

SURROGATE ADVERTISING AND ETHICS

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ABSTRACT

Advertising is a very important medium to disseminate the information floated by advertiser about his goods or service. It is a direct means through which he connects with the consumer. Surrogate advertising is very effective as it introduce a new product in the name of some prior existing product. Therefore, it works as a brand extension for the product. However, it is misused by the various advertisers in order to promote such products which are being banned by the government to be advertised. Surrogate advertising is the advertising of some restricted product in the disguise of some permitted product. It is also known as indirect advertising. In India, there is an important role of self regulation in the advertising industry. The advertisers use surrogate advertising in order to avoid these regulations. This Paper focuses on Surrogate advertising used in India, review of literature, present laws on surrogate advertising, what measures we should take in order to curb it.

KEYWORDS: *Surrogate Advertising, Indirect Advertising, Unholy Trinity, Golf Accessories.*

Introduction

The word 'advertising' has been derived from the Latin word 'advert' which means to turn people's attention to a specified thing. When a marketer or firm has developed a product to satisfy market demand after thorough analysis of the market, the product should reach the market and before that the product awareness should be there. People should know the product by its name, and in order to create that awareness advertising is used. Therefore, advertising is used on a mass level to reach the society and people on a broader scale. In India, there is an important role of self regulation in the advertising industry. The advertisers use surrogate advertising in order to avoid these regulations. Surrogate advertising is the advertising of some restricted product in the disguise of some permitted product. It is a kind of indirect advertising. Where companies promote CD's, cassettes, mineral water, soda, golf accessories etc. surrogate advertising is used to promote those product for which direct advertising or promotion is being banned. Therefore, in the name of the other products such as mineral water, soda etc. the banned product is promoted. The banned products in India are liquor, tobacco, cigarettes' for which government has banned the direct promotion of it. In India surrogate advertising is used by Bagpiper soda, Royal challenge golf accessories and mineral water, kingfisher mineral water and soda imperial blue cassettes and CDs, officers choice mineral water and soda, Haywards 5000 drinking water and soda etc. Royal challenge has even kept the name of the IPL team as Royal challengers for which the Supreme Court has indicated that the name is royal challengers' not royal challenge.

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Review of Literature

Ethics in advertising is very interesting yet sometime contradictory topic when it comes to that advertising which is not following self regulation. However, it has always attracted the attention of many scholars and intellects.

Murphy P E, 1998 have observed that lack of ethics in advertising is due to the "unholy trinity" in advertising. Advertisers, agencies, and the media represent the three major parties in any advertising campaign. Among these three parties, it appears no one is willing to accept primary responsibility for raising ethical standards. Consequently, ethics in advertising is perceived to be rather low. He also offered the suggestions to improve the ethics in advertising and the first proposal was the self regulation. He also insisted on the ethics of the mean i.e. to chord a balance in stating the truth through advertising. His suggestions also include the social responsibility portrayed by the advertising community.

Suryawanshi S A, 2013 has emphasized that surrogate advertising can be an issue which needs to be understood with respect to India's legal and ethical environments of Promotions. The liquor, narcotic industry being banned to the normal advertising of its core message to the audience has left unaided so as a possible choice they are more prone to depend on surrogate marketing due to its effectiveness in terms creating awareness recall and selling products to the more consumer. The genuine brand extensions would be discouraged due to ban on surrogate advertising but if they are genuinely doing extension they should comply with condition of sufficient availability of that product used in surrogate advertisement.

According to Cohen J A, 2001 advertising is neither morally good nor bad. The ethics of advertising has to do with an evaluation of the content and techniques deployed in given bits of advertising. Advertising has been called the most influential institution of socialization in modern society. Women are inculcated by advertising to believe beauty myths, which in turn motivate them to take extreme, and expensive, measures to achieve "right" appearance. Women are shown as a thing in various featured ads. The author emphasized on the various aspects of ethics as far as women advertising is concerned. He also recommended various aspects such as Endorsement advertising might be implemented on a selected scale, utilizing public figures such as female athletes and retired public figures. Advertising from banking, financial, insurance, or health care companies could more directly incorporate ordinary-looking, middle-aged women and minority women, showing them as leaders of family decision making on the subject matter.

