

DECEPTIVE PRACTICES IN INDIAN ADVERTISING: A CONTENT ANALYSIS OF PRINT AND TELEVISION ADVERTISEMENTS VIOLATING THE GUIDELINES OF ADVERTISING STANDARD COUNCIL OF INDIA

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Abstract *Whether ethical advertising is an oxymoron remains a subject of debate as it continues to evolve in the Indian mediascape. The academia has expressed strong reservations on fundamental motives of advertising while the industry vehemently defends the role and legitimacy of advertising in the integrated brand promotion mix. Amidst it all, it becomes even more significant to decode advertisements vis-a-vis acceptable norms of conduct. Therefore this paper attempts to analyze the content of messages in print and television ads that have been registered as violating the code of Advertising Standard Council of India (ASCI). The results show that all deceptive practices exist across product categories. Ethical violations are on the rise because of the powerless nature of ASCI.*

Keywords *Deception, Consumption, Misleading, Ethics, Violations, Self Regulation, Ad Literacy*

INTRODUCTION

The ideals of a nation can be known from the kind of advertising it does.

Norman Douglas

Advertising is both the precursor and a dominant outcome of the mixed Indian economy in a free market driven, consumer centric, liberal production and consumption milieu¹. Post 1991, every production chain geared up to compete with its rivals. In doing so, advertising became the most potent weapon in its armory. Large scale production needed the constant support of advertising throughout its life cycle and sometimes even beyond, thus becoming most visible and vital. With the turn of the millennium, advertising seemed to embody all that is good and bad between the changing relationship of an advertiser (producer) and the buying prospect (Liess, 2010). Advertising because of its status and reach, wields a great power over us (Pollay, 1986). Its influence can be seen in every sphere of our lives- thoughts, actions, decisions, beliefs, values and also behavior. In serving the communication functions of attention, information and persuasion, etc. advertising has crossed the line, many a times. It has been accused of deception, of being offensive and violating the social and cultural norms of conduct (Jethwaney & Jain, 2006).

While its uses and functions may protect it from any threat as a valid construct, the way it is being executed needs more critical examination. The case of 50-year old Delhi based KS Majithia illustrates the magnanimity of the problem (NDTV Profit, 2011). Captain in the Merchant Navy, Mr. Majithia saw an ad in a leading newspaper about a company that promised a lifetime of luxury holiday and three health club advantages. He spent close to 1.5 lakh rupees only to realize that he had been duped. Of late, in India cases of deception have increased considerably. In 2010-2011 alone, 777 cases were reported to the Advertising Standard Council of India for violations of the ethical code of conduct. Out of which 84 ads were withdrawn or asked to modify. The burgeoning number of violations of the ethical code laid by the self-regulatory body in India affirms the rising concern about the harm advertising can do or is doing. At the forum organized titled ASCI and Misleading Ads in November 2011, Pankaj Agarwal, then Additional Secy, Ministry of Consumer Affairs opined, "There's always a thin line between using words which display creative intent as well on the proven performance side or regard to time or the efficacy or the number of tones." The message is loud and clear. Advertisers have to be careful about the claims they make. Marketing communicators need to be able to substantiate any claims that they make. An indirect comparison, or even the appearance of one, could render them liable.

¹ Jain, T.R. and Trehan, M. (2007). Indian Economy, Ambala : V.K Publishers, pp.-3-13.

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LITERATURE REVIEW

Jhally (1996) alludes to Marxian classical media theories and the political economy of advertising to posit ethical advertising an oxymoron. However several others recognize the legitimacy of advertising in the contemporary society. (Donohoe, 1994) emphasizes on the marketing and non-marketing uses of advertising establishing the economic and societal roles of advertising. Packard (1957) while critiquing the malice in ads did admit in *The Hidden Persuaders* that 'most advertising is tasteful, honest works of artistry'.

