Social & Legal Implications of Television Advertising in India

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Abstract: Advertising is a form of marketing communication through which the inherent quality of a product or service is promoted. It is considered to be the prime motivator in the increase in consumer demand. Advertisers generally advertise their products or services either in newspapers, or magazines, or direct mail, or radio, or television, or internet, or outdoor signs. Amongst the various media, advertisements on television are considered to be the most effective way of product or service promotion because of two reasons; 1) it is easily accessible medium of communication and 2) it brings audio-visual action to the homes of potential consumers. Owing to the vast mass appeal of the television medium, the advertisers often use such strategies which might be in violation to social, ethical and legal norms of the country. Under such circumstances, the television advertisements in India and its social as well as legal implications make an interesting study. At the same time, it would be interesting to know whether any regulatory mechanism exist to monitor such advertisements.

Keywords: advertising, advertisements, social, legal, regulatory

1. Introduction

Williams Arens defined advertising as the structured and composed non-personal communication of information, usually paid for and usually persuasive in nature, about products (goods, services, and ideas) by identified sponsors through various media (2005). Amongst the various media, advertisements on television are considered to be the most effective way of product or service promotion because of two reasons; 1) it is easily accessible medium of communication and 2) it brings audio-visual action to the homes of potential consumers. For this reason, Lawrence Samuel considered television as ‘a surrogate salesman’ (Samuel, 2002).

Lynne Ciochetto believed that advertising affected social attitudes (2004). It is a proven fact that ‘advertising can persuade/influence someone to buy a product that they have never previously purchased’ (Khandai & Agrawal, 2012). Ms. Hemamalini. K.S and Ms. Shree Kala Kurup have been of the opinion that advertisements influenced customers’ interest for purchasing or to the desire for purchasing (2014). K C Gopakumar while tracing the history of television advertising in India in his thesis广告 in Kerala: its Influence on Select Consumer Non-durables stated that the first television commercial was introduced on 1st January 1976 and that the advent of color television and satellite TV catapulted television advertising to an unprecedented height (2004).

Television advertising promotes sales of products because they succeed in manipulating ‘people’s strongest desires and greatest fears to convince them to buy the proffered products’ (Kanner & Soule). As stated on the website of Indian Brand Equity Foundation, by 2017, Indian advertising industry is estimated to be Rs 63,000 crore (US$ 10 billion) with both print and TV having a share of 38-40% each by 2017 (Advertising and Marketing Industry in India). A report in Business Standard stated that TV ad volume grew 111% (Majumder, 2015). A report in live Mint suggested that expenditure on television advertising has been driven up by sectors like e-commerce, automobiles, fast-moving consumer goods (FMCG), consumer durables, and banking, financial services and insurance (Bansal, 2015). On the other hand while debating over international advertising in the book Advertising and Societies: Global issues, K T Frith and Barbara Mueller have put across their observation about the way in which advertisements apart from providing information, transmit values and influence behavior of both individual as well as value-forming institutions (2010). Under such circumstances, though Television advertising in India promotes the economic activity, it becomes necessary to study its social and legal implication.

2. Research Methodology

Objectives of the study:
- To analyze the Social Implications of TVCs in India
-To understand the Legal Provisions made for TVCs in India

-To study the different effects of TVCs on society

**Type of Research:**
- Textual Analysis has been done on this research paper

**Sample Size:**
- Different Advertisements of different categories mentioned in ASCI Code has been taken.

**Type of Data:**
- Secondary Data has been used

**Source of Data:**
- Televisions Commercials have been considered.
  - Rules for TVCs mentioned in ASCI code have been considered.

**Limitations:**
- Only selected TV Commercials have been considered.
- Two aspects i.e. Social and Legal aspects have been studied
- Only Indian TVCs have been studied.

**3. Data Analysis**

Before we understand the implicit significance of television advertising in India, it is necessary that we understand the scenario of advertising in India at the outset. Every industry has a watchdog so that its fair and just functioning is ensured. Every kind of advertising in India is monitored by Advertising Standards Council of India which is a self-regulatory voluntary organization established in 1985 and is formed by constituents like advertisers, advertising agencies and media. It seeks to ensure that advertisements are honest representations, non-offensive to public, against harmful products and situations, and fair in competition. Interestingly, “ASCI’s code of self-regulation in advertising is now made part of the mandatory advertising code under the provision of the Cable TV Act-the violation of which results in a breach of the rules of the Government of India” (Shah, 2014).


Self – regulation guidelines for advertising states that the content editor of Broadcasting Service Provider (BSP) will preview each advertisement to certify that its content complies with ASCI code. But then the question is: is there any compliance with this code? We need to study certain TVCs to assess this compliance.

