Recent advances in bullshit reduction
Legal and illegal perspectives

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A brief history of bullshit

“One of the most salient features of our culture is that there is so much bullshit. Everyone knows this. Each of us contributes his share. But we tend to take the situation for granted. Most people are rather confident of their ability to recognize bullshit...so the phenomenon has not...attracted much sustained inquiry. In consequence, we have no clear understanding of what bullshit is, why there is so much of it, or what functions it serves.”

Education = bullshit radar

“The supreme end of education is expert discernment in all things—the power to tell the good from the bad, the genuine from the counterfeit, and to prefer the good and the genuine to the bad and the counterfeit.”

–Samuel Johnson (1709–1784)

“If you work hard and intelligently you should be able to detect when a man is talking rot, and that, in my view, is the main, if not the sole, purpose of education.”

–J. A. Smith, Remarks to His Oxford Class (1914)
FTC rules play a key role in protecting consumers from bullshit

• FTC Endorsement Guides § 255.5: “When there exists a connection between the endorser and the seller of the advertised product that might materially affect the weight or credibility of the endorsement (i.e., the connection is not reasonably expected by the audience), such connection must be fully disclosed.”

• It’s admirable that the FTC recognizes and confronts the cognitive impact of information
Bloggers have to play by the rules, but “traditional media” doesn’t. Why not?

• FTC Notice II(H)(1): “One factor in determining whether the connection between an advertiser and its endorsers should be disclosed is the type of vehicle being used to disseminate that endorsement—specifically, whether or not the nature of that medium is such that consumers are likely to recognize the statement as an advertisement (that is, as sponsored speech).”

• FTC Notice II(H)(2): “The threshold issue is whether the speaker’s statement qualifies as an “endorsement” under the Guides. If not, no disclosure need be made.”

• FTC Notice II(H)(3)(b): “The Commission acknowledges that bloggers may be subject to different disclosure requirements than reviewers in traditional media. In general, under usual circumstances, the Commission does not consider reviews published in traditional media (i.e., where a newspaper, magazine, or television or radio station with independent editorial responsibility assigns an employee to review various products or services as part of his or her official duties, and then publishes those reviews) to be sponsored advertising messages. Accordingly, such reviews are not “endorsements” within the meaning of the Guides. Under these circumstances, the Commission believes, knowing whether the media entity that published the review paid for the item in question would not affect the weight consumers give to the reviewer’s statements. In contrast, if a blogger’s statement on his personal blog or elsewhere (e.g., the site of an online retailer of electronic products) qualifies as an “endorsement” – i.e., as a sponsored message – due to the blogger’s relationship with the advertiser or the value of the merchandise he has received and has been asked to review by that advertiser, knowing these facts might affect the weight consumers give to his review.
What are the main differences between bloggers and print journalists?

<table>
<thead>
<tr>
<th></th>
<th>Blogger</th>
<th>Print journalist</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Working conditions</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full time?</td>
<td>Sometimes</td>
<td>Sometimes</td>
</tr>
<tr>
<td>Compensated?</td>
<td>Sometimes</td>
<td>Sometimes</td>
</tr>
<tr>
<td><strong>Content</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Advertorial?</td>
<td>Sometimes</td>
<td>Sometimes</td>
</tr>
<tr>
<td>Edited by someone else?</td>
<td>Sometimes</td>
<td>Sometimes</td>
</tr>
<tr>
<td>Independent and honest?</td>
<td>Sometimes</td>
<td>Sometimes</td>
</tr>
<tr>
<td><strong>Distribution</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary medium</td>
<td>Web</td>
<td>Web</td>
</tr>
<tr>
<td>Readership?</td>
<td>Zero to several million</td>
<td>Zero to several million</td>
</tr>
</tbody>
</table>
A case study in traditional media bullshit: wine magazines

“In some instances, there is an unhappy marriage between a subject that especially lends itself to bullshit and bullshit artists who are impelled to comment on it. I fear that wine is one of those instances where this unholy union is in effect.”