Chakrabarti M, 2015 has described the history and development of surrogate advertising and its ethical issues. He emphasized that the advertisements have a strong influence in our life. As they provide information and create awareness about the market. Their significance in corporate world cannot be underestimated. Surrogate advertising has been a powerful medium through which a particular brand reaches to its consumers. It has played a vibrant role for the brands to sustain in the market even after banning the advertisements of their original products. But surrogate advertisements mislead people in the form of endorsing alcoholic drinks, cigarettes & other tobacco products etc. But as these products have remarkable demand and thus contribute heavily in generating revenue it is not feasible for the GOI to abolish them in totality. So to fair shake between responsibility and income the GOI allows only surrogate advertising to continue. He also suggested that GOI should strictly follow the legal measures against surrogate advertisement for anti-health product besides taking consumer awareness programme for the mass.

Present Laws to Combat Surrogate Advertising

- **Role of ASCI**

ASCI were basically formed by the Advertising Association i.e. the Indian Society of Advertisers (The Advertising Agencies Association of India), the Media owners Association i.e. the Indian Newspaper Society. The council's code of self regulation in advertising specifies that all advertising should be truthful, honest, decent and safe and legal for consumers especially to minors.

Objective of ASCI

- To ensure the truthfulness and honesty of representations and claims made by advertisements and to safeguard against misleading advertisements.
- To ensure that advertisements are not offensive to generally accepted standards of public decency.

- To safeguard against the indiscriminate use of advertising for the promotion of products which are regarded as hazardous to the society?
- To ensure that advertisements observe fairness in competition so that the consumers need to be informed on choices in the market place and the generally accepted standards of competitive behavior in business are both served.

- **Role of FICCI**

The federation of Indian Chambers of Commerce and Industry is the apex body of Indian trade and industry has been advocating the need for self regulation by the business community. Its code of conduct requires along with other objectives to avoid publishing misleading advertisements and to encourage setting up of consumer affairs cells in industrial houses to attend to consumer complaints and to get proper feedback.

- **Role of ASSOCHAM**

The Association Chambers of Commerce and Industry is an apex organization of the industrial representatives, association and traders. It suggests that every business should establish rapport with the consumer and that every manufacturer especially of consumer goods should set up a consumer affair cell CAC in his organization to get the feedback of the consumers on the product or services.

The Cable T.V. Network (Regulations) Ordinance Act

According to the Cable T.V. network Regulations Ordinance Act, 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. According to this Act, indecent, vulgar, suggestive, repulsive or offensive themes or treatment shall be avoided in all advertisements. No advertisement is permitted which tend to incite people to crime, cause disorder or breach of law or glorifies violence or obscenity in any way, or which projects a derogatory image of women, or women portrayed in a manner that emphasizes passive, submissive qualities and encourage them to play a subordinate role in the family or society. Also, no advertisement shall be permitted which promotes directly or indirectly production, sale or consumption of cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants.

Measures which can be Taken to Control Surrogate Advertising

- Conducting consumer awareness programmes about the various advertising shown on various media, its impact in the longer run on children, teenagers etc. also telling them about the existence of ASCI and various other platforms which works as a regulatory bodies in order to curb indecent and surrogate advertising.
- Various laws should be framed which are very clear about the surrogate advertising which is shown on various platforms in the form of brand extension.
- Advertising Standard Council of India should be given more authority to handle such surrogate ads which are not abiding by the various rules and laws. To consider that it not only issue notification but also can strict action against such unethical advertisements.
- To take legal action against advertising agencies also who are involve in formation of such surrogate, unethical or misleading ads.

Conclusion

Advertising is a very important medium to disseminate the information floated by advertiser about his goods or service. It is a direct means through which he connects with the consumer. Surrogate advertising is very effective as it introduce a new product in the name of some prior existing product. Therefore, it works as a brand extension for the product. However, it is misused by the various advertisers in order to promote such products which are being banned by the government to be advertised. These advertisers take the help of surrogate ads which promote the banned product in the name of some already existing approved to be advertised product. It is directly misleading the consumer groups and the society. Various advertisers are selling liquor and tobacco products in the name of soda, CDs cassettes, mineral water, golf accessories etc. Therefore, it is required that the government should make some clear, transparent and stringent laws which put a ban on such kind of advertising. Also, there is a great need of consumer awareness about such kind of misleading advertisements.

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