We shall first try to understand if there is legal compliance or not. As per the code, the TVCs should not be misleading. The TVC of Set-Top-Box matlab Dish TV begins as if it is an awareness commercial launched by the government with a view to implement digitization of Cable Services. In the first half, the viewer’s attention is grabbed by making him understand the importance of installing set-top-box. In the second half, using the same span of attention, the advertiser positions his product by asserting Set-Top-Box matlab Dish TV. Such TVC tends to exploit the viewers’ lack of knowledge by misleading them about the concept and the availability of set-top-boxes in the market. In the same way, the TVCs of Nutrislim and Nutrigain promise the viewers about the magical efficacy of the products wherein the advertisers seem to be silent about the possible side effects of their products. These TVCs seem to be silent about their research/assessment as well. According to the advertising code, the super in the TVC should be in the same language as the audio of the advertisement (2013). However, in the TVCs of Nutrigain and Nutrislim, the super about the products is in English.
The advertising code explicitly prohibits showing women in indecent way. However, majority of the advertisers titillate sexual stimuli of the viewers by associating the availability or obtainment of their products with the obtainment of the female. In the TVCs of Engage deo as well as Wild Stone deo, the females are shown craving for the male company and behaving unacceptably under the impact of these deos. Unfortunately, the females in TVCs seem to be predominantly in the role of a seductress whether it is required or not for promotion of the product. Lux Soap Roop Tera Mastana tvc featuring Deepika Padukone and Imran Khan are shown indulging in physical proximity which of course, can be avoided. Showing females scantily dressed has become the trend of the day. The ad campaign of Amazon Online shopping has all its females showing the skin. The TVC of Milk food 100% Dairy whitener shows the female scantily dressed. In the TVC of Paras Masala endorsed by Arbaaz Khan, the advertiser has objectified the females as ingredients used in paan masala. Touching the scantily dressed female’s body with a golf ball is considered success in the ad of Denver deo. The TVC of Parachute Advanced Body Lotion shows as the female as a sex object and has presented her body curves in the way in which one cannot see with the family. In the same way, the ad campaign of Manforce Condoms violates the code by its indecent portrayal of the female along with the celebration of the bodily desire—the idea which goes against the Indian ethos. Incidentally, the females are used to promote products meant for the males.

It seems our advertisers rarely follow the advertising code. According to this code, such advertisement is prohibited which adversely affects friendly relations with a foreign State (2013). Despite this, the latest TVC of Fogg Border derides the intellectual level of the Pakistanis. Had the ad got over with the confusion on the face of a Pakistani, it would have been slapstick but got over with the confusion on the face of a Pakistani, it would have been slapstick but juxtaposing it with the dog’s understanding gives an ugly touch to it.

The advertising code insists that the TVC should not be create in children any interest in unhealthy practices or shows them begging or in an undignified or indecent manner. Unfortunately, all health drinks – be it Complan, Horlicks or Bournvita – all target children and their pester power to increase the sales of their products. Knorr Soupy Noodles, Yippee noodles, Maggie noodles, Chocos, Kissaan Tomato Ketch up and many more food TVCs feature children as their characters. Incidentally, the food they advertise for and the food style they promote generally belongs to the category of junk food which is considered to be harmful to health. In the TVC of Surf Excel Matic - As Good As Mom's Hand Wash, the child is shown not just repairing the cycle but also using washing machine to clean his t-shirt which goes against the code of not showing minors using or playing with mechanical or electrical appliances.

By and large, there appears to be gross violation of the code promulgated by ASCI. The characters in the role of doctors are shown promoting products like Lizol, Patanjali Tooth paste, Sensodyne or Colgate in order to make their products authentic which is nothing but a fraudulent way of product promotion. Patanjali noodles use the colours of Indian tricolor to sell its product by appealing the patriotic sense of the Indians. Imperial Blue – Branded liquor is advertised by the promotion of musical CDs. McDowells, Haywards 5000 promote liquor by promoting soda. Branded whiskey-Officer’s Choice tend to promote its product by promoting righteousness in public life. Though there is a restriction regarding the advertisements of hospitals, Vasan Eye Care promoted the hospital as well as lasik surgery by showing how the boy benefits after getting his spectacles removed with the surgery. Advertisements of tobacco products and gutkhas are legally prohibited but they are still promoted in the name of paan masalas like Pan Parag, Pan Vilas, Paras and so on.

In its Self - Regulation Guidelines on Advertisements for Automotive vehicles, ASCI Advertisements should not show speed maneuverability in a manner which encourages unsafe or reckless driving, which could harm the driver, passengers and/or general public or show Stunts or actions, which require professional driving (2013). Tata Safari Storme as well as Mahindra TUV 300 shows all stunts to emphasize the toughness of the vehicle. Mahindra TUV 300 unintentionally also shows violence against children as well as promotes the use of such vehicle in criminal doings. Stunts are being performed while promoting Continental tires. In the same way, there is a guideline for Educational Institutions and Programs. However, TVCs of Lovely Professional University, Amity University appear to fail in elucidating about their affiliations as well as programmes they offer.

The interesting thing about TVCs is that they often carry disclaimers / qualifications of claims through supers as mandated by ASCI, but these supers are written in such font size that they are hardly readable. Such loophole allows the advertisers to promote their products without being pursued for any illegal portrayal of content.

