



FACULTY OF JURIDICAL SCIENCES

COURSE: LL.M. 1st Semester

GROUP: Constitutional Law

SUBJECT: Media Law

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Lecture-20



LECTURE 20: Code of Commercial Advertisement

CODE OF COMMERCIAL ADVERTISING ON DOORDARSHAN:

Doordarshan follows specific stipulations on advertising as per the Code for Commercial Advertising on Doordarshan, which was presented to the Parliament in May 1987. The Code includes 33 dos and don'ts for advertisers on television (DD) and incorporates the provisions of the Indecent Representation of Women Act and Consumer Act, 1986.

The Code states that any advertisement unduly influencing children will not be accepted.

Other types of advertising to be rejected include the following types of advertisements: (i) that suggest in any way that unless the children themselves buy or persuade others to buy the products or services, they will be failing in their duty or lacking in loyalty to any person or organization; (ii) which lead the children to believe that if they do not own or use the product they will be inferior to other children or that they will be condemned for not owning or using it.

The section on women stipulates that no advertisement shall be permitted which:

(i) Projects derogatory image of women; (ii) portrays them in a manner that emphasizes passive and submissive qualities and encourages them to play a submissive role in the society; (iii) encourages mutual disrespect between the sexes; and (iv) does not ensure the portrayal of women (female form) in tasteful and aesthetic standard and is not within the established norms of good taste and decency.

SELF-REGULATION: IN SPITE OF THE COMPREHENSIVE RULES AND REGULATIONS AS ALSO DEFINED

CODES FOR CHECKING UNETHICAL ADVERTISING, UNSCRUPULOUS ADVERTISERS OFTEN TAKE THE

CONSUMERS AND GENERAL PUBLIC FOR A RIDE.

Such problems have led the advertising professionals all over the world to commit themselves to the idea of self-regulation. Printer's Ink, an advertising trade publication had developed a model statute in 1911, which was passed as legislation. Similarly, advertising professionals in India have also reacted to unethical approach of unscrupulous advertising.

In April 1982, the Ad Club of Bombay appointed a committee to formulate a regulatory code for the profession, advertisers and the media. The initial draft of the code was based largely on similar codes prevalent in UK and the USA. This was basically set out to ensure that the consumers are protected against spurious advertising and that generally accepted norms of morality are upheld. Subsequently, the Advertising Standards Council of India (ASCI) was set up to "crack down on misleading and unethical advertisements".

The membership of ASCI is divided into four categories: advertisers, the press, advertising agencies and allied professions. In this context it should, however, be noted that number of members is abnormally low compared to the wide range of membership.

The Indian Newspaper Society (INS, formerly IENS), an autonomous body with members comprising newspapers and magazines, has also developed a Code of Advertising Ethics, which is followed by its member publications. Another body, Consumer Education Research Centre (CERC) is also doing commendable service in creating awareness among the consumers against unethical and misleading advertising and fighting the cases against erring advertisers.

Misleading Ads:

Misleading advertisements usually make claims, which can be generally categorized as puffery claims; data based claims and testimonial claims. While puffery claims are made without implying scientific bases for it, data based claims are suggest that a test or study or some kind of scientific effort has been made to produce the basis for the claim. False testimonial claims are made by using name, signature, photograph or video or film clippings etc. Let us quote a few examples of these types of misleading claims. Complaints were lodged against Kelvinator India who claimed the performance of Avanti 150 cc two-wheeler. Racold Appliances claiming their washing machine as the only automatic one. Glindia claimed drinking Complan helps one to emerge as a top-ranker. TTK & Co. claimed only the new Prestige pressure cooker was 100 per cent safe and it was the safest.

Ads using sex:

Advertising is often put on the docks for exploiting and projecting sexist themes. Guidelines on this are 'woefully sketchy'. Yet the changing value system and the contemporary norms of the society are overlooked very often by the traditional approach towards sex which creates embarrassment to a particular segment who are quick to react to such advertising negatively. Many of these ads have been found to be objectionable by the law enforcing authorities, which had to be withdrawn. But many others have been allowed considering the logic and reasonableness behind the creative strategies. The most controversial in this category are the advertising on condoms like Kamasutra, which depicts a young couple in amorous positions. After this campaign many other ad campaigns have used sex, either directly or indirectly.

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.	Doordarshan follows specific stipulations on advertising as per the Code for Commercial Advertising on Doordarshan, which was presented to the Parliament in May 1987.	True	False
2.	Printer's Ink, an advertising trade publication had developed a model statute in 1911, which was passed as legislation. Similarly, advertising professionals in India have also reacted to unethical approach of unscrupulous advertising.	True	False
3.	In April 1982, the Ad Club of Bombay appointed a committee to formulate a regulatory code for the profession, advertisers and the media.	True	False
4.	The initial draft of the code was based largely on similar codes prevalent in UK and the USA.	True	False
5.	Advertising Standards Council of India (ASCI) was set up to "crack down on misleading and unethical advertisements".	True	False

Answers: 1-(b),2-(a), 3-(a),4-(a),5-(a)