Aristotle though skeptical about advertising itself outlined the importance of ethos in advertising goods and services. Ethical code of conduct in advertising was quickly adopted in all consumption societies. Levitt (1970) had pointed out that product use and symbolism is fundamental to all human interactions with objects and advertising too can use specific execution formats and techniques to do so provided it does not deceive the people. Richins (1995) found that the repeated exposure to idealized image in advertising raises consumers' expectations and influences their perceptions of how their lives ought to be particularly in terms of their material possessions. Preston (1996) notes that the essence of a marketplace lies in the willingness of buyers and sellers to enter commercial transactions. Anything that detracts from the satisfaction of the transaction produces a loss of activity that ultimately hurts both parties. If a product does not live up to its ads, dissatisfaction occurs- and in the long term that is as harmful to the advertiser as to the buyer. Under current advertising law, the only product claims are considered deceptive that are factually false or convey a false impression and therefore have the potential to deceive or mislead reasonable people. Deception cannot be discussed exclusive of ethics in advertising. Succinctly, three levels of ethics in advertising have been identified. At the first level, ethics comprise two interrelated components: the traditional actions taken by people in a society or community and the philosophical rules that society establishes to justify such past actions and decree future actions. When these two systems conflict, ethical responsibility is transferred to the individual level. For example, non-smoking ad agency people may create ads for a tobacco client. At the first societal level of ethics there is some conflict: Smoking has been a custom in the United States for centuries and is not illegal today. However, the US Surgeon General has declared that smoking is a national health problem (harmful to the group). The third level of ethics concerns singular ethical concepts such as good, bad, right, wrong, duty, integrity and truth. Are these concepts absolute, universal and binding? Or are they relative, dependent on situations and consequences? In the case above if the copywriter for the cigarette ad is a smoker, and he writes copy that implies that smoking is a favourable behaviour. But the ad's art director, a non-smoker, complains

that the ad is unethical because the copy conflicts with the truth, because smoking is actually an unsafe behaviour. At this point of time, they reach the third ethical level, and a more senior person, such as the creative director, may step in and lead a discussion aimed at defining the agency's ethical policy on smoking. However, where the struggle with ethical viability and creative freedom continues, regulatory mechanisms aim to provide a clear cut list of do's and don'ts in India as well.

Hackley (2010) explains that ASCI's code is inspired by a similar code of the Advertising Standards Authority while Kerr & Moran (2002) discuss how the Australian Standard Council is the standard prototype for advertising self regulatory bodies across the world.. It seeks to achieve the acceptance of fair advertising practices in the best interest of the ultimate consumer. ASCI have modified its code to take care of surrogate and foreign advertisements. To control indirect advertising, attention is being paid to whether the output of the advertised product and its distribution is reasonable, whether there are direct or indirect clues or cues which suggest an ad of a prohibited product. The definition of advertising has been changed from being "any paid-for communication" to "any communication which in the normal course would be recognized as an advertisement by the general public even if it is carried free of charge for any reason."

RESEARCH QUESTIONS

For the purpose of understanding the composition and consequence of deceptive advertising, following research questions have been framed.

1. What is the nature of exaggeration and misrepresentation of the influencing features/benefits of the product advertised?
2. Which form of deception finds more prevalence in Indian advertising?
3. Is there a relationship between ethical violation and use of a verbal or visual creative unit or a specific product category?
4. What are the steps made by ASCI to check, impose restrictions or regulate unethical advertisements?

METHODOLOGY

To obtain responses to the stated questions content analysis of deceptive ads has been done. The unit of analysis is a print or television advertisement that has been registered as violating the code of conduct prescribed by ASCI. Specific time period of the study was chosen via non-probability sampling method, wherein convenience of recency and access was considered. The study deals with a sample extracted over

a period of six months, July 2011- December 2011. All the violating advertisements in this period were considered for the study. Source website of Advertising council of India www.asci.com provided records of the ads that violated the ASCI code. These advertisements were downloaded from the creative showcase of www.agencyfaqs.com. The sample size consists of 72 such advertisements with 35 press advertisements and 37 TVCs.

A code sheet of 18 variables was developed based on the study by Furse and Stewart(1986). Variables include : 'media type', 'month', 'product category' and 'part of a campaign' 'ad space for Print', 'ad space for TV', 'ad language', 'appeals', 'tone of voice', 'degree of emphasis', 'ad format', 'nature of violations', 'element of violations', 'decision taken by ASCI', 'carrier of the deception', 'brand type', 'complainants' and 'ads creative or not'. Each of the coding category was operationally defined.

Statistical Package for Social Sciences (SPSS) was used to prepare master sheets and for descriptive statistics and correlation /regression. Frequency distribution tables presented the quantitative analysis of the data.

KEY FINDINGS

In this study total ads under the ASCI scanner are 72, out of which 48.6% and 51.4% are press ads and Television commercials (TVCs) respectively. It was noticed that TVC violations are slightly more in comparison to the press ads. One of the reasons could be that TV is a visual medium; it can also dupe someone who is illiterate through visuals that do not require reading.

Findings on product category wise (Table 1) violations reveal that services(43.1%) followed closely by FMCG are major violators. SMCG category is 15.3%. Corporate ads violating ads were marginal (4.2%). It was seen that hospitality, financial services and telecommunication service advertisers were most commonly found offenders.

