“blatant”) and indirect (“subtle”) ambush marketing. Direct ambush marketing actions target the marketing rights of the event organiser or the event sponsors with intent and without deviation. Indirect ambush marketers, on the other hand, use the sports event as the motive for their own marketing activities, which is why indirect ambush marketing is prevalent primarily in the area of communications. In literature this fundamental differentiation has been established (Du Toit, 2006; Wittneben and Soldner, 2006; Pechtl, 2007; Chadwick and Burton, 2011). The aforementioned dichotomy is complemented by a third category that can best be designated as dominant destructive-aggressive ambush marketing: the essential objective of actions in this category is to diminish the effectiveness of official sponsorships with predatory methods. The obstruction of sponsors’ measures is generally an attack on a direct competitor of the ambusher: in effect weakening the competition (McKelvey and Grady, 2008; Chadwick and Burton, 2010).

3.2 Differentiating ambush marketing case groups per category

In a second step, these three categories are further broken down into case groups, in which similar cases are grouped together.

Within the scope of direct (blatant) ambush marketing, direct ambushing approaches that are motivated primarily by product policy and predominantly pursue (mainly short term) economic objectives are distinct from direct ambushing activities whose motivation and implementation are focused primarily in the realm of communications policy and which therefore prioritise (mainly medium term) psychological objectives. Within the scope of the first case group, event-associated products are created and marketed in an unauthorised manner. The second case group involves communicative pretence to a sponsorship that, in reality, does not exist (Du Toit, 2006).

Initially, indirect (subtle) ambush marketing is subdivided into ambush marketing by intrusion and ambush marketing by association. Whereas under ambush marketing by intrusion all ambush activities that can be characterised as “capitalising on the opportunity” are subsumed within the scope of a sports event, ambush marketing by association can be further differentiated: “agenda setting” encompasses all ambush marketing measures that can be subsumed under “positioning by topicality” and focus on the event as a communications platform (Pechtl, 2007). “Fun ambushing” and “philanthropic ambushing” constitute two separate special cases of ambush marketing by association.

The category “dominant destructive-aggressive ambush marketing” is not differentiated into any distinguishable case groups.

3.3 Typology of the manifestations of ambush marketing

Finally, in the third step, a total of 21 cases of ambush marketing subsumed in the individual categories and case groups are distinguished from one another. Figure 2 summarises the observations with regard to structuring and systematising the manifestations of ambush marketing.

In the following these 21 cases of ambush marketing are illustrated in terms of more or less spectacular examples that could be observed during the last years in the context major sporting events.

(1) *Unauthorised use of event brands.* A brand exists in terms of trademark law if the event organiser possesses legal protection (copyright and trademark rights) for hallmarks (symbols and designations) of the event. A sports event is used to create new

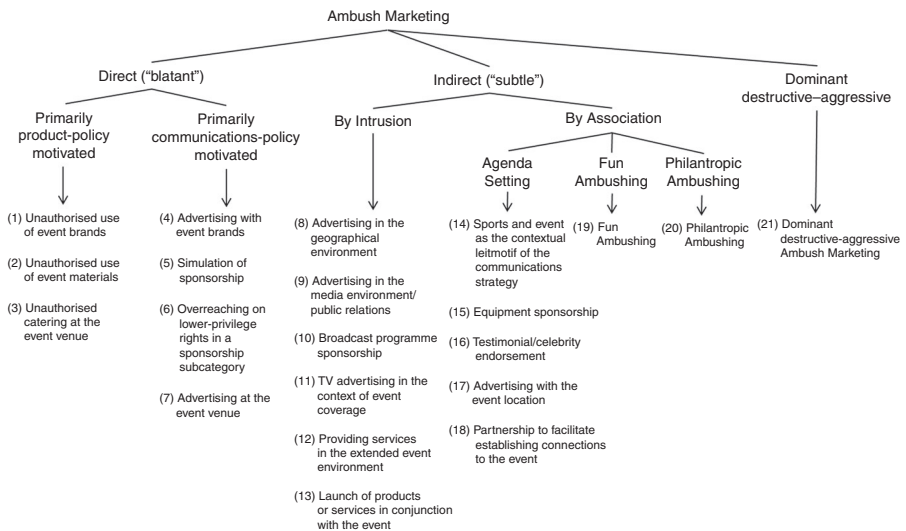


Figure 2.
Systematisation of
the manifestations of
ambush marketing

event-associated products. The sponsors and licensees use the resulting increase in popularity of event-associated products for themselves as a quid pro quo reward for sponsorship or licensing fees. Ambushers who create and sell merchandising items that have not been authorised by the organiser pursue the same objective (Noth, 2007). For example, at the 2004 European Football Championships, a company attempted to launch balls with “EURO 2004” printed on them, despite the fact that UEFA had registered a word/image brand in the trademark register for this event (Heermann, 2006).

