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Consent as a Success Factor - The Impact of Cookie Banner Tonality and Regulatory Fit

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Marketing Review St. Gallen

Privacy
as Strategy?



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Consent as a Success Factor

The Impact of Cookie Banner Tonality
and Regulatory Fit

This paper analyzes the impact of cookie banner tonality and its fit with the consumer's mindset on the intention to give consent. By providing a link between consumer mindsets and cookie banner tonality, this study offers practical guidance regarding the phrasing of cookie banner messages.

Sarah Kutscher, Dr. Isabelle Kes, Alexander Eiting, Prof. Dr. Eva Anderl

With the legislation and jurisdiction regarding cookies becoming more and more restrictive (GDPR, California Consumer Privacy Act etc.), companies need to identify mechanisms that help increase the cookie consent rate while still protecting consumers' legal rights regarding data privacy. In October 2019, the European Court of Justice decided that the declaration that an online platform collects and processes personal data of the user is not sufficient. Instead, users must actively give consent to the collection of personal identifiable information (PII), an act referred to as "accepting cookies" (Planet49 in Court of Justice of the European Union, 2019). Cookies are small text files that online sites place on users' devices while they are browsing (Flocke & Holland, 2014). Users usually become aware of them in the form of a cookie banner or cookie pop-up asking for consent. Companies use cookies as a tool to track the user's online activity to analyze and depict the customer journey as part of relationship marketing (Flocke & Holland, 2014). The ultimate goal of mapping and examining the customer journey of a potential customer is to adapt the communication to the user's needs, improve their experience, and thus achieve higher loyalty as well as revenue growth (Micheaux & Bosio, 2019).

To benefit from consumer data, digital marketers need to identify mechanisms to increase the cookie consent rate while respecting the users' privacy and need for transparency and freedom of decision. In the context of information control, Flaherty defines personal privacy as follows: "Individuals want to be left alone and to exercise some control over how information about them is used" (Flaherty, 1989, p. xiii). As consumers show a high need for privacy – 82% of German consumers believe the protection of their personal data is crucial and 70% think it is unacceptable to use personal information for personalization (Kozyreva et al., 2020) – understanding the mechanisms influencing the intention to give consent becomes a key success factor for digital marketing.

This paper analyzes the impact of cookie banner tonality and its fit with the consumers' mindset regarding the intention to give consent. While there are numerous studies on the effects of banner design and usability aspects on the intention of website visitors to consent (e.g., Utz et al., 2019), existing research rarely focuses on the impact of different consumer mindsets and attitudes on the consent rate. By providing a link between consumer mindsets and cookie banner tonality, this study offers practical guidance for online marketers and privacy officers with regard to the optimal formulation of banner messages.

Conceptual Model

As the objective of this paper is to better understand how marketers can improve consent rates by the way they ask for consent, it is necessary to examine what drives the reaction to the question for consent. The reaction to a cookie banner can be analyzed using the stimulus–organism–response (SOR) paradigm. The SOR paradigm describes the behavioral response (R) of an organism (O) to a stimulus (S) such as a marketing measure. The organism's emotional and cognitive internal processes explain individually different reactions to an identical stimulus (Mehrabian & Russell, 1974). In this case, the cookie banner can be seen as the stimulus, and the consent or rejection of the consent represents the response, which is influenced by the internal processes of the organism, i.e. the consumer. The present study will focus on the following aspects: the tonality of the communication (stimulus), the receiver's mindset (organism), the fit of tonality and mindset, as well as privacy concerns (organism) and the interaction between tonality and privacy concerns. These five potential impact factors (H1–H5) are depicted in the conceptual model in figure 1.

Based on the regulatory focus theory (Higgins, 1998), the first research question deals with the tonality of the cookie banner, adapted to fit either a prevention-focused



