

Article

A Study on Ethical Issues in Advertising: An Indian Perspective

Parul Malhotra

Professor, Department of Journalism and Mass Communication, Madhubala Institute of Communication and Electronic Media, Delhi, India.

INFO

E-mail Id:

parul1981malhotra@gmail.com

How to cite this article:

Malhotra P. A Study on Ethical Issues in Advertising: An Indian Perspective. *J Adv Res Jnl Mass Comm* 2021; 8(1): 1-6.

Date of Submission: 2021-05-22

Date of Acceptance: 2021-06-01

ABSTRACT

Today Indian advertising industry is growing at a fast speed. It is affecting all whether a marketer, a consumer, retailers or wholesalers, nobody has escaped from its influence. It is beneficial for economy as well as society. As every coin has two sides; advertising world is also being criticized for its unethical practices like puffery, obscenity, vulgarity, creating materialistic demands, stereotyping and for putting out misleading or exaggerated claims in respect of product, goods and services advertised. The purpose of this study is to understand the ethical issues in Indian Advertising. In this paper we have analyzed with the help of examples the different unethical practices used by advertisers in advertisements in India and also discussed some real life cases solved by CCC (Consumer Complaint Council) following the necessary ASCI Codes.

Keywords: Advertising, ASCI, Ethics, Unethical Advertising

Introduction

Advertising is a persuasive tool of promotion for companies who target their products and services at mass consumers. Advertising builds brand preferences and loyalty. It stimulates the demand for the products and services. Advertising has now become an industry, owing to the increased presence of Integrated Marketing Communication, it has come a long way from mission to profession to the status of an industry. Advertising is affecting all whether a marketer, a consumer, retailers or wholesalers, nobody has escaped from its influence. The scope of advertising has become so vast that each advertiser is battling for the space in consumer's mind. It is all pervasive and omnipresent.

Benefits of Advertising

Advertising plays significant role in the introduction of new products and services in the market. It enables the manufacturer to expand his market by helping him to explore new markets for the product and retaining the existing markets. Another major benefit of advertising is that

it is helpful in meeting the forces of competition prevalent in the market. Continuous advertising is very essential in order to save the product from the clutches of the competitors and to build the goodwill of the organization.

Advertising is educational and dynamic in nature. It familiarizes the customers with the new products and educates them about the new uses of existing products. Thus, it helps the consumers in taking the informed buying decisions. Advertising even assures standard quality products to consumers.

The manufacturer provides quality goods to the consumers and tries to win their confidence in his product.

Advertising is beneficial for society as well as it creates many employment opportunities for many talented people like painters, photographers, singers, cartoonists, musicians, models and people working in different advertising agencies. It is also helpful in reducing the cost of the newspapers and magazines etc. The cost of bringing out a newspaper is largely met by the advertisements published. Advertising

is also greatly responsible for raising the living standards of the people. In the words of Winston Churchill "advertising nourishes the consuming power of men and creates wants for better standard of living."

Criticism of Advertising

Advertising contributes to have both negative and positive influence on society. On one hand it has many advantages, on the other hand it is being criticized for encouraging materialism, manipulating consumers to buy things they do not need, stereotyping, being deceptive and so on.

In the present competitive market scenario, advertisers are trying different measures to attract the consumers. They use the blend of rational and emotional appeals to attract the attention of target audiences, like comfort, economy of use, aspirations, love, sex, patriotism, health, safety, pride, nostalgia etc. The blend of such ideas touches the hearts and minds of consumers which ultimately generates the response. But, sometimes advertisers are carried away with the profit motives and forget that their advertisements can have positive as well as negative impact on society.

The advertising industry has been frequently criticized for making misleading claims in respect of product, goods and services advertised. It is also seen that some ads glorify certain habits or tendencies regarded as undesirable. Advertisements exposing pornography and promoting commoditization of women are heavily criticized in the society. Advertisers try to portray their product as one of the best in the market and in doing so they highlight the advantages of the product and hide the disadvantages.