Table 1: Frequencies of Presence of Deceptive Ads in Specific Product Categories

Product Category	Frequency	Percent
FMCG	27	37.5
SMCG	11	15.3
SERVICES	31	43.1
OTHERS	3	4.2
Total	72	100.0

The language of communication in the deceptive ads shows that English language ads are at flouting the norms the most

(47%). Hinglish too with close to 30.6% is playing on the advertisers' mind, whereas deceptive Hindi language ads were merely 6.9% (Table 2).

Table 2: Frequencies of Language Wise Classification of Deceptive Ads

Ad Language	Frequency	Percent
All English	34	47.2
All Hindi	5	6.9
Hinglish	22	30.6
Other languages	5	6.9
Part Hindi-part English	6	8.3
Total	72	100.0

It can be attributed to that fact that English has been traditionally the language of advertising and the creative professionals are well versed in the art of ' *reveal some conceal some* ' in this language. The overriding perception amongst the creative communicators is 'credibility of English as the official link language will provide their messages legitimacy and trust'. This could be one of the potent reasons to exploit the language to mislead consumers in a subtle manner. Hinglish is the new language of conversation amongst the youth. So ,all advertisements use it to establish common minimum denominator with the audiences.

Table 3: Frequencies of Advertising Appeals used in Deceptive Ads

Appeals	Frequency	Percent
Rational	29	40.3
Emotional	19	26.4
Moral	2	2.8
Blend of Rational and Emotional	22	30.6
Total	72	100.0

Table 3 indicates that people are being duped or offended more on the basis of hard sell features of a product, good or service (40%). What's interesting is that both emotional and blend of rational and emotional show execution of 26.4% and 30.6% respectively. A meager 2.8% of the sampled ads were based on moral appeals, thereby indicating that this appeal is quite safe as far as occurrence of misleading ads are concerned either in print or TV. The worrying factor is the use of peripheral route to persuasion via emotional appeals in misleading ads . By using the either emotions alone or in combination with rational motives (together they are a whopping 57%) these advertisements tend to affect the conative and finally the behavioral dimension albeit in a subliminal manner. These are testing times for Indian consumers.

Table 4: Frequencies of Deceptive Ads on the basis of their Degree of Emphasis

Degree of Emphasis	Frequency	Percent
Price of the product	1	1.4
Value of the product	35	48.6
Both(price and value)	15	20.8
Any other	21	29.2
Total	72	100.0

Most of the violations have occurred while projecting the value of the product (48.6%) as against the price of the product (1.4%). However other emphasis has managed to reach second spot with 29.2%.

Table 5: Frequencies of Tone of Voice /Executorial Format used in Deceptive Ads

Tone of Voice	Frequency	Percent
Hard sell	17	23.6
Warm and caring	9	12.5
Contemporary/Modern	16	22.2
Conservative/Traditional	11	15.3
Humorous	4	5.6
Serious/Sombre	12	16.7
Suspense/Curiosity	3	4.2
Total	72	100.0

It clearly shows that indirect or unwanted appeals coming to the fore that has been the degree of emphasis to mislead consumers or viewers or readers. The fact is that advertising, by its very nature is not complete information. It is biased in favour of the advertiser and the brand.

What was interesting to note was the descriptive analysis of the type of execution format used in these advertisements . Announcements top the list (37.5%), creation of mood or image as desired element has its share of violations with 15.3%, thereby making it the second most used format to mislead consumers (Table 5), testimonial by product user and slice-of-life format were 13.9% each.

Some of the other defaulting creative execution formats in the sample are : endorsement by a celebrity and product demonstrations at 8.3% and 2.8% respectively, comedy/satire and problem-solution format, 2.8% each. It brings to the fore , the problem of puffery or hyperbole while making announcements in advertising . Results show that a large chunk of advertising is still boastful and self laudatory without much effort to prove the tall claims announced. Fake Testimonials (24%), both by the user and the endorser continues to dominate Indian advertising. It indicates that people's sentiments are being played with.

Important to note is that independent ads violate the code far more than full fledged ad campaigns.83.3% ads were not part of any campaign but were one off advertisements aiming to inform, persuade or remind.

Table 6 clearly shows incomplete information or exaggeration to a point causing consumer to mislead is most evident (31.9%). Viewers or readers and consumers are being duped more on the basis of exaggeration and incomplete information (partial disclosures), which is a worrying sign. An indirect comparison or even the appearance of one i.e. unfair competitive practices accounts for only 6.9%. This is quite low when compared to claim not backed by reasonable substantiation (26.4%), but in relation to ethics and professional integrity, the concerns are serious.

