

Lecture- 16



Other laws

In addition to the above enactments, there are some sections or clauses of several other laws that apply on advertising industry and business in India. Some of these pertain to advertisements which:

- ridicule castes, race, colour, creed, nationality;
- advertisements against the Constitution of India;
- incite people or prompt masses to commit crimes, provocative - speeches, creating law and order situations;
- provoke to commit violence, and breach laws;
- glorify obscenity, pornography;
- indulge in terrorist activities;
- spread communal hatred, and communal feelings;
- ridicule national leaders;
- ridicule national emblems, and national symbols;
- depict women in hateful manner;
- depict obscenity and vulgarity;
- depict indecency and infringe good taste.
- The Cable Television Networks Rules, 1994
- The Cable Television Networks Rules, 1994 provide for an Advertising Code.

The Code is applicable only on television channels. According to Section 7 of the Code:

1) Advertising carried in the cable service shall be so designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the subscribers.

2) No advertisement shall be permitted which:

- i) Derides any race, caste, colour, creed and nationality,
- ii) Is against any provisions of the Constitution of India;
- iii) Tends to incite people to crime, cause disorder or violence or breach of law or glorifies violence or obscenity in any way;
- iv) Presents criminality as desirable;

v) Exploits the national emblem, or any part of the Constitution or the person or personality of a national leader or a State dignitary;

vi) In its depiction of women violates the constitutional guarantees to all citizens. In particular, no advertisement shall be permitted image of women. Women must not be portrayed in a manner that emphasises passive, submissive qualities and encourages them to play a subordinate, secondary role in the family and society. The cable operator shall ensure that the portrayal of the female form, in the programmes carried in his cable service is tasteful and aesthetic, and is within the well-established norms of good taste and decency;

vii) Exploits social evils like dowry, child marriage.”

In the Rules it is further stated: “No advertisement shall contain references which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or supernatural property or quality which is difficult of being proved.”

After discussing various laws related to advertising, we shall now discuss and explain what is ethics of advertising and why ethics is crucial for truthfulness of advertising and serve the advertisers, producers and consumers. Ethics is a branch of academic discipline of philosophy, which means some general principles, values and norms to determine what is good or bad, correct or incorrect, right or wrong, as far as human actions are concerned. Ethics teaches us power to differentiate between good and evil, true and false, wicked and noble, etc.

According to two noted American Professors Edward Spence and Brett Van Heekeren, ethics is a set of prescriptive rules, principles, values and virtues of character that inform and guide interpersonal and intrapersonal conduct of people toward themselves. This means that when rules, principles, values, virtues are blended in an advertising copy, these can go a long way to make a consumer purchase a product, services or goods, though that person may not necessarily be needing these instantly. But that person purchased these products because of the persuasion, and or influence by so many advertisements of those products, goods or services in the print and electronic media.

Thus, a smart, alluring but deceptively worded advertisement copy has enormous potential of ‘manipulating’ the mind and entice of a consumer to buy those goods, services, and products.

Similarly, an expensive product 'endorsed' or 'certified' to be immensely useful for daily use and of genuine quality by a well known personality, a star, or a celebrity, can induce a person of paltry means to invest a major portion of his salary may amount to misguiding or misleading that person.

Activity – 1

At this point, you may stop reading and go through the advertisements in a newspaper of choice or a television channel for a few days. Identify the ads which try to mislead the consumer into buying a substandard product or use surrogate advertising. Write down your observations.

If you examine some of the advertisements in newspaper and magazines, you will find they are of popular consumer goods, kitchen gadgets, daily wear, and cosmetic products. The advertising copy of such products will contain words of persuasive nature. They use heart-touching language, brimming with consumerist appeal. At times they unabashedly employ humorous or even offensive sex appeals targeting people or spread fears or use religious appeals. Such advertisements exploit human emotions, passions, sympathy. Therefore, some of the prominent issues related to advertising ethics include: use of informative content of advertising for sentimental-persuasive purposes; creating fear; intimate sexual appeals; exploiting children; inciting minorities; surrogate advertising for cigarettes, tobacco, alcoholic beverages among others.

The business of advertising is largely global in nature. The business also takes some local, regional, or national factors or characteristics into consideration. Therefore, the broad principles of ethics of advertising in India cannot be very much different those that are being understood or followed in other parts of the world, particularly in democratic countries. India's standards of ethics, therefore, need to be very much compatible with all sorts of economic systems, commercial practices or business regulations prevalent internationally.

For that it is imperative that Indian advertisers and Indian advertising agencies avoid objectionable language in ad copy, offensive illustrations accompanying the ad text ensure that the religious beliefs of the people and cultural ethos are not hurt. The advertising laws in India are quite unambiguous and precautions stated therein must be followed.