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The social impact of television commercials is difficult to measure but the kind of message they pass on can be ascertained on the basis of their contextual analysis. TVCs promote a feel good but elusive lifestyle. As the TVC claims, Ponds Age Miracle makes you look younger by 10 years but it does not allow you accept ageing in a dignified way. TVCs of Fair and Lovely Fairness Cream and Anti Marks Cream strongly put forth the idea that a woman would become confident and successful only if she has a fair look. Genetically, nothing can change one’s skin color, but such advertisements inculcate the sense of ignominy in dark-skinned females.

The role of females is largely shown to be subservient to males. Females in the majority of TVCs are shown not as somebody who has the authority to say something about the product. In case of Harpic Flushmatic, the male salesman enters the house and reasons out with the homemaker as why she should use the product. Ad campaign of Syska LED lights with wife as well as sister shows that the females do not have idea about the kind of lights to be used in the house. The latest TVC of OLX- Aadhe Tere – Aadhe Mere show the powerlessness of an educated working woman at its best. An educated working woman has to depend on her husband not just for transportation but also in deciding to buy a personal vehicle for her. It would be interesting to note that over a period of time, the dressing of females in TVCs have changed from traditional to modern. Consequently, the females are portrayed showing skin – be it office as in OL Aadhe Tere – Aadhe Mere X, in bedroom as in Milk food 100% Dairy whitener, in drawing room as in Syska LED with sister. However, there is a very little change in their role of a homemaker. Madhuri Dixit in Aqua Guard Water Purifier, Juhi Chawla in Chocos, Farida Jalal in Godrej No 1 Soap, Hema Malini in Kent Water purifier is shown looking after the well-being of the family. TVCs of Moov, Iodex, Clinic Plus Shampoo, Stayfree Secure Cottony Soft XL, Bournvita Swimmer show the female as proactive homemakers.

On the other hand, the rough and tough image of the men is consolidated by the commercials like Thums Up, MRF Wanderer - Tread Anywhere, Dollar Big boss, and so on. The infidelity of men is not just shown in the TVC of Imperial Blue but is accentuated by its tag line-Men will be men.

As stated on the website of India Brand Equity Foundation, advertisers normally indulge in occasion based marketing to promote their products. It would be interesting to observe that the product promotion and discount offers are facilitated only during Hindu festivals. Such marketing strongly sends out a message that people of other religions in India occupy peripheral positions. By and large, the characters of TVCs are Hindus and sometimes Sikhs but not of any other religion which speaks volumes about the religious dynamics of India.

The kind of India that is being presented in TVCs fail to create a very good impression of India as a society. Lifebuoy’s TVC of ‘help a child reach 5’ not only throw light on prevalent status of health and hygiene but circumstantially promote an act of superstition in illiterate, rural setup. Ad campaign of CP Plus CCTV Camera unintentionally shows the execution of various crime in an attempt to promote the product. It also shows the vulnerability of weaker section in our country. TVCs in India, by and large, seem to rework value system by associating happiness with beauty, fitness, skin color, materialistic achievement and possession. The TVC of New Powerful Rin at Hotel sadly reflects the undercurrent of the Indian Society.

Television advertising stands at the intersection of the culture and the economy. So, there is a need to set up a mechanism which works in favor of the culture as well as the economy. This can be done by taking up certain measures as under:

India has a voluntary, self-regulating body consisting of various constituents of Advertising industry to monitor advertising. Instead of this, India should have a statutory, autonomous body consisting of members from various walks of life.

This body should have separate committees for print advertising, television advertising, and online advertising and so on. This body should have centers in every state so that it can monitor advertising in vernaculars as well. Television commercials should not be broadcasted without the prior certification of this body due to the outreach and impact of television commercials.

As of now there is a tab of lodging complaints about advertising on the website of ASCI. However, unavailability of internet across the country as well as digital illiteracy would hamper such process. So, a toll free number should be introduced so that the public can register their complaints about TVCs. This number should again operate in various vernaculars spoken across the country.

The proposed statutory body should launch an awareness campaign regarding grievance Redressal number. At the same time, all television networks should be mandated to scroll this number at the end of the advertisements.
interval of 15 minutes throughout the transmission of programmes. The grievance should be redressed within the fortnight of lodging complaints. Any laxity either on the part of grievance Redressal mechanism or the advertiser should be made a punishable crime.

4. Conclusion

One cannot do away entirely with the concept of television advertising. It is an inevitable tool through which the economic activity of sales is initiated. However, it is equally related with the culture of a nation. Lynne Ciochetto in her research paper entitled Advertising and globalization in India has expressed her apprehension about advertising having impacts on culture, through the undermining of traditional habits and behaviors, the creation of new wants and desires, often for products like soft drinks that have no nutritional benefit, and also by strategies that rework cultural values and beliefs (2004). All the TVCs analyzed gives the results that there are many commercials which do not follow the ASCI code very formally and secondly there is no control of ASCI over all such issues which could be handled by them. So, it becomes the responsibility of the society to prevent this sector from wielding distorted influence, mutating values and undermining culture.

5. References