Table 6 : Frequencies of the Nature of Violation

Nature of Violations	Frequency	Percent
Claim not backed by reasonable substantiation	19	26.4
Offensive to society, person or any religious community	8	11.1
Incomplete information or exaggeration to a point causing consumer to mislead	23	31.9
Unfair competitive practices	5	6.9
Encouraging something which is harmful to a particular group, including children	6	8.3
Blend of more than one violation (any combination across point 1 to 5)	11	15.3
Total	72	100.0

Within this category bait and switch (flat 80% in the advertisement and inconsistent schemes and offers at the retail store) and small print qualifications (conditions apply* in illegible font) were most commonly found. In the case of offense to society, person or any religious community , the sampled ads reported 11.1%. An advertiser must respect its consumer's vulnerabilities and with such a noteworthy percentage, they are not doing this cause any good. It must be noted that there are many ads which constitute more than one nature of violations with almost 15.3%.

Table 7: Frequencies of Element of Violation in Deceptive Ads

Element of Violation	Frequency	Percent
Text (spoken or written)	44	61.1
Visuals (press or TVC)	15	20.8
Overall appearance (combination of visual & verbal elements)	13	18.1
Total	72	100.0

An investigation into the verbal and visual conveyor of deception in advertising reveals that the text (spoken or written) forms the core element of deceptive and unfair advertising 61.1% of the ads show text alone as the conveyor of deception whereas 18% present both verbal and visual components being used in deception . Visual distortions, using images without permission and morphing were found in nearly 21% ads (Table 7). Deception was largely found in blind headlines, bargain headlines and boast headlines in print ad and question or teaser spoken copies on television . Body copies tend to be more accurate than the headlines in print. Headlines grab most eyeballs, hence deliberate attempt to mislead or provoke or skew the minds of the buying prospect is a vital concern.

It was insightful to know about the complainant vis-a-vis deceptive practices in advertising. These advertisements were complained against by various individuals or groups asking the ASCI for action 61.1% complainants were audiences/media consumers or media literate users who felt offended by any such advertisement. It goes on to show that anybody can complain to the self-regulatory body of ASCI. 15.3% were consumers who had suffered monetary or physical loss post ad exposure and therefore complained to ASCI about it.

Table 8: Frequencies of Type of Complainants to ASCI

Complainant	Frequency	Percent
Consumers who suffered monetary or physical loss	11	15.3
Competitors in the respective or other categories	17	23.6
Any third person who felt offended by any such ad	44	61.1
Total	72	100.0

This goes on to show two things; first, people aren't aware of any other regulatory body except ASCI with few knowing about International Consumer Rights Protection Council. A significant 23.6% complaints were filed by competitors in the respective or other product categories . It indicates that normally seemingly legal issues on creative ad executions are actually battles between marketing companies, something that is done in order to sabotage a rival's product or reputation in the world of marketing or vice-versa (Table 8).

Table 9 highlighted the controlling actions taken by ASCI. It gives us clear insights as what to expect of ASCI's decisions with respect to the withdrawn advertisement. In other words, to know whether withdrawing of an ad is enough or not. With only 20.8% withdrawn and 26.4% modified, it is also evident from the functionaries that the ASCI council

or body meets once a month and the decision comes in 42 days. Therefore, by the time the council will take a decision, the ad will have already run its course. A whopping 52.8% advertisement have been upheld also fuels the debate on powers and provisions of ASCI.

Table 9 : Decision Taken by ASCI

Decision taken by ASCI	Frequency	Percent
Withdrawn	15	20.8
Modified	19	26.4
Upheld	38	52.8
Total	72	100.0

Results quash the myth that deception is propelled in the name of creativity , but for traces of combative practices like the use of spoofs .The data shows only 22.2% ads to be worthy of being called creative while the rest 77.8% are ads without an iota of creativity in it.

Table 10: Cross tabulation of the Product Category * Decision taken by ASCI

Product Category		Decision taken by ASCI			Total
		Withdrawn	Modified	Upheld	
	FMCG	8	7	12	27
	SMCG	3	6	2	11
	SERVICES	4	4	23	31
	OTHERS	0	2	1	3
Total		15	19	38	72

Correlation coefficient (r) =.340 between product category and creativity shows variability of 90% .It can also be inferred that ad agencies may be forced to employ certain restrictive measures to control creativity so that they may not fall into ASCI trouble by societal , civil or legal pressures. Cross tabulation of predominant appeal used and language shows that English language advertising used rational appeals like bait and switch, bargain headlines, puffery , price benefit exaggerations , product popularity claims etc , while Hinglish ads have used rationo-emotional mix to dupe . Further investigation into the message executions and deceptive ads show that women are mostly used as main protagonist to carry emotive ads (Table 9) .