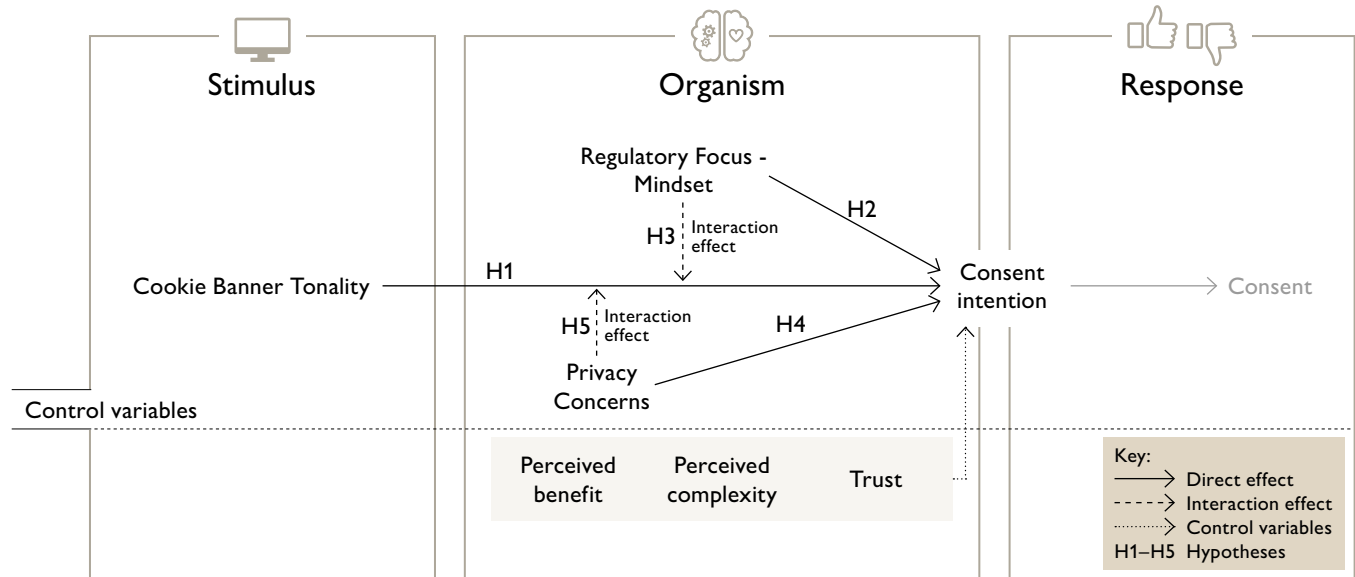
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Figure 1: Conceptual Model of the Presented Study



Source: Own illustration.

or a promotion-focused type of person. The regulatory focus theory differentiates people into two groups: people either operate with a promotion focus, i.e., they want to achieve pleasure and seek positive outcomes, or with a prevention focus to avoid pain and negative outcomes of events. The regulatory focus of a person has a strong effect on their feelings, thoughts, and actions. In general, individuals tend to weigh losses more heavily than gains in the evaluation of potential outcomes (Jolls & Sunstein, 2006). This effect has been studied intensively with regard to message-framing, especially in medicine (e.g., Meyerowitz & Chaiken, 1987). In the context of marketing, there are two opposing opinions when it comes to the preference of message framing. On the one hand, there are studies suggesting that promotion-focused messaging is usually more favorable for advertising and brand perception (Kim & Sung, 2013; Mowle et al., 2014; Zhang, 2016). On the other hand, there are studies which underline the effectiveness of preventive

messaging, e.g., in an ad for a brand that is perceived as sincere and competent (Kim & Sung, 2013).

In a similar line, Gabisch and Milne (2013) investigated self-disclosure in an online context. Their study suggests that security cues (preventive messaging) were more effective than reward cues (promotion messaging) in encouraging prevention-focused consumers to disclose personal information. In contrast, reward cues did not enhance the wil-

lingness of promotion-focused consumers to disclose. The authors argue that the reason behind these findings might be that in the context of consumers' self-disclosure, privacy risks are highly salient, so that even promotion-focused consumers likely care about security cues and favor preventive messaging (Gabisch & Milne, 2013).

In line with those results, the current study assumes that consumers will act more favorably when presented with a

Management Summary

Based on the regulatory focus theory, this paper analyzes the impact of cookie banner tonality and its fit with the consumers' mindset on the intention to give consent to tracking cookies. Using an online laboratory experiment, the authors find that cookie banner tonality, regulatory fit, and privacy concerns are relevant drivers of consent intention. By providing a link between consumer mindsets and cookie banner tonality, this study offers practical guidance for online marketers and privacy officers regarding the optimal formulation of cookie banner messages.

preventive language suggesting a trustworthy use of the collected data:

H1: A prevention-focused cookie banner messaging leads to a higher effect on the consent intention in comparison to a promotion-focused cookie banner.