(2) *Unauthorised use of event materials.* Services are also considered event brands if the service bears an event-related brand (name). It is direct ambushing if, for example, a media company reports on a sports event without being authorised to do so by the organiser, i.e. without possessing a broadcast license. Ambushers use these hallmarks to make their own product (e.g. print media or broadcast programme) more attractive – analogous to the case of merchandising goods (Reinholz, 2005; McKelvey, 2003; McKelvey and Grady, 2004a). Furthermore, programme transmission or documentation of sports events has the potential for multiple secondary exploitation. If, for example, organisers of public viewing charge admission fees and/or offer food in order to attract more guests and achieve higher sales volume, it entails direct ambushing if the organiser of the public viewing does not have a broadcast license for the secondary utilisation of the media transmission of the sporting event (Pechtl, 2007).

(3) *Unauthorised catering at the event venue.* Depending upon the contextual focus, ambushers create their own event-associated product or service by providing unauthorised catering on the event premises. If, for example, an unauthorised party distributes or sells food and drink within the event, this is a case of direct ambushing and is exacerbated if the ambusher happens to be a direct competitor of an official sponsor (Bruhn and Ahlers, 2003).

(4) *Advertising with event brands.* In order to get the attention of an interested audience and transfer the positive values associated with the event to themselves, ambushers use the event brands of the organisers without authorisation for their marketing communication. To circumvent legal repercussions, many coattailers resort

to designations allegedly excluded by trademark law as in the public domain in order to establish a connection to the event. Thus, the wordmark "Football World Cup" was frequently used in advertising and the opinion presented that this referred to a freely available trademark in the public domain (Melwitz, 2008).

(5) *Simulation of sponsorship*. In this case, ambushers use their communications activities to suggest that they are an official event sponsor. This can transpire via explicit statements to this effect or implicitly, without an actual assertion to that effect, by creating the impression that they are among the official sponsors without enlightening the public that they are not (Wittneben and Soldner, 2006). In the run-up to the 2006 Football World Cup, the internet provider AOL, at the time the name sponsor of the stadium in Hamburg but not an official sponsor of the World Cup, placed a large advertising banner at the company headquarters located directly opposite the stadium reading "AOL Arena – 2006 World Cup venue" (Heermann, 2011).

(6) *Overreaching on lower privilege rights in a sponsorship subcategory*. If an official sponsor decides to make a commitment within the framework of a lower cost subcategory of a sporting event and overreaches on the rights it has been granted for this category, this behaviour can also be defined as ambush marketing (Meenaghan, 1998; Crow and Hoek, 2003). An example thereof is the course of actions of the delivery service company TNT, which officially distributed tickets prior to the 2000 Summer Olympic Games in Sydney and thus positioned itself as a key partner of the Games, while in truth UPS was the traditional TOP (The Olympic Partner Programme) sponsor of the Olympics (McDonald and Davidson, 2002).

(7) *Advertising at the event venue*. Finally, the category of direct, communications policy-driven approaches includes the ambusher advertising at the venue of the sporting event. Whereas American sports equipment manufacturer Nike initially allowed the 1994 Football World Cup in its own country to go largely unexploited for weeks, the brand initiated a sensational ambush marketing move just in time for the Brazil vs Italy final in Los Angeles: 70,000 baseball caps in the Brazilian national colours and bearing the Nike Swoosh were distributed outside the stadium, although at the time its competitor Umbro was the official outfitter of the Brazilians. Because of this, the stadium resembled a Nike sea, something that was also highly conspicuous in the television broadcasting (Bruhn and Ahlers, 2003).

(8) *Advertising in the geographical environment*. Outdoor marketing communications encompasses placing billboards in streets with high spectator traffic, distribution of giveaways, positioning one's own brand symbols in the vicinity of the event and even advertising in the airspace. The objective is to use the stream of visitors for one's own marketing activities (Zanger and Drengner, 2005). At the 2004 Summer Olympic Games in Athens a Greek telephone company, whose competitor was a national Olympics sponsor, ran large-scale advertising on seven ferries that anchored in the Port of Piraeus and could hardly be overlooked by the many passersby.

(9) *Advertising in the media environment/public relations*. Achieving the necessary attention for media reports is particularly successful when sports stars are engaged for the ambushing activities (i.e. when a combination with celebrity advertising exists). In this context, a series of unusual incidents took place in the environment of the 1996 Summer Olympics in Atlanta: the 100 m-sprinter Linford Christie appeared at a press conference and at interviews wearing blue contact lenses that conspicuously displayed the Puma logo, even though Puma was not an official event sponsor (Bruhn and Ahlers, 2003).

(10) *Broadcast programme sponsorship.* The acquisition of broadcast programme sponsorship is basically legitimate, but can, however, be interpreted as ambush marketing, especially when the programme sponsor is the competitor of an official sponsor. Television programme sponsors often attain higher levels of awareness than official event sponsors (Meenaghan, 1998). For example, at the 1998 Football World Cup, Bitburger, the programme sponsor on German public television, achieved higher unaided levels of recall than two thirds of the official main sponsors of the event.

(11) *TV advertising in the context of event coverage.* An effect similar to that of broadcast programme sponsorship can be achieved by booking regular advertising slots that air immediately before, after or during breaks in the television broadcasting of sporting events. So it was that in the context of the television coverage of matches at the 2006 Football World Cup that German Football Association (DFB) sponsor (but neither World Cup nor broadcast programme sponsor) Nutella ran a massive product advertising campaign featuring German national team players in traditional TV commercials (Bruhn and Ahlers, 2003).