- **Advertising of Medicines:** Advertisers show that the medicine can cure but they never talk about the side effects of it and risks involved in consuming it
- **Surrogate Advertising:** Many liquor ads use mineral water and sodas in their advertisements with their brand name. These ads are called surrogate ads. Liquor ads are totally banned so such types of ads are totally unethical. Even if there are no advertisements for alcohol, people will still continue drinking
- **Advertisements of Cigarettes and Tobacco:** Consumption of such products is directly and badly responsible for cancer and other severe health issues. So such products should be never advertised

Literature Review

Singal and Kamra (2012), say that The ethical aspect of Indian advertisement is extremely important for restoration of our Indian culture and heritage. Indian culture is getting diluted by the western culture which influences our country to a great extent. Telecasting and publication of obscene, indecent advertisements clearly shows the percolation of western culture in India so, to save our culture, norms and ethics regulations of such unethical advertisements.

Sidhu, Sharma, Shiny and Shivani (2015), concluded that today the numbers of unethical and obscene advertisements are escalating in numbers instead of decreasing. This clearly shows that implementation of the laws controlling advertisement is not properly done. The lack of implementation of the laws are pouring in more and more unethical and obscene advertisements. Hence, proper implementation of the laws is highly required in our country.

Ajay (2014), says Advertising is highly visible business activity and any lapse in the ethical standards can lead to severe consequences for the company and the image of the brand. An advertisement which is questionable on ethical grounds invites criticism. It may also lead to some action taken against the advertisers by public interest groups, Advertising Standard Council of India (ASCI) and consumer protection council. Thus the professionals in the advertising industry need to have strong ethical standards while designing their advertising campaigns.

Singh and Sandhu (2011), proposed that ads for harmful products like coke, pepsi, tobacco etc., ads which cannot be watched with children and elders due to their objectionable content, overt use of sex/ sexual appeals in ads and ads aimed at children be completely banned. Further, to ensure greater consumer autonomy and protection, it must be made mandatory to display the negative effects of the products advertised as warning messages before the start of TVCs. Also, they suggested that the participation of the parents in the censor board be solicited while reviewing the content of ads aimed at children.

Munjal (2016), concludes that Advertising Industry has been facing a lot of criticism in the recent times as the advertising practices have not always been ethical. In today's competitive market, due to free allowances, the advertisers are sometimes following the unethical practices to fight the competition.

Ethics in Advertising

Ethics in advertising means a set of well defined principles which govern the ways of communication taking place between the seller and the buyer. Ethics is the most important attribute of the advertising industry in today's global market. Advertising has many benefits but then there are some points which don't match the ethical norms of advertising. An ethical ad is the one which doesn't lie, doesn't make fake or false claims and is in the limit of decency. Nowadays, ads are more exaggerated and use lot of puffing. Many ads are found to be false, misleading customers and unethical. Let's discuss the various unethical practices in advertising.

Puffery/ Deception

Advertisements attract people to buy goods and services by

use of exaggeration and flowery language. They use false claims and testimonials to prove their claims. However, advertiser claims that the consumers are intelligent enough to distinguish between truth and exaggeration. They also counter the argument by saying that consumers are not going to blindly trust everything shown in ads. Though Puffery is legal in India, but is not harmful to an extent. False claim and deception are unethical practices that leads to losing consumers trust and confidence. For example the copy of 'Force 10' shoes says "I am walking on air". This indicates the lightness of the shoes as it is unbelievable that one can "walk on air". But the studies reveal that often many people start believing them and buy those products that have exaggerated claims in their advertisements.

Offensive and Vulgar

Some advertisements are found to be offensive and vulgar. For example some advertisements portray women as sex objects and commoditize them. Females are used as sex objects in male ads of male products like shaving creams, under wears and deodorants.

Creates Materialistic Demand/ Multiplication of Needs

Many critics claim that the advertising encourages materialism, creates desires and encourages the customers to purchase unnecessary products. It persuades the people to buy the products which they don't require. Advertising creates artificial needs. People buy DVDs, Frozen Orange Juices, Cars, so on, even if they not need it. People spend and status or self-actualization to satisfy their self-esteem and status or self-actualization. The counter argument on this is that Advertising provides a variety of alternatives to choose from.

Advertisements Create Monopoly

Advertising sometimes leads to monopoly in a particular brand of a product. A big producer eliminates small producers of the same product by investing huge amount of money in advertising from the market and creates brand monopoly. This leads to exploitation of consumers. But counter argument is that it is all about survival.

