



A Study of Ethical Issue in Indian Advertising

Asst. Prof. Pankhuri Vatsa

Abstract

The focus of this paper is to study the ethical issues arising in print and television advertising and to analyze different types of unethical advertisements in India in the context of ASCI principles. In today's competitive world advertisers are following unethical practices to target audience which advertisers take advantage of the fear and emotions in the society due to the outbreak of pandemic. False claims advertising is a combination of misinformation and disinformation that is fatal and moral degradation to the global society. True information is of central importance in the society to avoid false information during pandemic to control unexpected damages. Without scientific and evidence-based information about all kinds of products and services people often use to change social attitudes through advertisements on social media.

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I. Introduction

The Advertising Standard Council of India is a non-Government body and established in 1985. The Headquarter of ASCI is in Mumbai, Maharashtra, India. India also has self-regulatory organization (SRO), like other countries has for advertising content. Advertisers, Advertising agencies, media and allied professions these four main constituents of advertising industry came together to form this independent NGO. The codes for regulations of ASCI which requires advertisements must be legal, decent, honest, truthful, not hazardous and harmful while observing fairness in competition. It took complaints from all media such as TV, radio, SMS, E-mails ads, print, hoardings, internet or websites, brochures, promotion materials, point of sale materials etc. Government bodies like The Department of Consumer Affairs (DoCA), Food Safety and Standards Authority of India (FSSAI), Ministry of AYUSH as well as the Ministry of Information and Broadcasting admired the work of ASCI. In all the other respective sectors the ASCI co-regulate and curb misleading and objectionable advertisements with these government bodies. ASCI are a part of the Executive Committee of International Council on Ad Self-Regulation (ICAS). All advertising material must be truthful, legal, honest, and decent, not objectify women, safe for consumer- especially children and also, fair to their competitors.

WHAT IS ETHICS?

Ethics reflects on human beings and their interaction with nature and with other humans, on freedom, on responsibility and on justice. The term ethics may refer to the philosophical study of the concepts of moral right and wrong and moral good and bad, to any philosophical theory of what is morally right and wrong or morally good and bad, and to any system or code of moral rules, principles, or values. In other words, we can say that Ethics are the moral principles and values that govern the actions and decisions of an individual, a group and an organization as well. Ethics is a choice between the right and the wrong.

Ethics In Advertising

Ethics are moral principles that guide a person's activities or behavior. In advertising, being ethical means upholding values such as fairness, justice and truthfulness while sharing customer experiences and product messages. Thus ethics in advertising refers to a set of well-defined principles that govern the methods of communication between a seller and a buyer. Ethics is the most important characteristic of the advertising industry. Although advertising has many benefits, there are some points that do not match the ethical norms of advertising.

ASCI Codes

1. TRUTHFUL & HONEST REPRESENTATION

To ensure the integrity and honesty of the representatives and claims made by the advertisement and to protect against misleading advertisements

2. NON-OFFENSIVE TO PUBLIC

To make sure that ads are not aggressive for generally accepted standards of public decency. Nothing in the advertisement should be indecent, rude, especially in the depiction of women, or nothing is repulsive, which is likely. Generally, in the light of the prevailing standards of decency and ownership, to become the cause of serious and widespread crime.

3. AGAINST HARMFUL PRODUCTS / SITUATIONS

To protect the indiscriminate use of advertising in situations or the promotion of such products which are considered to be dangerous or harmful to society, especially to minors, it is unacceptable to the society at one or the other level.

4. FAIR IN COMPETITION

To make sure that advertisements follow fairness in competition, so that consumers can be informed about choice in the market and canon service to the generally accepted competitive behavior in business.

Power of the Consumer Complaints Council:

1. Each council will have the right to receive complaints from the Board of Governors, consumers, the general public and the members of the company.
2. Each council will examine, examine and decide the complaints received within the framework of the Code of Conduct adopted by the company.
3. All decisions of each council will be in writing from simple majority, and can specify the action to be taken regarding objectionable advertising.

Self Regulation of ASCI and its Purpose

Almost all professional areas have self-regulatory bodies governing their activities. For the advertising community, no one was up until 1985. This caused many false, misleading and aggressive advertisements. This caused consumers to lose their trust in advertising and therefore they oppose it. It was decided that if it continues, it will not take time to apply for statutory rules like censorship on ad content.

In 1985, ASCI adopted a code for self-regulatory council registered as a non profit organization company under section 25 of the Indian companies act. With the introduction of code, aim is to promote honest and decent advertising and fair competition in the industry. It will ensure the conservation of consumer interests and all related affiliates of the advertising industry - advertisers, media, advertising agencies and others who help in the creation or placement of advertisements.

As the community has started accepting the code, this will result in less false claims, less inappropriate advertising and respect for advertisers.

The purpose of the Code is to control the content of advertisements, and not to obstruct the sale of those products which can be found to be objectionable for whatever reason. Provided, advertisements for such products are not self-objectionable; in the context of this code, generally there will be no basis for objection for them.