(12) *Providing services in the extended event environment.* Ambush marketing by intrusion also exists when an ambusher provides services that are popular with the general public in the indirect environment of the sporting event even though there is an official sponsor from the same industry (Pechtl, 2007). For example, Kodak was the official sponsor of the 1998 Winter Olympics in Nagano. Its competitor Fuji applied ambush marketing by setting up an unofficial photo centre giving away Fuji films and developing them for free. Although located outside the actual event venue, this was not far from the Olympic press centre (Noth, 2007).

(13) *Launch of products or services in conjunction with the event.* Particularly in conjunction with the 2010 Football World Cup, ambush activities were observed that were aimed at capitalising on the mega-event as an opportunity to launch new products or services (or adapt existing products to the sporting event with short-term modifications). In so doing, these products or services and their communications strategies typically do not work with brands associated with the event. An example of this type of ambush marketing is the launch of the sports drink "Soccerade". Cristiano Ronaldo, renowned football player, brand ambassador and shareholder, effectively launched the thirst quencher in 30 international markets in April 2010, immediately preceding the start of the World Cup (Anonymous, 2010a).

(14) *Sports and event as the contextual leitmotif of the communications strategy.* A huge international event frequently provides the impetus to focus the communications strategy around this sporting event for a longer period of time, i.e. before, during and after the event (Melwitz, 2008). With the 2006 Football World Cup coming, consumer electronics retailer Media Market started an intensive media campaign a year in advance, using the slogan "We will be world champions", later replaced by "Best fan outfitters". The staging of the commercials established an unambiguous reference to the World Cup (e.g. with the appearance of football fans).

(15) *Equipment sponsorship.* Sponsorship contracts with individual teams or athletes provide many companies with a presence both at events and their environment and in media coverage without having to become an official sponsor of the event (Meenaghan, 1998; Crow and Hoek, 2003). The following ambush manoeuvre caused quite a stir during the 1998 Winter Olympics in Nagano: the outfitter Nike sponsored a black African cross-country skier who, although athletically hopelessly out of the running, was assured

of the media spotlight as a supposedly “exotic” figure in this sports category. This produced numerous television views for Nike (Nufer and Geiger, 2011).

(16) *Testimonial/celebrity endorsement.* Association with a sports event can also be established by having well-known personalities who are directly involved in the event or stars of individual sports disciplines appear in television commercials aired in the context of the specific sports event (Noth, 2007; McKelvey and Grady, 2004b). While McDonald’s was one of the official sponsors of the 2006 Football World Cup, its competitor Burger King initiated the “Burger King Kahn” promotion in Germany, engaging German national goalkeeper Oliver Kahn for a testimonial in its TV commercials.

(17) *Advertising with the event location.* Comparable to the “country of origin” effect, advertising with the location of the sporting event can also be used to effect an image transfer from the event to one’s own company or the advertised brands and products. The specific competition sites, the host city or even the host country can be used to represent the event location (Noth, 2006). For example, during the 1984 Summer Olympics in Los Angeles, Nike used the tagline “I love L.A.” in an advertising campaign (Bean, 1995).

(18) *Partnership to facilitate establishing connections to the event.* For companies with little or no association to sports, entering into partnerships with brands that are closely or more closely associated with sports simplifies the establishment of a connection to sports or a sports event. Beyond achieving a better event-ambusher fit, a partnership with an official sponsor may even offer the possibility of having the latter’s involvement projected onto the ambusher. For example, during the 2010 Football World Cup, the yogurt drink brand Actimel offered consumers the option of redeeming codes printed on packages for a tipp3 bet credit with the purchase of three packages of their product. Thus, by having a closer association with sports, the sports betting provider tipp3 made it easier for Actimel to establish a connection to the Football World Cup (Anonymous, 2010b).

(19) *Fun ambushing.* Fun ambushing represents a special case of ambush marketing by association. Unlike other cases of ambush marketing by association, attention is not in this case generated by agenda setting, but rather by using a witty and humorous approach to produce an association with an event (Nufer, 2005). During the 2010 Football World Cup, the South African airline Kulula advertised “Affordable flights to everybody except Sepp Blatter. He can fly for free”. The FIFA president did not accept the offer, but instead, a dog owner from Cape Town appeared, offering to have his dog named Sepp Blatter fly with him. The airline proudly announced: “It’s official. Sepp Blatter flies with us!” (Weinreich, 2010).

(20) *Philanthropic ambushing.* The alleged selfless and altruistic endeavour of companies to serve a good cause is primarily attributed to sponsors (Huber *et al.*, 2008). Non-sponsors can also communicate altruistic motives. For example, with its Africa-oriented promotion “Söbbeke helps Ixopo” during the 2010 World Cup in South Africa, the Söbbeke dairy implied altruistic principles, since part of the proceeds were donated to African street children (Kolbrück, 2010).

