

## ASCI's ROLE IN SELF REGULATION ON ADVERTISING IN INDIA

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Dr. Manisha Sharma\*

### ABSTRACT

*Advertising is to advertise or to promote and make the awareness about the subject matter i.e. the product in terms of goods or services. Various media which are used for advertising mainly T.V., outdoor media, digital advertising, internet advertising, print media etc. The advertisements which are meant for promoting itself may use inappropriate methods also sometimes. For example, the product or service which is being promoted through such advertisements may use indecent, vulgar or unethical advertising which we may not find in good taste. Therefore, there is a need of a code of conduct which is governing such advertising or any self regulatory code of conduct which the advertisers use and adhere to certain norms and policies. Adhering to Self regulation means the advertiser himself checks the various statutes made by various bodies in India for the check on advertising. The one of the important code which is observed by the advertisers, advertising media agencies etc. is the self regulatory code given by ASCI. This paper focuses on the ASCI's role in self regulation on Advertising in India.*

**KEYWORDS:** *Outdoor Media, Digital Advertising, Internet Advertising, Print Media, ASCI.*

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### Introduction

The word 'advertising' has been derived from the Latin word 'advert' which means to turn people's attention to a specified thing. We come across advertising through various media in many ways. Advertising is to advertise or to promote and make the awareness about the subject matter i.e. the product in terms of goods or services. Various media which are used for advertising mainly T.V., outdoor media, digital advertising, internet advertising, print media etc. The advertisements which are meant for promoting itself may use inappropriate methods also sometimes. For example, the product or service which is being promoted through such advertisements may use indecent, vulgar or unethical advertising which we may not find in good taste. Therefore, there is a need of a code of conduct which is governing such advertising or any self regulatory code of conduct which the advertisers use and adhere to certain norms and policies. Adhering to Self regulation means the advertiser himself checks the various statutes made by various bodies in India for the check on advertising. The one of the important code which is observed by the advertisers, advertising media agencies etc. is the self regulatory code given by ASCI. Advertising Standard Code of India is a voluntary Self-Regulation council, registered as a not-for-profit company under Section 25 of the Indian Companies Act. The sponsors of ASCI, who are its principal members, consists of Advertisers, Media, Advertising Agencies and other ancillary services connected with advertising practices. It provides with a self regulatory code of conduct and the basic guidelines with a purpose of conducting fair advertising practices in the best interest of consumers. According to ASCI, advertising should follow four basic codes:

- Advertising should be honest i.e. is it misleading the consumer, does the product deliver the claim it made.
- Decency in advertising, it is offensive i.e. it should be within the decency standards maintain by the society.

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\* Assistant Professor, St. Xaviers College, Nevta, Jaipur, Rajasthan, India.

- Responsibility in advertising, does it shows the dangerous situations or stunts without the proper warning, could it be harmful to children, does it deride any religion or community.
- Fairness in advertising is the ad misleading or being unfair on the competition.

Therefore, the creator of the ads should follow up with these norms to avoid any violation of the code.

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. The council is managed by the board of governors consisting of 16 elected members who are constituted as four each from advertisers, from advertising agencies, from media and from allied professions like outdoor contractors, audio-visual producer/ distributors, consumer researcher etc. The board of governor's appoints a consumer complaint council (CCC) to examine complaints. The purpose of the code is to control the content of advertisements, not to slow down the sale of the products which are considered to be offensive by some people or set of people. The code's rules form the basis for judgment if there are any conflicting views about a particular advertisement as this code applies to advertisers, advertising agencies, and media. Both the general public and competition has the right to expect the content of advertisements to be fair and acceptable. All advertisers, advertising agencies, and media are expected to not to commission, create, place or publish any ad which is in contravention of this code. This is a self imposed discipline required under this code for self regulations in advertising from all involved in the commissioning, creation, placement, or publishing of advertisements. This code applies to advertisements read, heard or viewed in India, even if they originate or are published abroad, so long as they are directed to consumers in India or are exposed to significant number of consumers in India.

#### 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.

#### The Code and the Law

The code's rules are not the only one to affect advertising. There are many provisions which decide on the form and content of the advertising. Therefore, the code's rules are not made to affect advertising. It is not in competition with the law but its rules are made to synchronize with legal controls. There are certain terms which are a part of code are here to consider:

- **Advertisement:** it is defined as a period form of public communication, having a purpose to influence the opinions of demoneour of those whom it is addressed. Even if communication is carried free of charge for any reasons, would be recognized as an advertisement.
- **Product:** This is the subject of an advertisement including goods, services and facilities.
- **Consumer:** A consumer is any person or corporate body, who is it self to be reached by an advertisement, whether as an ultimate consumeror the customer in the process.
- **Advertiser:** It includes an individual, partnership, corporate body or association on whose account the advertisement is designed and released.
- **Advertising Agency:** It includes all individuals, partnerships, corporate bodies or associations, who plan, research, create or place the advertisement or the people who create the material for advertisement or advertisers or for advertising agency.
- **Media Owners:** These people have an effective control over management of media or their agents. Media is any means used for propagation or distribution of advertisement and includes press, cinema, radio, television, hoardings, handbill, posters, direct mail, and internet etc.
- **Minors:** These are the people upto the age of 18 years.

Any written or graphic matter or packaging whether separate or contained in it, is subject to this code in the same manner as any advertisement in any other medium. To publish an advertisement means whether to print, exhibit, broadcast, display or distribute an advertisement in any media.

- **Standard of Conduct:** Advertising is a crucial mean through which the seller informs the consumer about the product or service. The seller is thus creating awareness about his product. The information provided by him should be true and honest. Therefore, the standards of conduct are the minimum standards of acceptability by the society.
- **ASCI's Mission:** The most important goal of ASCI is to maintain and enhance the public confidence in advertising. Its mission statement is 'credible advertising for enhancing the public confidence'. ASCI seek to ensure that advertisements conforms to its code for self-regulation, which requires advertisements to be:
  - Truthful and fair to consumer and competitors.
  - Within the bounds of generally accepted standards of public decency and propriety.
  - Not used indiscriminately for the promotion of products, hazardous or harmful to society or to individuals particularly minors, to a degree unacceptable to society at large.

January 2019, Ministry of Information and Broadcasting (MIB) issued an advisory for a scroller to be carried by all TV broadcasters in support of self-regulation for grievance against objectionable advertisements that refers to ASCI. With more and more TV channels carrying the ASCI WhatsApp number in a scroller, there has been over a tenfold increase in consumers reaching out to ASCI now.

#### References

- ⇒ [https://ascionline.org/images/pdf2/mib\\_advisory\\_24-01-2019.pdf](https://ascionline.org/images/pdf2/mib_advisory_24-01-2019.pdf)
- ⇒ <https://ascionline.org/index.php/component/content/article/78-about-us-category>