Act against misleading ads: Ministry to state AYUSH boards

The Ministry of Ayurveda, Yoga and Naturopathy, Gyani, Siddha and Homeopathy (Ayush), for the failure to take action against advertisements in violation of Indian medical practice practitioners (standard of professional conduct, etiquette and code norms), registration board, And has formed the Indian Medical Council. Ethics) Regulations, 1982, in their respective states.

In charge of the Central Council of Indian Medicine of the Ministry of AYUSH. Natarajan said in his warning letter, "It has been repeatedly brought to our notice that some Ayurvedic and Greek practitioners continue to impose the hurdings of the clinic for the publicity." Two statutory bodies.

"It has also been seen that many Indian medical practitioners are misleading the general public with advertisements in various leading newspapers which claim to prevent or treat various diseases like cancer, diabetes, heart disease, infertility etc. Rules,"he said.

The Central Council of Indian Medicine has now sought immediate action taker report on this issue. In January, the AYUSH Ministry said that the Advertising Standards Council (ASCI) also took appropriate action against companies and doctors who were strictly monitoring such advertisements and making mistakes. ASCI has been given a self-monitoring mandate to identify potentially deceptive advertisements and process complaints through its Consumer Complaint Council.

Misleading Advertisement during COVID 19 Outbreak

When the world was fighting the COVID-19 pandemic. WHO has issued a guideline to use alcohol, soap and water for at least 20-30 seconds to clean hands. India Lifebuoy soap, sold by Hindustan Unilever Limited (HUL), filed a petition in the Bombay High Court against Dettol hand wash, merchandise by Reckitt Benckiser Healthcare (RBH). The hand wash advertised by Dettol is 10 times more effective against bacteria and viruses than soap. An advertisement of Dettol hand wash is trying to convey the message that soap is useless and not beneficial, it is against COVID-19. The High Court said that the advertisement and misrepresentation of facts against the guidelines of WHO. In such a situation, the company will have to stop advertising. Dettol discontinued the hand washing advertisement but Dettol acquires false commercial importance in the market and it is interesting to see how the Bombay High Court approaches and deals with the matter in the times to come.

Recently, an FIR was registered against a private company Arihant Mattresses for advertising 'Anti-Corona Mattress' in a Gujarati newspaper. The owner was booked under section 505(2) of the Indian Penal Code, which includes- Confessions to public mischief and under various other sections of the Drug Remedies Objectionable Act and the Disaster Management Act. The said advertisement was completely false and misleading the people while the country is going through a pandemic.

Under the Drugs and Cosmetics Act, 1940 and the Drugs and Cosmetics Rules, 1945; The Drug Controller General of India (DCGI) issued a show-cause notice to Hindustan Unilever on its product which claims to have immunity and also claims to prevent COVID-19. It claims to improve immunity by using its hand sanitizer which in turn inhibits the virus.

According to DCGL, Section 3(b) of the Drugs and Cosmetics Act 1940 states, "Immunity is the state of being able to resist a particular disease, especially by preventing the growth of a pathogenic microorganism or counteracting the effects of its products. By adding, HUL's claim attracts the given definition.

In addition, hand sanitizers were licensed under the Drugs and Cosmetics Act, 1940 under 'Cosmetic' but now advertised as 'drug', which was a clear violation of the law.

Thus, DCGL argued that Lifebuoy's advertisement of hand sanitizers was false and misleading in nature as the product cannot boost immunity against the virus.

Ethics and Truth in Indian Advertising

Pharmaceutical Advertising

Companies in the pharmaceutical industry use advertising tactics as a way to create awareness. The main point in advertisements that is emphasized by advertisers is that drugs cure; However, they rarely provide information about side effects or associated risks. This clearly shows that most of the advertisers talk about the positive values while ignoring the negative effects associated with the product.

Children

The main salespeople in product advertisements are children. This is because they have a convincing power to entice the buyers to purchase the product. The point is that if children are used in commercials, they should not be cast to handle activities independently, for example, holding milk bottles, playing and tooth brushing. These should be shown when an adult is assisting them with handling activities. When advertising certain products and services, it is logical for parents to be shown involved with their children.

Alcohol

As of the current market place, no ads have been shown with someone actually drinking alcohol. In these commercials, the demonstrators usually use soda and mineral water that represent the actual liquor brand name. For such advertisements, they are called surrogate advertisements. In practice, whether there are advertisements for alcohol or not, it is highly likely those loyal consumers will continue to drink.

The need for ASCI

When an advertiser is making an advertisement, the consumer is the viewer in it. A consumer's response is important to the advertiser, so that he can be assured that his message has been given correctly or not. If a user thinks that a particular advertisement is in bad taste or is wrong in his claims then he needs a body or council,

which he can give to his complaints and if necessary take any appropriate action. ASCI is the ideal medium as a self-regulatory body that controls advertising content, because its purpose is to serve both advertisers and consumers.

II. Conclusion

Advertising in the specific and general area deals with many laws at a wide rate which creates confusion in the mind of the consumer as well as the manufacturers. Policy makers should focus on online advertising regulation for consumer privacy and security. Waste advertising expenditure should be controlled to reduce the cost of pharmaceutical products. The pharmaceutical industries have to consider various features like legal and ethical issues, socio-economic framework, etc. before preparing the advertisements of their products. Advertising research must be within ethical and regulatory limits.

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