Stereotype

Advertising is often criticized for perpetuating stereotypes. It involves presenting a group of people in a pattern or manner that lacks individuality. Commonly visible stereotypes in advertising are- South Indians are shown as intellectuals; Punjabi's are boisterous, Mother-in-law and daughter-in-law always fight, father out of house and women manage household. The most controversial of the stereotypes portrayed in advertisements is that of women. They have been mostly been commoditized as sexual object. Advertisers fail to recognize the changing role of women

in our society. Critics accuse advertisers to often depict women as preoccupied with beauty, household duties and motherhood or show them as decorative objects or sexually provocative figures.

Advertisements Promote Unhealthy Products

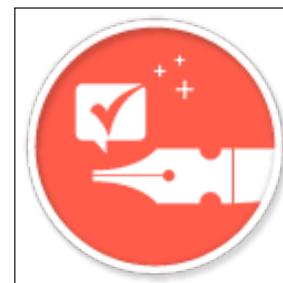
Some ads attract consumers towards unhealthy products like tobacco, alcohol and cigarettes which might affect their health. In India there is ban on such products but advertisers take help of surrogate advertising to endorse their products.

The Advertising Standards Council of India

Advertising Standards Council of India (ASCI) is a non-Government self-regulatory voluntary organization of the advertising industry in India. The aim of this body is to promote honest and decent advertising practices and fair competition in the advertising industry. It also ensures the protection of interests of consumer and all those who are concerned with the ad industry, advertisers, media and advertising agencies.

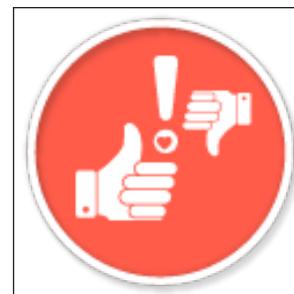
ASCI and its Consumer Complaints Council (CCC) develop the list of complaints received from consumers and industry against advertisements which are considered as false, misleading, indecent, illegal, leading to unsafe practices, or unfair to competition and in contravention of the ASCI Code for self regulation in advertising. Certain codes for self-regulation have been drawn up by the people in this profession with a view to achieve the acceptance of fair advertising practices in the interest of the consumer.

Principles



Honest Representations

Truthful and Honest to consumers and competitors.



Non-Offensive to Public

Within the bounds of generally accepted standards of public decency and propriety.



Against Harmful Products/ Situations

Not used indiscriminately for the promotion of products, hazardous or harmful to society or to individuals particularly minors, to a degree unacceptable to society at large.



Fair in Competition-Not derogatory to competition, No plagiarism.

Guidelines



Automotives and Safety

Advertisers are encouraged to depict advertisements, in a manner which promotes safe practices, eg wearing of helmets and fastening of seatbelts, not using mobiles/ cell phones when driving, etc.



Educational Institutions

Parents are known to make great personal sacrifices to enable their children to get the right education. A significant amount of advertising activity that is currently happening reflecting the vast variety of educational programs which are being offered.



Foods and Beverages

Advertising can have a positive influence by encouraging a healthy, well balanced diet, sound eating habits and appropriate physical activity. Caution and care therefore should be observed in advertising of Foods and Beverages especially ones containing relatively high Fat, Sugar and Salt.



Disclaimers in an Advertisement

“Supers” should be clearly legible and on TV advertisements should be held long enough for the full message to be read by an average viewer on a standard domestic TV set. Therefore following minimum size of lettering of “Supers” and its holding time on screen for TV advertisements is required.

Unethical Practices in Indian Advertising

In November 2016, ASCI's Consumer Complaints Council (CCC) upheld complaints against 100 out of 152 advertisements. Out of 100 advertisements against which complaints were upheld, 43 belonged to the Healthcare category, 17 to the Education category, followed by 11 in Personal Care Category, seven in the Food and Beverages category, six in the E-Commerce Category and 16 advertisements from other categories.

In November 2017, ASCI's CCC received 243 complaints. A total of 243 cases were brought to the notice of ASCI and suo moto action was taken against 152 advertisements

and the rest were complaints from direct sources. Of the 182 advertisements receiving complaints, 65 belonged to healthcare, 96 to education, 3 to personal care, 7 to the category of food and beverages and 11 to the category of others.