Cutting across geographical typology, offenders are national (47%) and regional (33%) as well as international (19.4%) brands (Table 10). It is evident that all types of brands are suing deceptive practices in advertising regardless of place of production or dissemination. Significant to note is that international brands that otherwise adhere to the regulatory mechanisms in their native country, are flouting norms here in India.

Table 11: Cross tabulation between Product Category and Creativity

Creative	Product Category				Total
	FMCG	SMCG	SERVICES	OTHERS	
Yes	10	4	2	0	16
No	17	7	29	3	56
Total	27	11	31	3	72

Table 12 : Cross tabulation of Product Category and Nature of Violation

Category	Nature of Violation						Total
	Claim not backed by reasonable substantiation	Offensive to society, person or any religious community	Unfair competitive practices	Incomplete information or exaggeration to a point causing consumer to mislead	Encouraging something which is harmful to a particular group, including children	Blend of more than one violation	
FMCG	4	7	2	11	2	1	27
SMCG	1	1	2	1	3	3	11
SERVICES	13	0	1	10	1	6	31
OTHERS	1	0	0	1	0	1	3
Total	19	8	5	23	6	11	72

Table 13 : Cross tabulation of Advertising appeal and the Language used

Ad Language	Appeals				Total
	Rational	Emotional	Moral	Blend of rational and emotional	
All English	22	7	1	4	34
All Hindi	1	0	0	4	5
Hinglish	1	8	0	13	22
Other languages	3	1	0	1	5
Part Hindi-part English	22	3	1	0	6
Total	29	19	2	22	72

Table 14 : Cross tabulation of Type of Brands Violating the ASCI code and Language

Ad language	Type of Brands violating ethics			Total
	Local / regional	National	International	
All English	12	16	6	34
All Hindi	4	1	0	5
Hinglish	5	11	6	22
Other languages	2	3	0	5
Part Hindi-part English	1	3	2	6
Total	24	34	14	72

$r = -.386$ indicates a negative correlation between type of advertising media and creativity in deceptive ads. Therefore we see an inverse relationship of variability between these two variables.

Cross tabulation of product category and decision taken by ASCI shows that both in FMCG and service sector, 91% ads were upheld (Table 11). It indicates deep seated corporate lobbying by private sector enterprises within the ASCI. It raises pointed questions on the organizational structure of the Advertising Standard Council of India. Additionally, it is also visible that ASCI is unable to tackle rising violations in advertising code.

On comparing the deceptive ads belonging to different categories of products and the nature of deception, it was found that almost half of the violation named 'Incomplete information or exaggeration to a point causing consumer to mislead' falls into services category with 10 out of 23 such instances.

When it comes to more than one violation in a single ad, services feature the most with 6 out of total 11 such instances. FMCG is found guilty of rather another noteworthy violation, i.e. offensive to society, person or any religious communities, with 7 out of 8 such instances. As far as SMCG category is concerned, the category doesn't show too many violated ads. (Table 12-14)

DISCUSSION

ASCI, the advertising industry watchdog doesn't have punitive powers. Despite Allan Collaco's (Secretary General, ASCI) statement that they have introduced a fast track system in which the decisions regarding violated ads may come within 7 or 8 days instead of 42 days, is yet to be tested in 2012. This study reaffirms that consumers' interest, especially those who had been duped are not being taken care of to the full extent. Being a non-regulatory body, it doesn't have powers to impose fines or penalty to the guilty advertisers or advertising agencies. The ad reviewing system is quite slow as the ASCI body meets once in a month and gives its decision regarding a particular ad in 42 days. By that time the offending ad or campaign has already run its time. Moreover, in some cases, withdrawing an advertisement is not enough (Fast Track 20% discount), (Greenlam Laminates) and (Mc Dowells No. 1 Platinum Soda) are clear case in example from the research study. There has to be a stringent law that would safeguard the interest of consumers, as there can be no safeguards in human nature, especially when he or she is thinking from the seller's point of view and not from the buying prospects. Thirdly, one of the common violations include partial disclosures. Stating certain facts about the advertised product but omitting other material information is prevalent. In this sample Kraft claimed,

"Kraft's Singles processed cheese slices are made from five ounces of milk." that give Singles more calcium than the imitators, without mentioning that processing leads to a loss of about two ounces of the milk.