(21) *Dominant destructive-aggressive ambush marketing.* Attacks against sponsors exist when brand (names) of official sponsors are obstructed so as to keep them from being seen by the public at sports events or in the context of the media coverage for the event. Ambushers can (physically) cover the advertising space of official sponsors (or have it covered). An exacerbation of this is to display their own logo instead. Thus, at the awards ceremony at the 2000 Summer Olympic Games in Sydney, Australian

swimming star Ian Thorpe, who was personally sponsored by Adidas, used a towel to cover up the logo of Nike, the official outfitter of the Australian team (Bruhn and Ahlers, 2003).

Most of these 21 cases of ambush marketing have a focus on marketing communications. In the above descriptions, the examples shown have illustrated that a clear-cut differentiation is not always possible, but that overlaps do occur. This means that some ambush activities have multiple characters and could (or even should) be ascribed to two (or possibly more) parallel cases. Neither does the systematisation claim to be complete. Based on the highly innovative content of ambush marketing, with its constantly new creative activities, this systematisation is rather a snapshot of the current situation. The applied structure is therefore not rigid, but flexible and open in order to allow for new cases to be subsequently included and integrated.

Figure 3 summarises the objectives typically targeted by the individual ambush marketing case groups, illustrating and visualising them by arrows.

4. Case studies

This section presents and analyses two particularly striking examples of ambushing activities that were observed in the context of the 2006 and 2010 Football World Cups.

Before and during the 2006 Football World Cup in Germany, a Dutch brewing company distributed about 250,000 samples of imitation lederhosen in the Dutch national colour orange, bearing the advertising imprint of their beer brand.

The intention was to have the Dutch fans wear these lederhosen during their World Cup stay in what was supposedly the “lederhosen country” of Germany and especially to display these prominently during their stadium attendances. This strategy was initially successful, as thousands of Dutch fans showed up wearing the bib-pants at the Netherlands vs Ivory Coast group stage game in Stuttgart to – consciously or subconsciously – act as disseminators transporting unauthorised

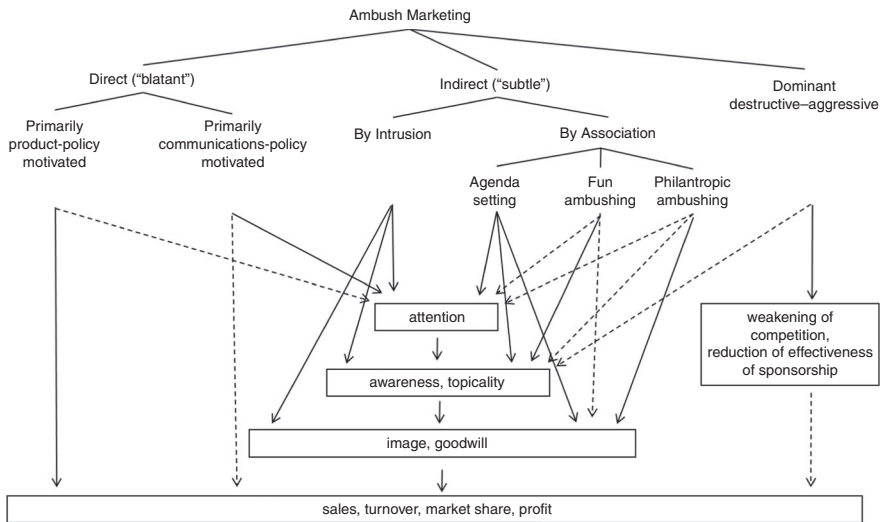


Figure 3. Relation of case groups and objectives of ambush marketing

Note: Dotted line arrows indicate possible but relatively insignificant relationships or connections

advertising into the stadiums. In order to protect the official sponsors, a rapid decision by the organisers was called for. FIFA invoked Rule 10 of the tickets' terms and conditions, which stated that "advertising, commercial, political or religious articles of all types, including banners, symbols and flyers [...] are inadmissible and [...] may not be brought into the stadium if the organisation committee has grounds to assume that these will be displayed in the stadium". Therefore, the FIFA Rights Protection Team saw to it that all unauthorised advertising items remained outside the stadium gates, i.e. over 1,000 Dutch fans had to remove their lederhosen, otherwise FIFA would have barred them from entering the stadium. Although ultimately a repelled ambush attempt, the operation produced a tremendous amount of attention for the beer brand. The fact that over 1,000 persons followed a World Cup game in the stadium in their underpants was picked up with great interest by the media.

During the 2010 Football World Cup in South Africa the same brewing company also relied on ambush marketing and again attained a high level of media attention – this time with the so-called "beer babes". The spectators at the preliminary round game the Netherlands against Denmark in Johannesburg included 36 young women who showed up in the orange-coloured mini-dresses of the brewery. This time the beer brand name was only evident on a small label on the seam.