A selection of adjectives from *Parker’s Wine Bargains* (2009)

<table>
<thead>
<tr>
<th>Acacia</th>
<th>Mint</th>
<th>Roasted red peppers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quince</td>
<td>Sap</td>
<td>Smoky Latakia tobacco</td>
</tr>
<tr>
<td>Wet wool</td>
<td>Dried black currants</td>
<td>Beef jerky</td>
</tr>
<tr>
<td>Lime zest</td>
<td>Tar</td>
<td>Baked apple</td>
</tr>
<tr>
<td>Mulberries</td>
<td>Black olives</td>
<td>Tangerine zest</td>
</tr>
<tr>
<td>Sage</td>
<td>White pepper</td>
<td>Salt-tinged nuts and grains</td>
</tr>
<tr>
<td>Fresh green beans</td>
<td>Cress</td>
<td>Tomato foliage</td>
</tr>
<tr>
<td>Rose hip</td>
<td>Salted grapefruit</td>
<td>Restrained gooseberry</td>
</tr>
<tr>
<td>Saddle leather</td>
<td>Winter pear</td>
<td>Milk chocolate</td>
</tr>
</tbody>
</table>
An empirical bullshit test: the *Wine Spectator* “Awards of Excellence”
What does it take to get a Wine Spectator award of excellence?

- Supposedly awarded to the world’s best wine restaurants
- Magazine collects $250 fee from each of 4,000+ applicants
- Vast majority of 4,000+ applicants receive awards
- Gross revenues of $1M from application fees, plus considerably more in advertisement fees
- This raises questions about the purpose and information content of these expert ratings
Please review carefully the information we have on file for you (in the left hand column) and correct any errors and fill in ANY BLANK AREAS in the right hand column. Please remember that this data is used for both editorial overview and publication in Wine Spectator and on our website. PLEASE SIGN AND RETURN THIS FORM &@& along with the materials needed as shown in the highlighted box below. Please DO NOT copy this listing form for use with any other entries!

Wine Spectator Restaurant Awards Program

** DATA CURRENTLY ON FILE **

1. Restaurant: Osteria L’Intrepido
2. Hotel / resort:
3. Contact / Title: Stiglitz G.S., Owner
4. Mailing Address: Viale Filippetti 33
5. Milan, 20122
6. ITALY
7.
8. Street Address: Viale Filippetti 33
9. Milan, 20122
10. ITALY
11.
12. Sommelier:
13. Wine Director:
14. General Manager:
15. Owner(s): Stiglitz G.S.

16. Contact Email (to receive confirmation of receipt of materials and other information from Wine Spectator):
   lntrepido@gmail.com
17. Reservations (39) 0-24-074-6174
18. Business (39) 0-24-074-6174
19. FAX (39) 0-24-074-6174
20. Website:
   http://www.

21. Total number of selections on wine list: 0
22. Total number of bottles in wine inventory: 0
23. Corkage fee per bottle if allowed (in US$): Not Allowed
24. Are you a private club (yes / no): No
25. Dinner entire price range in US$: $0 - $0 (if price fixe only, then price fixe range)
26. Prix fixe menu offered? (yes / no): Yes
27. Prix fixe menu only? (yes / no): No
28. Cuisine type:
29. Chef:
30. Credit cards (check all that apply):
31. Meals offered (check all that apply): Lunch Dinner
32. Days closed: None

By: GS Stiglitz

Print Name/Title: Owner General Manager

Date: 14 Feb 2008

** LIST CHANGES OR CORRECTIONS HERE **

1. 
2. 
3. 
4. 
5. 
6. 
7. 
8. 
9. 
10. 
11. 
12. 
13. Augusto Crazia
14. Luca Gamberini
15. GS Stiglitz
   Please send correspondences to GS Stiglitz
   But not publish name of owner in magazine
16. 
17. 
18. 
19. 
21. 256
22. 2,100
23. $ 10 per bottle
24. Yes No
25. $ 30 to $ 42 (secondi piatti eur 20-25)
   for a la carte entrees (or price fixe if price fixe only)
26. Yes No
27. Yes No
28. Milanese
29. Paolo Gaggino
30. AMEX MC DISC VISA DISC None
31. Lunch Dinner
32. Closed Monday and Sunday night
Buone feste! L'osteria rimane aperto a natale 2007 e capodanno 2008
12 Dicembre 2007 at 12:31 am (Uncategorized) · Modifica
L'intrepido rimane aperto a natale per un pranzo speciale di 7 piatti alle 15h00 a (125,00 € in piazza), e una festa per capodanno 2008 alle 2h30 (150,00 € a persona cara – Champagne).

Esce menù d’inverno 2007/2008
26 Ottobre 2007 at 11:16 pm (Uncategorized) · Modifica
È uscito il menù d’inverno 2007/2008, [di qui](#) per visualizzarlo.