Indian ad scenario relies heavily on Small-Print Qualification. In other words, making a statement in large print, (Dove Damage Therapy Intense Repair shampoo claiming Most Recommended Shampoo by Indian Women) only to qualify or retract it in obscure, small or unreadable type elsewhere in the ad: "Based on study conducted among 400 women". Using trick photography or computer animation to enhance a product's appearance is also a nature of exaggeration and misrepresentation of the influencing features/benefits of the product. Sri Balaji Society's print ad was withdrawn on the ground that the claim contravened Section 4c of ASCI's guidelines for advertising of educational institutions and programmes; as the advertisement shows images of colleges which do not seem real. Kellogg's Chocos commercial claimed to be '*Poshan Se Bhara*' (full of nutrition). On analysis, it was found to have 32.8 gm of sugar per 100 gm.

CONCLUSION

In order to establish what honesty and truthfulness in advertising is, it's important to begin with what makes an ad deceptive, untruthful or misleading. This study was aimed at decoding deceptive ads that were reported to ASCI. The argument that advertising, by its very nature, is not complete information is biased in favour of the advertiser and the brand. It needs to be critiqued at par with all other malpractices in capitalistic economies as advertising too is a predominant marker of a market driven consumption milieu. When advertisers and agencies cross the line between simply giving their point of view and creating false expectations critical examination of ad message becomes vital. The argument is not whether we are exaggerating the power of advertising, it is the potential of advertising that can lead to some harm to the buying prospect that needs serious address.

IMPLICATIONS OF THE STUDY

Firstly, *Ad Mapping*: Systematic monitoring of advertising in all media is an important step. Joint research and extension projects by the industry and advertising scholarship can open more space for creating a common code of conduct. The mapping exercises must go beyond perceptual mapping. Research studies should deal with mapping the creative and media executions in Indian advertising. Archiving the advertising content is a must to facilitate collaborative multidisciplinary research on advertising. Secondly, *Government Regulation*: Government based consumer protection must manifest in the form of laws. In this study,

the researcher refrains from suggesting any change in existing laws. Thirdly, *Self-Regulation* (Rotfeld, 2009): The current self-regulatory mechanism in India suffers on many counts. In view of its inherent shortcomings, I propose a few markers for composition and functions of the independent regulator: 1) A cooperative structure based on proportional participation of the community, market and state. 2) Creation of a written code 3) Public awareness and industry education 4) Code for special sectors regulator audit. Lastly, *Ad Literacy* (Malmalin, 2010): Advertising literacy can be used as a defense against deceptive advertising. Advertising literacy needs to be viewed in terms of consumer's ability to understand advertising and to recognize various types of commercial phenomena in the Indian media. The thrust should be on : Informational Literacy i.e. to be able to understand the sources of information and knowledge; Aesthetic Literacy includes understanding forms of auditory and visual expression, styles, stories and references; Rhetorical Literacy is development of special skills on persuasion tactics and understand the needs, interests and motives and Promotional Literacy, understanding the distinguishing features of advertising within the ambit of integrated marketing communication.

NOTES

1. Deceptive advertising is defined as any ad that contains a "misrepresentation, omission, or other practice that is likely to mislead the consumer acting reasonably in the circumstances, to the consumer's detriment." (*FTC*).
2. Aristotle has explained the concepts 'ethos, logos and pathos' in the context of communication <http://www.calstatela.edu/faculty/jgarret/3waypers.htm>
3. Ethics in advertising means a set of well defined principles which govern the ways of communication taking place between the seller and the buyer.
4. Rotfeld in his article 'The advertising regulation and self-regulation issues ripped from the headlines for multidisciplinary research' suggested that mere existence of advertising regulation has a positive effect on practice because such regulation generates a strong incentive for advertisers to tell the truth.
5. Operational definitions of the content categories :
 1. Type of ad (on the basis of media used)
 - (i) **Press**- Usually print ads in newspapers, magazines but also includes transit, billboard, outdoor ads. Pamphlets, brochure and leaflet too come under the category of press.
 - (ii) **TVC**- Short form for television commercial. Infomercials, too, come under this category.
 2. **Unethical ads from June to December 2011**
 - (i) **Jan-Feb-Mar**- Number of unethical ads upholding
 - (ii) **April-May-June**- Number of unethical ads upholding in the month.
 - (iii) **July-Aug-Sept**- Number of unethical ads upholding in the month.
 - (iv) **Oct-Nov-Dec**- Number of unethical ads upholding in the month.
3. Product Category
 - (i) **FMCG- Fast Moving Consumer Goods** refers to all those tangible product and goods that are sold quickly and at relatively low-cost
 - (ii) **SMCG- Slow Moving Consumer Goods** refers to all those tangible goods and products that are sold relatively less than the FMCGs on account of their being expensive.
 - (iii) **SERVICES**- This product category includes education, telecommunication banking and insurance, hospitality and medicine.
 - (iv) **OTHERS**- This refers to the organisations or institutions as a whole.
4. Ad space in press
 - (i) **21-60 sq. cm**- A print ad covering the area of 21-60 square centimeters.
 - (ii) **61-100 sq. cm** - A print ad covering the area of 60-100 square centimeters.
 - (iii) **101-250 sq. cm** - A print ad covering the area of 100-250 square centimeters.
 - (iv) **Half**- A half page ad in a standard size newspaper i.e., (16.4x25.2) sq. cm
 - (v) **Full** – A full page ad in a standard size newspaper i.e., (32.8x25.2) sq.cm or any magazine publication.
 - (vi) **Centre Spread**- A two page continuous ad in a standard newspaper or any magazine publication.
5. Ad running time in TV
 - (i) **Upto 10 sec**- A relatively short advertisement lasting not more than 11 seconds, that is, upto 10 seconds.
 - (ii) **(10-20) sec**- An ad lasting anywhere between 10 to 20 seconds.
 - (iii) **(20-40) sec**- An ad lasting anywhere between 20 to 40 seconds
 - (iv) **(40-60) sec**- An ad lasting anywhere between 40 to 60 seconds
 - (v) **More than 1 min.**- An ad whose running time goes beyond 60 seconds or 1 minute
6. Ad language
 - (i) **All English**- An ad where conversation or written text appears in English