Once again, FIFA was rigorous in dealing with this action, had the blondes removed from the stadium and even briefly had their alleged ringleaders arrested. Then the situation exploded. The World Football Association filed suit in court against the planned promotion. The Dutch embassy assured the women of legal support. While the brewing company's advertising intent in 2006 with the clearly visible logo on the bib-pants was obvious, the brewery's calculation in 2006 was infinitely more subtle. On site, i.e. in front of and in the stadium the action was initially not recognised as ambush marketing. Thus, the "beer babes" – other than four years earlier the fans dressed in orange bib-pants – were easily able to make their way into the stadium. Who pays attention to a few orange-clad girls (with a barely visible beer brand logo) in a stadium, when thousands of orange-clad Dutch fans are already there? Again, it was only with the intervention of FIFA that the ambush marketing activity was exposed as such and became public knowledge. Only this way did an initially totally harmless incident, in terms of advertising effectiveness, make it into the media reports and achieve such an immense PR impact – and that is precisely what the beer brand wanted to achieve.

The brewery's lederhosen from 2006 are at first advertising with the event location, additionally also a kind of fun ambushing (both indirect ambush marketing by association). The activity grew at the World Cup venue Stuttgart to advertising in the geographical environment (indirect ambush marketing by intrusion). It would have culminated to advertising at the event venue (direct, primarily communications policy motivated ambush marketing) if the RRP team wouldn't have intervened literally in the last second.

The beer babes from 2010 are definitely a more subtle form of ambush marketing. Without the intervention of FIFA this ambush marketing activity would never have appeared in the media (reference in the media environment/public relations) and would never have become public knowledge (news in the context of the event coverage). This is literally cool, calculated ambush marketing straight from the drawing board. Based on their ambushing experience from the 2006 World Cup this case is an example for an innovative and well-planned form of indirect ambush marketing by intrusion.

5. Consequences of ambush marketing

Since ambush marketing acts as an alternative to event sponsorship, it is the primary sponsorship participant who bears the consequences of ambush marketing. In this context Bruhn (2010, p. 16) speaks of the “magic triangle of sponsorship” and outlines three groups of participants, each of whom pursue different interests:

- Sports event organisers: they aim to use sponsorship as a means to tap into additional sources of income; the greater the public interest, the greater the marketing potential.
- Official sponsors: they consider sponsorship as an integral element of their communications policy; they exploit the attractive sporting environment in order to achieve economic and communicative goals.
- The media: their approach is a factor of the ratings; using sports events to reach their own target audiences and to distinguish themselves vs media competitors.

The following paragraphs give an overview of the consequences of ambush marketing for these three groups, subsequently summing up with conclusions drawn as to its impact on the entire sponsorship or sports market. A complete up-to-date interdisciplinary evaluation of ambush marketing is not the focus of this paper. For a detailed analysis of legal and ethical aspects of ambush marketing see, e.g. Scassa (2011), Heermann (2011), McKelvey and Grady (2004a, b, 2008), Noth (2007), Bruhn and Ahlers (2003) and O’Sullivan and Murphy (1998).

5.1 Consequences for official sponsors

Since ambushers take a share in the market potential of a sports event, a smaller “slice of the pie” remains for official sponsors and licensees. First, there’s a direct competition for the market potential of merchandising products. Sponsors and/or licensees and ambushers and their products compete with one another in the same business area. With their own event-related products, the ambushers siphon off the buying power of interested consumers (Pechtl, 2007, 2008). Moreover, ambush marketing results in a weakening of the communicative effectiveness of the sponsorship of an official sponsor (Nufer, 2013). Due to ambush marketing, the number of vendors using the sports event as part of their communications policy is increased. There is an inherent danger of attention being drawn away from the sponsor to the ambusher and the aspired-to heightening of awareness as well as the targeted image transfer do not take place for the sponsor, as intended, but rather for the ambusher. Thereby, the exclusivity of the official sponsor’s positioning in direct relationship to the sports event is lost. The accompanying “commoditisation” impedes the attainment of communications goals set by the sponsors (Bruhn and Ahlers, 2003; Berberich, 2006). At the same time, the advertising pressure on the target groups increases, implying a drop in attention paid to the communications measures that refer to the sports event. Herein, there is not only competition between vendors in one industry, but all advertisers are competing for the (scant) attention of the target group. Thus, due to ambush marketing, sponsors obtain a smaller “share of voice” in the target groups (Pechtl, 2007). The findings to date allow the presumption that for sponsors ambush marketing basically results in a decrease in the effectiveness of their sponsorship message and ultimately in a depreciation of their sponsorship (Townley *et al.*, 1998; Meenaghan, 1996). If, due on ambush activities, official sponsors can only partially realise the market potential of a sports event, it can be anticipated that their willingness to pay for and their motivation

to support such a sports event will decline. It is precisely in difficult economic times that this may frequently trigger a reappraisal of event sponsorship in the context of the communications mix (Bruhn and Ahlers, 2003; Heermann, 2011). With reduced sponsorship support, however, the sports event cannot be conducted to the extent that is necessary. In this context, Pechtl (2008, p. 71) uses the metaphor of the “ambushers who bite the hand that feeds them”.