10 Marzo 2007 at 4:23 pm (Uncategorized) · Modifica
Benvenuti sul nuovo sito WWW dell'Osteria L'Intrepido! Qui si trova i nostri menù e contatti...
I rossi italiani “riserva” della nostra cantina

<table>
<thead>
<tr>
<th>Name</th>
<th>Producer</th>
<th>Rating</th>
<th>Notes</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>AMARONE CLASSICO 1998 (Veneto)</td>
<td>Tedeschi</td>
<td>65</td>
<td>“Not clean. Stale black licorice and slightly frothy on the palate. –JS”</td>
<td>30,00 €</td>
</tr>
<tr>
<td>AMARONE CLASSICO “LA FABRISERIA” 1998</td>
<td>Tedeschi</td>
<td>60</td>
<td>“Unacceptable. Sweet and cloying. Smells like bug spray. –JS”</td>
<td>185,00 €</td>
</tr>
<tr>
<td>AMARONE CLASSICO “GIOÈ” 1993</td>
<td>S. Sofia</td>
<td>69</td>
<td>“Just too much paint thinner and nail varnish character in this. –JS”</td>
<td>110,00 €</td>
</tr>
<tr>
<td>BARBARESCO ASIJ 1985 (Piemonte)</td>
<td>Ceretto</td>
<td>64</td>
<td>“Earthy, swampy, gamy, harsh and tannic. Tasted three times.”</td>
<td>135,00 €</td>
</tr>
<tr>
<td>BAROLO 1990 (Piemonte)</td>
<td>Az. Agr. GD Vajra</td>
<td>64</td>
<td>“Earthy, musty, lacking in charm or much fruit character.”</td>
<td>140,00 €</td>
</tr>
<tr>
<td>BAROLO RISERVA 1982 (Piemonte)</td>
<td>Bruno Giacosa</td>
<td>72</td>
<td>“Mature and earthy, with aggressive [sic] tannins that are sharp and harsh.”</td>
<td>250,00 €</td>
</tr>
<tr>
<td>BAROLO “ZONCHERA” 1994 (Piemonte)</td>
<td>Ceretto</td>
<td>74</td>
<td>“Quite disjointed, a bit green and herbal in flavor, with a coarse, chewy texture and an astringent finish. Hard to tell if it will ever come around. –PM”</td>
<td>120,00 €</td>
</tr>
<tr>
<td>BRUNELLO DI MONTALCINO RISERVA 1996</td>
<td>Gianfranco Soldera</td>
<td>74</td>
<td>“Smells of ripe fruit, with turpentine. Medium-bodied, with hard, acidic character. Disappointing. –JS”</td>
<td>235,00 €</td>
</tr>
<tr>
<td>BRUNELLO DI MONTALCINO “LA CASA” 1992</td>
<td>Tenuta Caparzo</td>
<td>67</td>
<td>“Smells barnyardy and tastes decayed. Not what you’d hope for with Brunello.”</td>
<td>200,00 €</td>
</tr>
<tr>
<td>BRUNELLO DI MONTALCINO 1993</td>
<td>Tenuta Caparzo</td>
<td>60</td>
<td>“Pleasant and easy to drink, but with a bit too much new wood. A bit lacking in concentration, but with pretty, round tannins and a soft finish. Drink now. –JS”</td>
<td>180,00 €</td>
</tr>
<tr>
<td>BRUNELLO DI MONTALCINO RISERVA 1995</td>
<td>Tenuta Caparzo</td>
<td>61</td>
<td>“Pleasant berry and cherry character, but the palate is light-bodied with a slightly diluted finish. Light for the vintage. Rather disappointing for this producer. Drink now. –JS”</td>
<td>135,00 €</td>
</tr>
<tr>
<td>CABERNET SAUVIGNON “I FOSSARETTI” 1995</td>
<td>Poderi Bertelli</td>
<td>58</td>
<td>“Something wrong here. Of four samples provided, two were dark in color, but tasted metallic and odd. The other two were corky. –PM”</td>
<td>120,00 €</td>
</tr>
<tr>
<td>SASSICAIA 1976 (Toscana)</td>
<td>Tenuta San Guido</td>
<td>65</td>
<td>“Even Sassicaia could not apparently escape the wet weather of this memorably bad vintage in Tuscany. It lacks harmony, having oxidized and developed a bitter orange character. Lean finish. –PM”</td>
<td>250,00 €</td>
</tr>
<tr>
<td>SASSICAIA 1980 (Toscana)</td>
<td>Tenuta San Guido</td>
<td>77</td>
<td>“Light, watery and diluted vanilla and milk chocolate character. While smooth in texture and clean on the finish, this is a modest Sassicaia. –PM”</td>
<td>230,00 €</td>
</tr>
</tbody>
</table>
The most important part of the application...
HONORING

Osteria L'Intrepido

This restaurant is honored by Wine Spectator for having one of the most outstanding restaurant wine lists in the world.