The second research question moves from the stimulus to the organism and focuses on the effect of a primed **regulatory focus** (promotion vs. prevention) of a consumer on the consent intention. A study by Mosteller and Poddar (2017) on self-disclosure on social media shows that a promotion-focused person shares extensively on social media, whereas a prevention-focused person also shares but more selectively. Especially when the information exchange is perceived as unfair, the prevention-focused person will rather not share at all. Another study in the context of advertising showed that participants with a higher promotion focus rated customized online ads as more relevant and useful, as well as more entertaining (Varnali, 2019). The authors reason that promotion-focused people may focus entirely on the benefits associated with an ad and neglect potential risks (Varnali, 2019). The fact that giving consent to a cookie banner allows for personalized online advertising leads to the assumption that promotion-focused people might be more willing to consent to cookies. This results in the following hypothesis:

H2: A promotion focus of a person leads to a higher consent intention in comparison to a prevention focus.

The third research question dives deeper into the theory by looking at the effects of a **regulatory fit** on the consent intention of users. A regulatory fit occurs when a prevention- or promotion-focused person is faced with a matching text tonality (prevention or promotion). Thus, a regulatory fit in this context occurs when the cookie banner message is framed in a way that fits with the inner

Main Propositions

- 1 Cookie banner tonality and its fit with consumers' mindsets significantly influence their intention to give consent.
- 2 A prevention tonality leads to a significantly higher consent intention than a promotion banner.
- 3 If there is a regulatory fit between a prevention-focused person and a prevention-focused banner, the intention to give consent to cookies increases significantly.
- 4 Strong privacy concerns of a consumer lead to a significantly lower intention to consent.
- 5 A prevention tonality has a positive effect for users with both high and low privacy concerns.

values and thoughts of a person. The findings of Cesario et al. (2004), Lin and Shen (2012) and Zhao and Pechmann (2007) suggest that individuals are more likely to be influenced when they are exposed to information that is consistent with their regulatory focus. Cesario et al. (2004) imply that when a message "feels right" due to a regulatory fit, this subjective experience transfers to the persuasion context and serves as information for individual evaluations, resulting in a favorable behavioral intention. Therefore, a regulatory fit should perform better than a non-fit: when a prevention-focused cookie banner is shown to a prevention-focused person, the acceptance rate should be higher than when the same cookie banner is shown to a promotion-focused person and vice versa. These assumptions result in the following hypothesis:

H3: A regulatory fit leads to a higher effect on the consent intention in comparison to a regulatory non-fit.

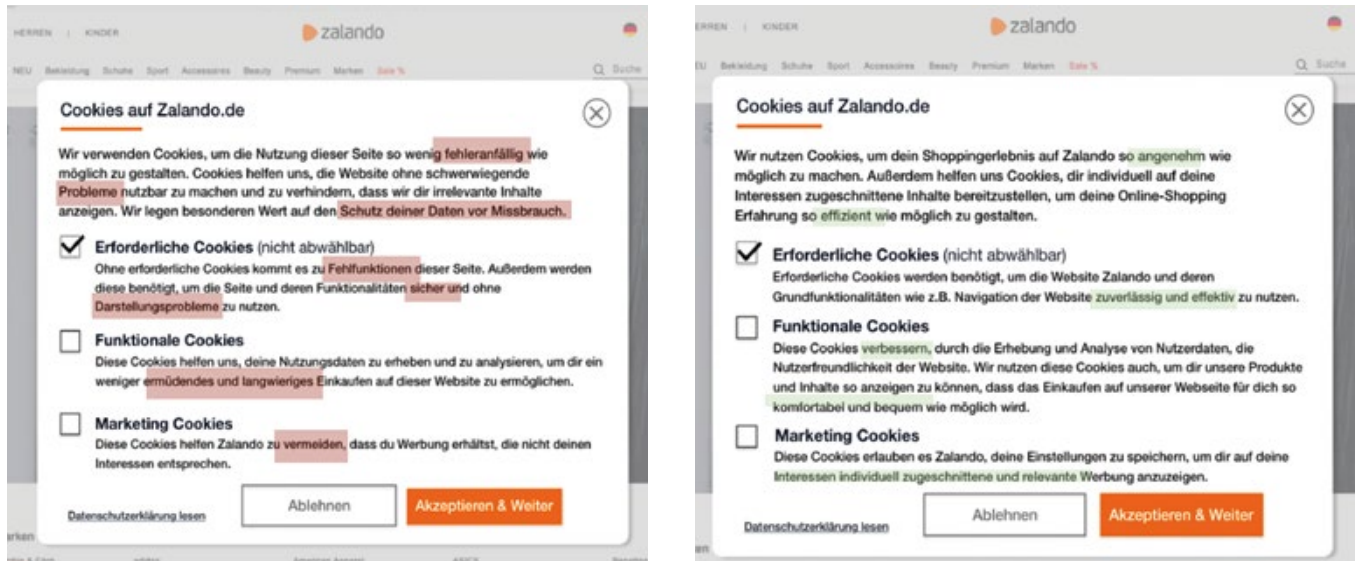
To account for a crucial phenomenon in this context, the effect of **privacy concerns** – as a further aspect of the consumer's organism – on the intention to consent is analyzed. Human beings experience privacy uncertainty because they rarely have a deeper understanding of what parts of their personal information are collected, how they are processed and what the consequences might be (Acquisti et al., 2015). This feeling of uncertainty is increased due to the fact that many privacy risks such as identity theft are intangible and no specific cost can be assigned to them (Acquisti et al., 2020). People are often faced with trade-offs and are torn between giving away personal information for potential benefits or keeping their information strictly private and missing out on good deals (Laufer & Wolfe, 1977). Based on this trade-off, one can assume that the higher those concerns are, the more careful people will be about disclosing personal information. Theoretical reasoning and empirical research thus lead to the following hypothesis:

H4: Higher privacy concerns lead to a lower consent intention.

As mentioned above, Gabisch and Milne (2013) found that prevention communication worked better in the context of self-disclosure. As a preventive tonality addresses the risks and fears of people and underlines ways to lower perceived risks (Gabisch & Milne, 2013; Kim & Sung, 2013), it can be assumed that a prevention tonality is particularly effective with people with higher privacy concerns. Based on these assumptions, the following hypothesis is formulated:

H5: With higher privacy concerns, the positive effect of a prevention tonality on consent intention is increased.

Figure 2: Prevention and Promotion Banners Used in the Experiment



Source: Own illustration.

Empirical Study

To test these hypotheses, the authors conducted an online experiment: First, the respondents were primed to fall into either the prevention focus or the promotion focus (Higgins, 1998). Priming was done by asking the participants to complete two tasks; firstly, a word completion task in which participants had to complete word fragments that stand for either risk avoidance or goal achievement. Secondly, the targeted prevention group of participants was asked to mention a task they currently need to accomplish and to explain three strategies to avoid risks, while the participants primed for promotion were asked to mention a wish they would like to realize and list three strategies how to achieve this. After that, the prevention- or promotion-focused respondents randomly faced one of two cookie banners, varying in the messaging tonality. Banner one had a prevention-focused text tonality stating that the website might not func-

tion properly and shopping would be a more tedious experience if the users did not give consent. In addition, the users might be faced with content and ads that are not consistent with their interests. Cookie banner two had a promotion-focused tonality, stating that the shopping experience would be improved, and the

content and ads shown would be based on their interests if the users accepted the stated cookies. Each cookie banner was staged as being part of a well-known German fashion online shop.

To ensure the quality and the correct classification of the banners regarding their promotion or prevention focus, a pretest was conducted. For the pretest, the banners were presented to separate groups, and they were asked to answer a set of questions evaluating the perception of risk avoidance for the prevention banner and the perception of benefits and goal orientation for the promotion banner.

Lessons Learned

- 1 Marketers should use a prevention tonality in cookie banner messages to increase the consent intention.
- 2 Prevention banners work better for users with high and low privacy concerns.
- 3 Cookie banners should use easy and concise language to increase transparency and promote trust.

Sample

The research consisted of a two (between-factor regulatory focus: promotion vs. prevention) by two (within-factor cookie banner message: promotion vs. prevention) factorial design, which enables a comparison of the consent

intention depending on the consumer focus and the cookie banner tonality. The sample had been split randomly into two groups that completed the priming tasks for a prevention or a promotion focus. Based on the results of a manipulation check, 79.7% of the participants were successfully primed either on a prevention or a promotion focus. After cleaning, the data set comprised 192 participants with 52.8% primed to a prevention mind-set and 47.2% primed to a promotion mind-set. 48.8% of the participants were male and 51.2% were female. While 58.7% were above the age of 50 years, 18.2% were between 41 and 50 years old, 13.2% were between 31 and 40 years and 9.9% were below the age of 30 years. 31.3% had finished their education with a university degree, and 24.9% had a high school degree. The participants were assigned to the following experimental groups: 51 participants with a promotional focus who were shown a promotion banner (promotion fit: 26.6%) and 55 who were shown a prevention banner (promotion non-fit: 28.6%); 47 prevention-focused participants who got to see a prevention banner (prevention fit:

24.5%) and 39 who got to see a promotion banner (prevention non-fit: 20.3%).

