

Lecture- 17



13.4 ADVERTISING CODES

The advertising industry, as you may be aware, consists of three distinct components: media, advertisers, and the advertising agencies. While all three are quite separate and independent entities, it is only through their close and joint collaboration that any advertising campaign can be successfully launched.

Therefore, with a view running an unhindered campaign, all the three have worked out certain self-regulatory measures known as 'codes of ethical conduct' as they are aware that if anyone resorts to malpractices, the statutory consumer protection bodies and government authorities will act to restrain the defaulters. In order to avoid any outside legal restraints; codes of conduct have been devised voluntarily by all the three parties involved in the advertising industry.

Thus, there is a code for the mass media organisations; one for the advertising industry, and yet another for the advertisers and all of them are expected to adhere to these codes voluntarily. The basic objective of these codes is: to ensure truthfulness and honesty of advertising claims; that advertisement copy is not offensive and repugnant to human decency. The advertisement copy safeguards society against sale and promotion of hazardous goods. It also ensures fair competitive business practices; and also safeguard and protect the interests of consumers at large.

13.4.1 Bodies Governing Advertising Ethics in India

Some voluntary, professional and business organisations such as the Advertising Standards Council of India (ASCI) have made quite desirable impact on ensuring healthy advertising practices.

13.4.2 Advertising Standards Council of India

The Advertising Standards Council of India (ASCI) is a voluntary organisation with an objective to self-regulate the advertising business and industry in India. It has headquarter in Mumbai. The ASCI was established in 1995 to support and assist in self-regulation of the advertising business and industry. Some of the most important objectives of the ASCI are to enhance public confidence in advertisements; to regulate the advertising business and industry so that the

reputation and the status of the ASCI is not devalued or endangered; and to maintain consumer trust in advertising industry and business.

The ASCI comprises 12 non-advertising professionals representing civil society, recognised Indian opinion leaders in divergent special areas, such as medicine, law, industrial design, engineering, chemical technology, human resources and consumer interest groups. In addition, there are nine other advertising practitioners from among member-firms of the ASCI. The ASCI is mandated by its format to decide the complaints within four to six weeks after giving the concerned party adequate chance to present its side of the story. If the complaint is upheld, the advertiser and its agency are given two weeks to comply with the ASCI's decisions.

Non-compliant advertisements are published in ASCI's media quarterly release on an all-India basis.

The ASCI has devised and adopted a self-regulatory code that has to be voluntarily followed by all those involved in commissioning, creating, placing or publishing advertisements. Though a non-statutory body, the advertising code prepared by ASCI has been recognised and accepted by several professional, business, and industry organisations in India. Moreover, the ASCI code is 'not in competition with various advertising statutes now in force in the country. The ASCI code is designed to complement legal controls under such laws and not to usurp or replace them.

The ASCI- prepared extended code for advertising business and industry in India has met general approval by several media organisations such as the Press Council of India, All India Radio, Doordarshan, etc. The ASCI's code is an extended document covering almost every aspect of ethics for advertisers, advertising agencies and media. This code is in force in India. 'This code overrides all ethical standards in advertising laid down by individual organisations as incumbent upon their own members and appealing to own particular trade or industry.'

The ASCI has meticulously prescribed ethics code for advertising specific products, such as medicines and treatments, for guidance and compliance by advertisers, manufacturers,

distributors and all mass media establishments publishing and disseminating their advertisements..

On 24 January 2019, the Ministry of Information and Broadcasting, Government of India, issued an advisory that in order to create mass consumer awareness about the self-regulatory mechanism of ASCI and for immediate and effective steps towards this goal, all TV channels are hereby advised to run a scroll as follows: “Objectionable ads? Complain to The Advertising Standards Council of India (ASCI)...”

In addition to ASCI, there are some other self-regulatory professional advertising bodies as listed below:

- Association of Advertising Agencies of India
- Indian Newspaper Society
- International Association of Advertising Agencies

Though not very active, these professional advertising bodies also issue directives and have contributed in advertising business and industry in India.

13.4.3 Difference between Laws and Codes

If you carefully study the legislative enactments on advertising and the codes laid down by the voluntary self-regulatory advertising bodies, you will find a lot of difference between the two. While all the advertising laws have element of force and compulsion for compliance, codes are optional. Yet another difference is that non-compliance of laws is punishable with prison sentence and fine and or both, this is not the case with the codes. The advertising laws are justiciable, whereas codes can be ignored with impunity. The legal disputes are decided by judicial courts, where as issues arising out infringing codes are decided by officials of voluntary professional bodies, and may not be punishable as in case of the courts. A simple regret or withdrawal of sanction of the member or membership generally serves the purpose.

The above difference of laws and codes is not applicable to the Advertising Code given in the Cable Television Networks Rules, 1994, because it is of statutory character.

13.4.4 Future Needs and Challenges

Undoubtedly, the future of advertising business and industry in India is extremely bright, but the emergence of new media has created new challenges in several fields including advertising business. For example, how our laws could be quickly and effectively implemented on the foreign advertising available on the internet. As India's economy booms, and the nation races to catch up with the developed world, its fervour for all-round development will be touching new heights. Besides, as India heads towards becoming a center of high-level industrial growth and technological revolution, the entire developed world looks at the country's one billion plus population, its vast market offers a plethora of unparalleled business opportunities. In such a scenario, advertising is bound to become a multi-billion dollar commercial proposition in the very near future. Moreover, even the existing businesses are exploring the vast expanding opportunities to grow by leaps and bounds. In fact, already, many multi-national corporations have opened their branches in India's rapidly expanding urban and rural markets. The need of the hour, therefore, is to be ready to grab any advantageous moment, and keep our advertising laws and ethics updated with the fast changing communication technology.

13.5 LET US SUM UP

In this unit we discussed the origin and growth of advertising in India right from the stage the first newspaper started publishing. We traced the origin of the laws related to advertising during the British regime in India and also discussed some important laws related to advertising since India became independent. Further we discussed the present state of ethics of advertising in India and explained how advertising business and industry is regulated and controlled. The working of ASCI, the most prominent self-regulatory body of advertising in India, was explained and the difference between advertising code and law of advertising was also made. Finally it was observed that the emergence of new media has created new challenges in advertising business and the need of the hour is to update our advertising laws and ethics to keep pace with the changing media scenario.