Wine Spectator

Marvin R. Shanken
Editor and Publisher

Wine Spectator

387 Park Avenue South
New York, NY 10016

Wine Coast Office

Wine Spectator

Open Plaza, 601 Van Ness Avenue
San Francisco, California 94102
Wine Spectator’s spin control

As we related earlier, Wine Spectator yesterday attempted to explain away giving its “Award of Excellence” to an imaginary restaurant with notably bad wines on the list. And in response, readers posting to the magazine’s online forums have been nothing but positive. You’ll find post after post of suspiciously supportive statements affirming the uprightness of the award and the wickedness of scammer and author Robin Goldstein. It’s almost as if Wine Spectator controlled what was said there! Notably non-outraged statements from this echo chamber include:

• “Very nice to hear the other side of the story; sounds like Robin is a liar.”

• “Thank you for this post. You have given quite a few additional details that Mr. Goldstein failed to mention. It appears on the surface that he is a dishonest person.”

• “An applause of appreciation for your endeavors... to handle this situation appropriately. And respect/kudos to laying out the facts in a very clear and concise manner. Well done.”

• “Wow, another person with to [sic] much time on their hands. To go to all that trouble, and for what?”

Perhaps, like Voltaire’s God, Robin Goldstein is a comedian playing to an audience that is afraid to laugh.
Wikipedia meddling

Wine Spectator

Wine Spectator is a magazine that focuses on wine. Founded as a newsmagazine by Bob Motley in 1978, it was purchased three years later by publisher Marvin R. Shanken. That year, its panel of experts blind tasted and reviewed over 12,400 wines. Each of the 16 issues per year contains a large section devoted to wine reviews and wine ratings.

The magazine's consumer orientation is reflected in stories such as family conflicts among producers, the identification of producers whose wines suffered from systematic cork taint, and startling collectors to the proliferation of counterfeit wines. Among the critics in the magazine's tasting panel are James Suckling, James Molesworth and James Laube.

The magazine organized and sponsored the Wine Spectator Wine Tasting of 1986 on the tenth anniversary of the "Judgment of Paris".

Criticism

Having started a restaurant awards program in 1981, the accolades have since come under some criticism. At the August 2003 conference of the American Association of Wine Economists in Portland, Oregon, a hoax exposé submission of the fictitious restaurant Osteria L'Intrepido was revealed by the author and Fearless Critic founder Robin Goldstein: he had won an Award of Excellence for a restaurant that didn't exist and whose "reserve wine list" was full of the lowest-rated Italian wines in history. He stated the expose to be part of research for an academic paper, whose aim was to discover what it takes for a restaurant's wine list to receive an award from the magazine. With nearly 4,500 restaurant applications, the magazine earns over $1 million each year from submission fees.

Editor Thomas Mathews published an official response on the magazine's forum site.

References

3. What does it take to get a Wine Spectator Award of Excellence?
7. Coleman, Tyler. Dr. Vino (August 19, 2003). "Fictitious restaurant wins Wine Spectator Award of Excellence".
Regression analysis (Ashenfelter, Goldstein, and Riddell, 2010)

- Presence of WS Award raises meal costs by $8.52 (21% of $40.90), holding constant quality of food, décor and service: basic award raises cost by $4.29 (11%), “Best Of” by $16.32 (40%), and “Grand Award” by $19.73 (48%).