Results

While 26.5% of the respondents that were confronted with a promotion banner were willing to give full consent (5–7 on a 7-point Likert scale), 32.3% of those

confronted with a prevention banner were willing to do so. To analyze what drives the consent intention, a multiple linear regression model was calculated after having checked all relevant test assumptions. Full consent (“How likely is it that you accept all cookies?”) was used as the dependent variable as this provides the highest value to marketers.

The model results show that the tonality of the cookie banner as well as trust and privacy concerns were the most relevant

drivers of consent intention in the current study. 32.3% of the effect on consent intention can be explained by these predictor variables (adjusted $R^2 = 0.323$).

The model shows a highly significant direct effect of the banner tonality, indicating that a promotion tonality leads to a

Cookie banner tonality, regulatory fit, and privacy concerns are relevant drivers of consent intention.

significantly lower consent intention than a prevention banner (coefficient: -4.841 ; $p < 0.001$). Thus, **H1 can be accepted**.

Furthermore, consumers being primed with a prevention mindset according to the regulatory focus theory show a slightly higher consent intention than those with a prevailing promotion focus (coefficient: -1.515 , $p < 0.1$). Therefore, **H2 has to be rejected**.

If there is a regulatory fit between a prevention-focused person and a prevention-focused banner, the intention to give consent to tracking increases significantly, i.e., **H3 can be accepted**.

Figure 3 shows the visualization of the 2-way interaction effect of cookie banner type and regulatory focus and the resulting effect on the intention to give consent (coefficient: 1.275 , $p < 0.1$). It is apparent that the prevention banner increases the consent intention for prevention- as well as promotion-focused people, even though this effect is stronger for people with a prevention focus.

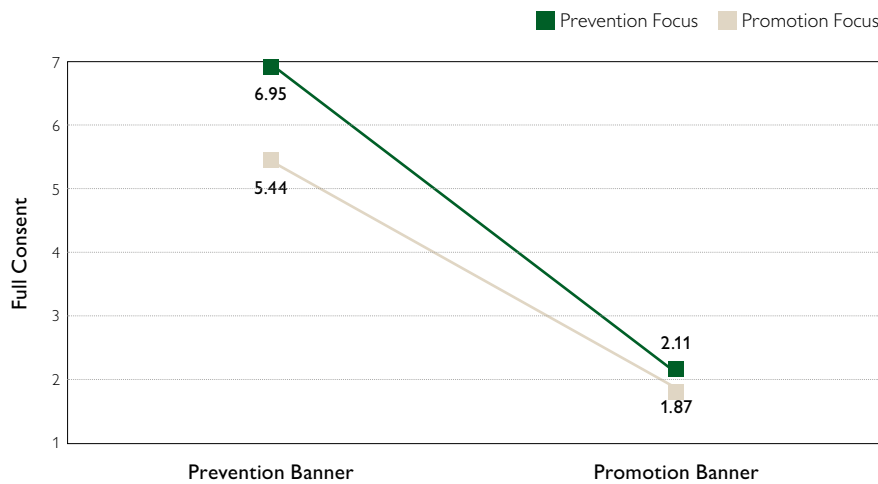
Privacy concerns of a consumer lead to a significantly lower intention to consent (coefficient: -0.874 ; $p < 0.05$). Therefore, **H4 is confirmed**. Privacy concerns also significantly moderate the effect of banner tonality (coefficient: 0.476 , $p < 0.1$), meaning that lower privacy concerns

Table 1: Overview of the Results of the Regression Model

	Coefficients	Standard errors	t-values
Intercept	6.951	2.144	3.242
Banner tonality (ref. cat. prevention banner)	-4.841^{***}	1.351	-3.582
Regulatory focus (ref. cat. prevention focus)	-1.515^*	0.842	-1.799
Interaction: tonality × reg. focus	1.275^{**}	0.535	2.384
Privacy concerns	-0.874^{***}	0.315	-2.772
Interaction: tonality × privacy concerns	0.476^{**}	0.202	2.353
Control variables			
Trust	0.665^{***}	0.108	6.168
Perceived benefit	0.113	0.118	0.953
Perceived complexity	0.212^*	0.104	2.046

Significance: $*** < 0.001$; $** < 0.05$; $* < 0.1$. Source: Own illustration.