5.2 Consequences for sports event organisers

As the organisers’ own budgets are generally insufficient to cover the financing of major sports events, they rely on the acquisition of well-financed external partners. That is why the attractive marketing of the targeted sports event represents a core objective of event organisers. In return they offer sponsors communications opportunities in the context of the event and enable the sponsoring companies to generate an affiliation with the sports event. If due to ambush marketing this affiliation and, as a consequence thereof, the communications achievements of the sponsorship commitment are not guaranteed or must be shared with non-sponsors, the value of sponsorships inevitably depreciates. The consequences are either a demand by sponsors for a reduction in sponsorship fees or possibly even a withdrawal of the sponsors. Both of these cases lead to insecurity on the part of the organisers of sports events and jeopardise the sources of income for event organisers (Bruhn and Ahlers, 2003; Townley *et al.*, 1998; Payne, 1998; Meenaghan, 1996).

5.3 Consequences for the media

For the media, sports event coverage has long since become an essential programming component and an effective tool for image differentiation *vis à vis* their media competitors. Important sports events produce high ratings and beyond that the opportunity to realise high advertising revenue by offering advertising slots in the environment of the broadcasts. Thus, insecurity on the part of the organisers also affects the financial situation of the television channels: they lose programme content and as a consequence thereof also advertising revenue (Bruhn, 2010; Bruhn and Ahlers, 2003).

5.4 Consequences for the development of the sponsorship and sports market

Overall, the simultaneous activities of sports sponsors and ambushers within the scope of the very same sports event result in the functional chain depicted in Figure 4.

Based on the network of connections among the main sponsorship participants, the consequences are not merely limited to individual groups, but ultimately cause uncertainty in the entire sports sponsorship market. With sponsors withdrawing from their commitments and thus depriving a great number of events of their financial basis, this in turn, has a negative effect on the development of the sports event market. Therefore, the organisation of significant and popular major sports events such as the Olympic Games and Football World Cup and European Championships that are typically rely on 70-100 per cent of their financing from external partnerships (primarily sponsorship funds) is jeopardised for the intermediate term (McDonald and Davidson, 2002; Payne, 1998; Meenaghan, 1996).

6. Discussion: a critical evaluation of ambush marketing

Ambush marketing is situated at the intersection of two opposing spheres of interest waging a distribution battle for the marketing potential of a sports event. On one side

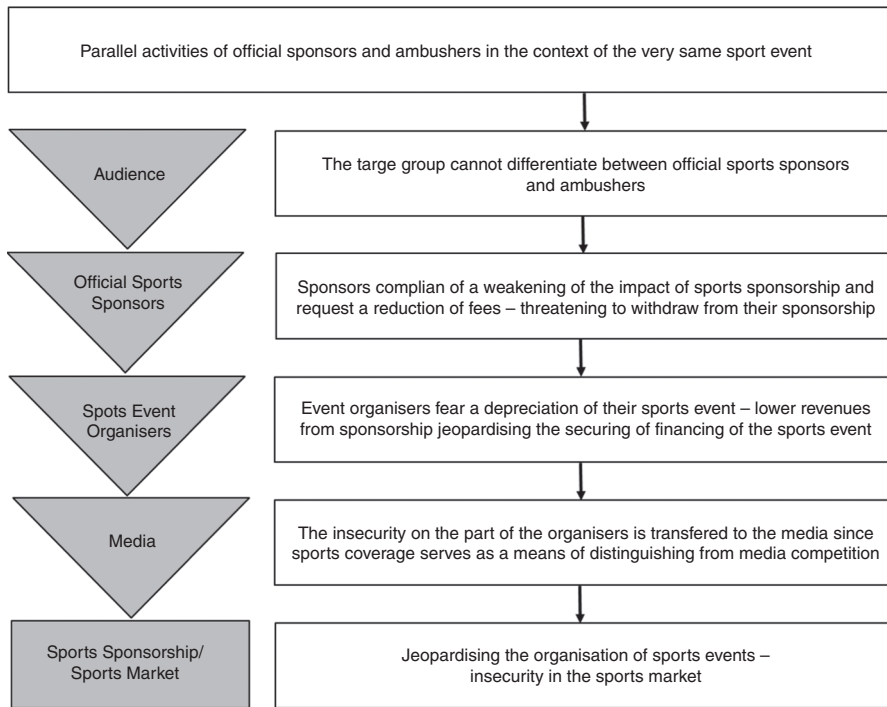


Figure 4.
Functional chain of
the consequences of
ambush marketing

are the organisers and the official sponsors; on the other, the ambushers. From the perspective of the organisers and sponsors ambush marketing represents a threat; from the perspective of the ambushers it creates an opportunity. The following arguments can be summarised for and against ambush marketing.

6.1 *The risks and limits of ambush marketing*

In return for their sponsorship and licensing fees, the official sponsors want to have the exclusive capacity to fully exploit the marketing potential of the sports event. This also serves the interests of the organisers as they can command higher revenues from the sponsorship and licensing business. From this perspective it is therefore legitimate to take advantage of the available legal options to protect this common interest with exclusivity. The infringement of intellectual property rights of official sponsors, in particular, is subject to legal action. Based on the general sense of justice it can be argued that only companies who have made a financial contribution to the implementation of the sports event can reap its economic rewards (Wittneben and Soldner, 2006; McKelvey and Grady, 2008; Nufer, 2013).

