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A large, high-resolution image of the Earth as seen from space, showing the curvature of the planet and the blue of the oceans. The image is centered in the background of the slide.

# Targeting on the Basis of Emotions as an Unfair Commercial Practice

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# Introduction

- This is based on an ongoing project on *Exploitative Technologies and Vulnerable Consumers*.
- The Average Consumer Benchmark(s);
- Consumers and Emotion;
- (H Pringle and P Field *Brand Immortality* (2012))



# Instigating, Exacerbating and Exploiting Emotion

- The Eight Primary Emotions (R Plutchik *Emotion: Theory Research and Experience* (1980));
- Cadbury's Chocolate;
- Sight Savers.



# Targeting Emotions

- Targeting and the Average Consumer;
- Online Behavioural/Targeted Advertising (OBA/OTA);
- Affective Computing;
- Emotion-Identifier Technology (EIT) and the Facial Action Coding System (FACS) (P Ekman *Emotions Revealed: Understanding Faces and Feelings* (2004)).



# Emotion-Targeting and the UCPD

- Emotion-Targeting as an Aggressive Commercial Practice;
- Emotion-Targeting as Contrary to Professional Diligence.



# AI Act (Commission Draft)

- Article 5(1)(b) prohibits:
- "(b)the placing on the market, putting into service or use of an AI system that exploits any of the vulnerabilities of a specific group of persons due to their age, physical or mental disability, in order to materially distort the behaviour of a person pertaining to that group in a manner that causes or is likely to cause that person or another person physical or psychological harm“.



# AI Act (Parliament Draft)

- Prohibits:
- "the placing on the market, putting into service or use of an AI system that exploits any of the vulnerabilities of a **person or a specific group of persons, including characteristics of such person's or a such group's known or predicted personality traits or social or economic situation** age, physical or mental **ability with the objective or to the effect of materially *distorting*** the behaviour of **that person or** a person pertaining to that group in a manner that causes or is likely to cause that person or another person **significant** harm."



# Thank You!

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