Most notable was the Indian two wheeler manufacturer Bajaj Auto's one of the best selling motorcycle Pulsar's advertisement has been termed as misleading on two grounds. ASCI said, "In the advertisement, the rider is shown performing stunts in normal streets, market, traffic conditions, wheelie being shown in multiple places, including right amongst a group of people dancing. This is noted to be in contradictory to the disclaimer made in the advertisement. "These stunts have been performed

under controlled environment at an isolated location". It was concluded that regardless of the disclaimer, the specific visuals showing the stunts performed by the rider in normal traffic or in presence of bystanders and public encourages dangerous practices, manifests a disregard for safety and encourages negligence and contravenes the ASCI Codes, manifest a disregard for safety and encourages negligence and contravene the ASCI Codes and Guidelines on Advertisements for Automotive Vehicles."

The second criteria, for terming the ad as misleading was "for the stunts depicted in the advertisement, in the absence of any disclaimer, show/ encourage a dangerous practice.

Few other cases are mentioned here in Table 1.

Table I

S. No	Company	Product	Complaint
1.	Rohit Surfactant Pvt. Ltd	Ghadi Detergent Bar	In the Print Advertisement, the Advertiser claims: Presenting Cuff and Collar Specialist. Now be any kind of dirt, it gets completely cleaned). In the TVC, it is claimed Get Ghadi detergent cake which is a cuff and collar specialist. It completely cleans cuff and collar". These claims were not substantiated with necessary support data
2	Abbott Healthcare P. Ltd	Pediasure	TVC Claims that "Iske 37 Nutrients de sampoornposhanjo bachhon ko 1.5Xteji se badhne mein madadd karein" Pediasure is the Pediatrician Prescribed Brand. These claims need to be substantiated and even the disclaimer was not legible
3	Zee Laboratories Limited	Zee Myfair Cream	Advertisement makes the following claims:1. Medically Proven 2. Trust Of More Than 50 Lakh People 3. President Award Winner 4. Product Name, Myfair Forever 5. Pack Visual Showing the transformation of the models face from dark to fair was misleading. The advertisement was misleading by omission of a disclaimer to qualify the claim
4	Panasonic India Pvt. Ltd	Panasonic Life Conditioners	TVC Claims, Healthier 99 percent cleaner air. Nanoe-g. PM 2.5 air purification 4. Smarter 65 percent energy saving. There was no data substantiating that and therefore is misleading by ambiguity and implication
5	GlaxoSmithKline Consumer Healthcare Ltd	Horlicks	TVC says that "Horlicks has immune-nutrients that makes your child Taller, Stronger and Sharper" "Strong inside. Taller, Stronger, Sharper. The claims were inadequately substantiated (in the context of immunity related claims) and were misleading by implication of enhancement of immunity. The advertisement was also misleading by ambiguity

6	Cargill India Pvt. Ltd.	Nature Fresh Professional Best Fry Premium Frying Oil	Complaint says that blended Edible Vegetable Oil has been described and presented as Professional Best Fry Premium Frying Oil which is creating erroneous impression regarding its character and use of expressions Professional Best Fry Premium Frying Oil on label is exaggeration of the quality of the product. The claim, "Professional Best Fry Premium Frying Oil", was inadequately substantiated with comparison data with other blended oils, and is misleading by ambiguity and implication
7	Cargill India P. Ltd	Nature Fresh Acti-Lite Cooking Oil	TVC Claims "1. Using the oil makes a father a good father 2. Low fat cooking 3. Lite on food 4. Low oil absorption 5. Using the oil makes you stay active every moment". All the claims were not substantiated with any evidence or technical test reports and are misleading.

Conclusion

From the above discussion it is clear that advertising is an important element of society. It plays a constructive role in economic growth of a country but it often plays negative role in the name of experimentation and sometimes forget the difference between true and false, ethical and unethical. In a desire to win the consumers, advertisers often make exaggerated claims in their advertisements overlooking the ethical standards in regard to truthfulness, human dignity, decency and social responsibility. In this whole scenario they have forgotten that an advertisement is not only judged by its impact but also by its acceptance among consumers. Today's consumers are aware and smart. Hence advertisers should start taking responsibility by self regulating their ads in terms of decency, claims made by the products, ethical norms and legal points. The product must fulfill its advertised claims. Advertisements should be decent and not obscene. It must be truthful and not deceptive. In this way, they will be able to gain confidence of the customers, make them trust the company and their products which will ultimately make an exceptional and important contribution to human progress.

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