- (ii) **All Hindi**- An ad where conversation or written text appears in Hindi
- (iii) **Hinglish**- An interesting and potent mix of English and Hindi words in one or more than one sentences.
- (iv) **Other languages**- Ad appearing spoken or written in other Indian languages other than Hindi and English
- (v) **Bilingual (part Hindi-part English)**- An ad where one set of text is spoken or written completely in English and the other set of text in complete Hindi. No Hinglish used per se.

7. Ad appeals

- (i) **Rational**- Those appeals or propositions which are directed at the thinking process of the target audience. High quality, low price, long life, and re-sale value are some of the rational appeals.
- (ii) **Emotional**- Those try to strike the emotional chord instead. Sex, fear, humour etc.
- (iii) **Moral**- Those appeals to the audience which appeal to their sense of right and wrong. E.g prohibition, adult literacy, social forestry, consumer protection.
- (iv) **Blend of rational and emotional**- Brands are one part logic, many parts seeking emotional connect with the buying prospect.

8. Tone of Voice

- (i) **Hard Sell**- Realistic and factual, that is, a rational proposition with Unique Selling Proposition (USP).
- (ii) **Warm and Caring**- Feeling of well being, comfort, security and material symbolism conveyed through the relationship between the advertiser and the viewer of the ad.
- (iii) **Contemporary/Modern**- Behaviour or the microcosm of the ad pertaining to up to date lifestyle, language and other attitudes.
- (iv) **Conservative/Traditional**- Though the very word may have different meaning for different sets of people, it focuses on a sense of traditional values, customs and norms, including approach and the way a text has been written or spoken.
- (v) **Humorous**- A humorous tone of voice pretty much attracts the target group towards the content of the press ads or TVCs. Humorous tone ensures engagement and entertainment on the part of audience's mind. Use of derision, jokes, funny twists in the commercial are some of the humorous approach in advertising.
- (vi) **Serious/Sombre**- A tone that evokes a negative or fear emotional appeals by putting forward the gravity of the topic or situation through the

medium of advertising. Dark, gloomy, dismal and a feeling of sadness and graveness are its most common features.

9. Ad's degree of emphasis

- (i) **Price of the product**- Whether the sole focus of the advertisement, press or TVC, is on highlighting the affordable and attractive price of the product.
- (ii) **Value of the product**- Whether the sole focus of the advertisement, press or TVC, is on highlighting the attributes or benefits of the product.
- (iii) **Both (Price and Value)** - Whether an ad has taken in its stride to showcase both price as well as value of the product.
- (iv) **Any other**- Any other refers to anything that is not focused on price and value of the product. Could be indirect or unwanted appeals coming to the fore.

10. Ad Format

- (i) **Slice-of-life**- Mainly, a real life situation. A continuity of action, interplay between two or more people portraying a conceivable real life situations.
- (ii) **Endorsement by celebrity**- Here, a celebrity is used endorsing, using or recommending a product.
- (iii) **Testimonial by product user**- One or more individual recounting his or her satisfaction with the product advertised or the results of using the product's advertised. **Demonstration of results using the product**- In short, a demonstration of the use of the product, benefit, or product characteristic by an analogy or device rather than actual demonstration.
- (iv) **Announcement**- resembles a newscast or sportscast, sales announcement etc.
- (v) **Comedy/Satire**- Comedy in our ads is inspired by Hindi films. Humour, that is, comedy and satire is directed to regional and linguistic peculiarities.
- (vi) **Animation/Cartoon**- The entire commercial or some substantial part of the commercial is animated.
- (vii) **Fantasy/Surrealism**- The use of animation or other visual device instead of a realistic treatment to suspend disbelief or preclude literal translation on the part of the viewer.
- (viii) **Problem-Solution**- An attempt to define or show a problem, then indicate how the product eliminates or reduces the problem.
- (ix) **Creation of mood or image as desired element**- It's all about dramatization, an attempt to create a desire for the product without offering a specific product claim