<table>
<thead>
<tr>
<th>Variable</th>
<th>cost</th>
<th>cost</th>
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</thead>
<tbody>
<tr>
<td>food</td>
<td>0.8597</td>
<td>0.8036</td>
</tr>
<tr>
<td></td>
<td>(0.2181)***</td>
<td>(0.2177)***</td>
</tr>
<tr>
<td>decor</td>
<td>1.4822</td>
<td>1.4718</td>
</tr>
<tr>
<td></td>
<td>(0.1484)***</td>
<td>(0.1479)***</td>
</tr>
<tr>
<td>service</td>
<td>2.6337</td>
<td>2.5936</td>
</tr>
<tr>
<td></td>
<td>(0.2525)***</td>
<td>(0.2518)***</td>
</tr>
<tr>
<td>Any award</td>
<td>8.5158</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>(1.7126)***</td>
<td>-</td>
</tr>
<tr>
<td>Award of Excellence</td>
<td>-</td>
<td>4.2920</td>
</tr>
<tr>
<td></td>
<td>(2.0363)***</td>
<td>(2.9382)***</td>
</tr>
<tr>
<td>Best award of excellence</td>
<td>-</td>
<td>16.3244</td>
</tr>
<tr>
<td></td>
<td>(2.9382)***</td>
<td>(7.1131)***</td>
</tr>
<tr>
<td>Grand award</td>
<td>-</td>
<td>19.7278</td>
</tr>
<tr>
<td></td>
<td>(7.1131)***</td>
<td>(7.1131)***</td>
</tr>
<tr>
<td>Constant</td>
<td>-50.5794</td>
<td>-48.5250</td>
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<td></td>
<td>(3.7324)***</td>
<td>(3.7576)***</td>
</tr>
<tr>
<td>Obs</td>
<td>1712</td>
<td>1712</td>
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<tr>
<td>R-squared</td>
<td>0.41</td>
<td>0.42</td>
</tr>
<tr>
<td>F-test: the coefficients on the 3 dummies are equal</td>
<td>-</td>
<td>7.34</td>
</tr>
<tr>
<td></td>
<td>Prob&gt;F = 0.0007</td>
<td></td>
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</tbody>
</table>
Conclusions from the experiment

• Wine Spectator Award of Excellence does not measure or signal a good wine list
• Wine Spectator Award of Excellence does not measure or signal a good restaurant
• Wine Spectator Award of Excellence does not signal a restaurant at all

So what does it actually measure or signal?
Should a Wine Spectator award be considered an “endorsement”? 

• Cost of basic endorsement is $250; cost of additional ads in awards issue ranges from $3,090 to $8,810 

• Endorsement is available to anyone 

• FTC Endorsement Guides § 255.0(b): “An endorsement means any advertising message (including verbal statements, demonstrations, or depictions of the name, signature, likeness or other identifying personal characteristics of an individual or the name or seal of an organization) that consumers are likely to believe reflects the opinions, beliefs, findings, or experiences of a party other than the sponsoring advertiser, even if the views expressed by that party are identical to those of the sponsoring advertiser. The party whose opinions, beliefs, findings, or experience the message appears to reflect will be called the endorser and may be an individual, group, or institution.” 

• Maybe the disclosure rules would apply (on a case-by-case basis) to Wine Spectator. But there should be no safe harbor for print media in the Guide.
If Endorsement Guide rules were applied to *Wine Spectator*, the Award of Excellence would be considered deceptive advertising.

- Endorsement Guides § 255.3(b): “Although the expert may, in endorsing a product, take into account factors not within his or her expertise (e.g., matters of taste or price), the endorsement must be supported by an actual exercise of that expertise in evaluating product features or characteristics with respect to which he or she is expert and which are relevant to an ordinary consumer’s use of or experience with the product and are available to the ordinary consumer. This evaluation must have included an examination or testing of the product at least as extensive as someone with the same degree of expertise would normally need to conduct in order to support the conclusions presented in the endorsement.”

- Endorsement Guides § 255.3(b): “To the extent that the advertisement implies that the endorsement was based upon a comparison, such comparison must have been included in the expert’s evaluation; and as a result of such comparison, the expert must have concluded that, with respect to those features on which he or she is expert and which are relevant and available to an ordinary consumer, the endorsed product is at least equal overall to the competitors’ products. Moreover, where the net impression created by the endorsement is that the advertised product is superior to other products with respect to any such feature or features, then the expert must in fact have found such superiority.”
Where should we go from here?

• Voluntary disclosure is the best kind

• bloggerdisclosure.org

• Establishing social norms can function as a powerful means of regulation
  Ideal is to create a culture of compliance
Robin Goldstein

- My blog: blindtaste.com
- Fearless Critic site: fearlesscritic.com
- Email: robin@fearlesscritic.com
- Twitter: robinsgoldstein