Figure 3: Two-Way Interaction of Cookie Banner Type and Regulatory Focus on Full Consent Intention



Source: Own illustration.

amplify the positive effect of the prevention tonality on the intention to consent. This effect of low privacy concerns is stronger for the prevention than for the promotion banner. Thus, *H5 can not be confirmed*.

To take into account that there are more driving factors for the intention to give consent, further control variables representing the organism within the SOR paradigm were included in the model: trust, perceived benefits, and perceived complexity regarding cookies in general. Among those, trust shows a highly significant positive impact on the consent intention (coefficient: 0.665; $p < 0.001$), meaning the more consumers trust the information presented in a cookie banner and believe that companies are following what they promise in their cookie statements the more they are willing to give consent. Secondly, high perceived complexity shows a significant positive effect on the intention to consent (coefficient: 0.212; $p < 0.05$), while perceived benefit has no significant impact.

Implications

These results highlight that the tonality of a cookie banner message has a significant impact on the consent intention. A prevention tonality is much more effective in comparison to a promotion tonality. Thus, practitioners should generally use a preventive banner messaging to achieve the benefits of a higher consent intention to all cookies, including marketing cookies.

With regard to the second research question, a promotion focus of a person does not positively influence their intention to give consent to cookies. Regarding the hypothesis that the regulatory focus of a person has a moderating effect on the impact of the cookie banner tonality on the consent intention, a differentiation is required: The statement only holds true for the regulatory fit between a prevention-focused person and a cookie banner with a preventive tonality. This combination does result in a higher consent intention than the non-fit. In contrast, the regulatory fit between

a promotion focus and a promotion banner messaging does not increase the consent intention. Additionally, a direct negative effect of privacy concerns on the consent intention can be observed. A prevention tonality can help to address privacy concerns as consent intention is higher for prevention banners for people with high and low privacy concerns.

The following section identifies recommendations for action that may be useful for online marketing professionals. The literature suggests two powerful mechanisms to increase the acceptance of tracking cookies: (i) default settings which do not conform with the GDPR in Europe, and (ii) specific design choices regarding the appearance and functionality of cookie banners. This research project proposes that cookie banner tonality and social consensus, i.e. a regulatory fit between the cookie banner messaging and the consumer focus, are impactful and legal tools to increase the consent intention of consumers. The results suggest the general use of a prevention tonality in cookie banner messages to increase the consent intention – which is especially appropriate for people with a prevention focus. The

Prevention tonality in cookie banner messages increases consent intention.

knowledge of the benefits of preventive messaging can be particularly beneficial for industries where people are prone to be in a certain preventive behavior state, e.g., when using an online banking website or their health insurance mobile app. The fact that high perceived complexity showed a positive effect on the consent intention may be due to the fact that consumers tend to resign and just give consent if they perceive cookies as complex. But considering the

even stronger effect of trust, the banner should use easy and concise language to increase transparency and instil trust instead of causing confusion. The cookie banner used in the online experiment of this research project could be used by professionals as a starting point and an example of effective wording and tonality, as it is quite universal and may be used for various industries.

Limitations and Outlook

As any research, this study has several limitations which are discussed below.

Firstly, there are general weaknesses, besides the many strengths, that are associated with the kind of laboratory experiments used in this study. The artificial setting may produce unnatural behavior that may not reflect real life (Araújo et al., 2007). This might make it difficult to generalize the findings to a real-life setting where respondents would behave more instinctively. Secondly, the experimental design with its potentially low ecological validity leads to the inability to measure actual consent, but more accurately a consent intention. Thirdly, even though the briefing to the panel provider included the demand for representativeness in terms of age of the German population, the two younger age categories were underrepresented. Thus, the findings may not fully hold true for a population below the age of forty. Furthermore, privacy decisions can be influenced by cultural factors, so that the results may not be identical in other countries. Finally, the study does not investigate other crucial determinants such as the functionality and design of the cookie notice. Prior research demonstrated that the user experience of cookie banners such as the number of clicks or default settings, as well as the colors of the buttons significantly influence the consent intention. Thus, future research should try to model a

more complete real-life situation with all three potentially influential stimulus variables encompassing design, functionality, and content to find out how these aspects should be combined in practice. In addition, factors such as nudges and habituation probably also play a role and should be investigated in controlled field experiments.

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