Moreover, ambushers infringe on the bylaws of diverse company and agency organisations, whose aim it is to promote fair and ethical marketing (e.g. the “Standards of Practice” of the American Marketing Association of Advertising Agencies and the “Code of Ethics” of the Business Marketing Association). In this regard ambush marketing constitutes deception of consumers (Bruhn and Ahlers, 2003; Wittneben and Soldner, 2006). A negative image transfer from the ambushing actions to the initiating company is also possible and is a particular threat if the target group sought compares

the positive promotional ideas of the official sponsors with the possibly even destructive-aggressive practices of the ambushers – something that can climax in a reaction by the targeted consumers.

Opponents of ambush marketing condemn ambushing as illegal theft of high-priced advertising rights. A statement made by former IOC marketing director Michael Payne (2003, para. 4) sums up the opinion of many critics: “ambush marketing is not a game. It is a deadly serious business and has the potential to destroy sponsorship. If ambush, or “parasite” marketing is left unchecked, then the fundamental revenue base of sports will be undermined. [...] ambush marketers are thieves knowingly stealing something that does not belong to them”. These arguments can be further consolidated as follows: what would happen if all companies were to prefer ambushing to their commitments as official sports sponsors?

6.2 *The opportunities and application options for ambush marketing*

Due to the high cost of official sponsorship and the assurance of industry exclusivity by the organisers, a dwindling number of companies are able to participate as official sponsors at mega sports events. Ambush marketing conforms to the competitive notion of not letting profit and sales opportunities go untapped. The lack of a company’s own performance in support of a sports event and the aim of still taking advantage of its marketing potential is not unethical per se. A sports event should not be conducted as a “private function” by the organisers and the participating sponsors (Meenaghan, 1996; Grady *et al.*, 2010).

In recent years an increasing tendency to “monopolise” large-scale sporting events has also been observed. This is sometimes manifested in “regulation frenzies” that are, if anything, exaggerated and perpetrated by the organisers with regard to the usage of their event-related hallmarks. This is not always discernible to a broader public and occasionally even generates certain sympathies for ambushers. At the same time, a rigid approach to dealing with ambushing also endangers having a modicum of advertising freedom (McKelvey and Grady, 2008; Pechtl, 2007; Wittneben and Soldner, 2006).

Jerry Welsh (2002, para. 9) is considered to be one of the most active champions of ambush marketing: “When you own and license Kermit you have only given the rights you own to one specific frog, and maybe not even to all green ones. [...] ambush marketing, correctly understood and rightly practiced, is an important, ethically correct, competitive tool in a non-sponsoring company’s arsenal of business- and image-building-weapons. To think otherwise is either not to understand – or wilfully to misrepresent – the meaning of ambush marketing and its significance for good – and winning – marketing practice”. The proponents of ambush marketing define ambushing as a legitimate, creative power that helps the sponsorship market by providing greater efficiency. They believe that ambush marketing is only possible if the sponsors do not sufficiently protect their activities or do not completely exploit their potential (Portmann, 2008; Welsh, 2002). Ambush marketing could thus be considered a new and innovative instrument in marketing, especially in the communications mix.

7. The results of a nuanced contemplation of ambush marketing

It is obvious that ambush marketing operates in a “grey area” somewhere between permissible and prohibited actions and between fair and unfair competition. Therefore, an evaluation of ambush marketing must necessarily apply legal as well

as ethical-moral standards. In the following, the insights derived from the above examination are revisited and combined with the results of a legal and ethical-moral evaluation (see Table I). The four fields of the matrix are characterised in the following.

7.1 “Containable” ambush marketing

This group consists of ambushing actions against which the organisers are not defenceless in terms of legal repercussions and, above and beyond this, are also morally objectionable. On the one hand, the organisers can counter the infringement of their rights with legal action. On the other hand, such cases of ambushing can be averted or at least greatly constrained with the use of appropriate preventive measures. This category is primarily characterised by direct ambush marketing.

7.2 “Controversial” ambush marketing

This group encompasses measures that, while fundamentally legitimate or legally unpreventable or virtually unpreventable, must nonetheless be subject to critical assessment in terms of ethical-moral aspects. At this point dominant-aggressive ambush marketing must be mentioned. However, cases of indirect ambush marketing by intrusion can also be subsumed under this category. Organisers frequently have no *ex ante* legal recourse to inhibit these forms of ambush marketing or to counter with *ex post*-intervention.

7.3 “Tolerated” ambush marketing

Practices that are basically open to legal challenges by the organisers, but at the same time appear relatively harmless in ethical terms can be placed in this area of the matrix. These are cases that can be interpreted as unauthorised ambush actions but generally do not incur legal action by the organisers, i.e. they are tolerated because they do not result in a weakening of official sponsorship. Such actions are often initiated by smaller, local operations. Thus, in the year of the 2006 Football World Cup a German baker was allowed to offer his “World Cup rolls” without being prosecuted and a barkeeper continued to offer public viewing in his establishment without having paid for a license to do so. Basically, this can involve direct or indirect ambush marketing. After initial irritations, it appears that the prevailing approach of organisers of large-scale sporting events such as FIFA is to focus their attention on big companies who practice ambush marketing in the context of their events and to generally allow the little guys to act unchecked – which is also certain to benefit their own image building with the broader public.