- (x) **Any other**- Any other refers to formats that are not used too often, such as **anachronism**, use of animals. It also includes **vignettes**, **role play** format and many others.
11. Violated ads part of any campaign
- (i) **Yes**- series of deceptive ads in the same campaign
- (ii) **No**- independent one off ad that violates the advertising code .
12. Nature of violations
- (i) **Claims made not backed by reasonable substantiation**- For example, claims being made by Heinz's Complan that says we ensure kids grow taller. It may be needed to substantiate by providing or submitting various lab reports etc.
- (ii) **Offensive to society, person or any religious community**- hurtful to the social, cultural and religious sentiments. For example, a TVC of Amul Body Warmer shows the ease with which Draupadi (a mythological character from Hindu's epic Mahabharata) lets Dushasan (another mythological character from the same epic) to undress her.
- (iii) **Incomplete information or exaggeration to a point causing consumer to get mislead**- Ethics in ad requires every single detail possible to be mentioned in the ad, either press or TVCs. For example, when a consumer didn't get enough time to see small print qualification or if it is too small to be clearly viewed or read.
- (iv) **Unfair competitive practices**- Gaining advantage or leverage by employing unfair competitive practices, such as demeaning, defaming the competitor's claims or products, deliberate or otherwise is a serious nature of violation.
- (v) **Encouraging something which is harmful, especially to children and the community at large**- Certain ads show explicit use of certain products, imitation of which could prove dire consequences for the individual or community at large.
- (vi) **Blend of more than one violation**- There are some ads who flout norms and ethics based on more than one violation. In other words, some ads may contain all of the above violations as well as combination of two violations.
13. Element of violation
- (i) **Text (either spoken or written or both)** - headlines, body copy, punch line, jingle, spoken copy, dialogue, supers, small print qualifications
- (ii) **Visuals**- pictures, illustrations, photographs, colours, borders, caricature, visages, montage.
- (iii) **Overall appearance (combination of verbal & visual elements)** - An ad is guilty of violating ethical norms with the aid of both verbal and visual elements.
14. Carrier/agent of the deception
- (i) **Boy, man, male**- Whether the deception has been carried through the male entity.
- (ii) **Girl, woman, female**- Whether the deception has been carried through the female entity.
- (iii) **Elderly citizens (male/female)** - Whether the deceptive practices in the ads are carried through the aid of elderly male and female citizens.
- (iv) **Both male and female**- Whether a particular ad is found offensive or deceptive because of the agent of the violation being both male and female at the same time.
- (v) **Any other**- Whether the deceptive practices have been encouraged through the carrier of such ads other than above mentioned four options.
15. Identity of the complainant
- (i) **Consumers who suffered monetary or physical loss**- Those consumers who had a not so pleasant first-hand experience, and in the process, lost their valuable money and health too.
- (ii) **Competitors in the respective or other categories**- The rival brands or the competing advertisers in the same product class or category.
- (iii) **Any third person who felt offended by such ads**- Any common person who hasn't suffered any loss but complains purely on the basis of feeling offended and hurt by some ads.
16. Decision taken by ASCI
- (i) **Withdrawn**- pulled off or taken the advertisement off air/print.
- (ii) **Modified** : Changes instructed as per the standardization and common code of conduct of ASCI.
- (iii) **Upheld**- ads continue to be aired/published without any action
17. Violated ads being creative
- (i) **Yes** A creative product blends knowledge, imagination and evaluation. Creativity uses what is existing and available and changes it in unpredictable ways, producing unexpected results.
- (ii) **No**- If an ad lacks the ideation fluency, confused about its positioning and brand recall, something that keeps dragging on and on, can be touted as an advertisement being not so creative.
18. Category of violated brands

- (i) **Local/Regional-** Small firms may like to restrict their business to State or regional level.. A classic example is Nirma Washing Powder which initially was sold only in Gujarat.
- (ii) **National-** The manufacturers who think entire country to be their target. They select media with a countrywide basis. Generally large, established firms belong to this category.
- (iii) **International-** Multinational firms who treat the whole world as their market.

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