Results of the ethical-moral evaluation	Results of the legal evaluation	
	Legally preventable	Legally unpreventable or virtually unpreventable
Morally objectionable	<i>Containable</i> Direct ambush marketing	<i>Controversial</i> Indirect ambush marketing by intrusion, dominant-aggressive ambush marketing
Morally unobjectionable or virtually unobjectionable	<i>Tolerated</i> Local ambush marketing by smaller businesses	<i>Innovative</i> Indirect ambush marketing by association

Table I. Results of a nuanced contemplation of ambush marketing

7.4 “Innovative” ambush marketing

This area refers to ambush marketing that is neither legally nor ethically morally objectionable and is open to all creative ambushers. The prime example for this group is indirect ambush marketing by association with a focus on marketing communications. As long as the rights of organisers and official sponsors are not infringed upon, there are no objections to agenda setting and even less so to fun ambushing. These creative and frequently amusing approaches may even be rated as innovative communications policies that enrich advertising practice.

8. Conclusions and outlook

On the one hand, ambush marketing helps non-sponsors to achieve comparable or even greater impact than the official event sponsors. On the other hand, ambushing campaigns above all compromise the effectiveness of sponsorship, as official sponsors are forced to share the attention of the target group with additional advertisers as free riders using the theme of the event for their own benefit (Nufer, 2013; Pechtl, 2007).

Ambush marketing remains controversial and will continue to be the subject of contentious discussions. From the perspective of the event organisers and sports sponsors it represents an understandable threat, while from the perspective of the ambushers it offers the opportunity to reach the target audience in an attractive environment and at affordable cost. However, ambush marketing may by no means be relegated to the status of a “dirty word” of sports marketing *per se* on the basis of its controversial nature. Instead, ambush marketing should be classified as a competitive tool in conjunction with a sporting event. The fact that ambush marketing is often a “race between the tortoise and the hare” in which the organisers take on the role of the hare should therefore be viewed as a sign of functioning competition in which all the participating players deploy their specific weapons: official sponsorship vs creativity. All told, the concept of ambush marketing *per se* has a negative connotation and at first glance inevitably produces a negative estimation of this phenomenon. One could extrapolate that there are ambushing forms that are basically not objectionable, neither in legal-statutory nor ethical and moral terms.

The overall conflict potential that ambush marketing generates may be summarised as follows: The interests of the organisers in monopolising the marketing rights for a sports event exist in a relationship of legal tension with the advertising freedom of companies who seek to use the event for advertising even without making a sponsor’s contribution. Therefore, a closer contemplation of ambush marketing must always differentiate. A limited extent of event protection would be a proper and appropriate solution. Ultimately, this involves a political value judgement as to what is to be considered the higher ranking interest (Wittneben and Soldner, 2006). It is important to determine an adequate median, so that the financing of sports mega events is secured and at the same time fairer competition among advertiser companies is enabled, as per the saying “if you don’t stand out from the pack, you’re out” (Schulte, 2007, p. 138).

There already exist a number of empirical research studies focusing on the impact of ambush marketing on psychological objectives as attention, awareness and image (e.g. Sandler and Shani, 1989, 1993; McDaniel and Kinney, 1996, 1998; Shani and Sandler, 1998; Lyberger and McCarthy, 2001; Zanger and Drengner, 2005; Séguin *et al.*, 2005; Ellis *et al.*, 2011; Nufer, 2013). It would be an interesting option for future research to address the relation of ambush marketing to corporate revenues, i.e. to measure the quantitative impact of ambush marketing activities on economic objectives of ambushing companies.

In order to lay the foundation for future decisions and for the purpose of gaining additional insights into the subject, theoretical and empirical effectiveness research on ambush marketing must be developed further. There is a need for action, most notably in the following areas:

- Most of the studies on sports sponsorship and ambush marketing refer to mega events such as the Olympics, or the Football World Cup or European Championships. In the future more attention should be paid to smaller-scale sports events, which for medium-sized companies in particular could present important alternatives for their communications policies.
- The course of longitudinal analyses and long-term studies already embarked upon in this study should be expanded in order to research the long-term impact of sponsorship and of ambush marketing.
- In addition to the empirical examination of knowledge and recall effects, notably the analysis of attitude and image effects should be addressed in greater depth. Also, additional, previously rarely addressed target dimensions should be researched, with brand updates or employee motivation coming to mind.
- Furthermore, the impact of sports event sponsorship or ambush marketing should be more intensively studied in terms of the aspect of integrated communication. It is not by chance that in this study those companies do best that believe in integrated communications and strengthen the communicative exploitation of a sports event with supporting measures.
- Finally, an intensive collaboration between science and real world practice is needed in terms of applied research, for that is the only way to achieve substantiated results in communications effectiveness.

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Corresponding author

Gerd Nufer can be contacted at: gerd.nufer@reutlingen-university.de

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