

## **EVOLUTIONS AND ETHICAL ISSUES IN INDIAN ADVERTISING AGENCIES**

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### **ABSTRACT**

In this research an attempt is made to understand the important framework of morality and the difference between ethics, moral and morality. This chapter also lay light on the relationship between advertising and ethics, importance of ethics in advertising and its impact on the viewers. Determining ethics of advertising is done on the basis of three criteria: social, professional and personal ethics, which gives a clear understanding of ethics. Also the study has been made of specific ethical issues that arise in Indian advertising and the issues related to ethics in Indian adverting are categorized to make the study easy to understand. This Chapter includes the study on various issues like lack of truth in advertising, targeting the consumers, stereotyping, celebrity endorsements, surrogate advertising, ethical advertising etc. Further the Indian advertising regulatory acts enacted by the Indian Government and the role of self-regulatory voluntary organization of the advertising industry named as Advertising Standard Council of India (ASCI) is studied. Apart from this, the working process of the complaints filed against some of the advertisements by the consumers to ASCI and the decision taken by Consumer Complaint Council will be discussed in brief. The references for a part of this study are internet sources because there are no books available.

**KEY WORDS: Advertisement, Ethics Etc**

### **INTRODUCTION**

The word "Ethics" takes its origin from the Greek word "ethos", which means custom, habit, character, disposition or way of living; ethics is a branch of philosophy that is concerned with human conduct, more specifically the behaviour of individuals in society. Traditionally it's the study of what makes the human action right and wrong. Ethics addresses the questions about morality that is concepts such as virtue and vice, justice, right and wrong, good and evil etc. Ethics examines the justification for moral judgments. Ethics is generally known as moral philosophy. In other words it is the moral principles of conduct.

"Ethics" according to Oxford dictionary is defined as "moral principles that govern a person's behaviour or the conducting of an activity". The definition of "ethics" is different from scholar to scholar, Albert Einstein once said, "I do not believe in the immortality of the individual, and I consider ethics to be an exclusively human concern without any superhuman authority behind it." Einstein addresses that a man's ethical behaviour should be based effectually on education, sympathy, and social ties

but not on the basis of religion. On the other hand, A.J Ayer states that “Moral certainty is always a sign of cultural inferiority. No morality can be founded on authority, even if the authority were divine.” The popular quote by Mahatma Gandhi is closely related to the ethical decision-making “The greatness of a nation and its moral progress can be judged by the way its animals are treated.” According to the Joseph and Edna Josephson ethics is defined as “Standards of conduct that indicate how one should behave based on moral duties and virtues.” Ethics can be generally defined as “the advisory tool which guides what is the proper course of action for a man. It always prompts the questions like, "What do I do?", “What I am doing is right?”, “Which is the right way of doing?” and so on. It is the continuous analysis of right and wrong in all the endeavours of an individual.

### **EVOLUTION AND IMPORTANCE OF ETHICS**

Many evolutionists believe that ethics or morality has emerged over time as a human necessity. It is believed that any group of people can survive the best only when they adopt a moral code that reduces violence, and promotes the general welfare of the society. This is how it accounts for common moral codes across the globe; even human beings have adopted similar codes. In essence, this view of moral and ethical codes are maintained, adopted and followed by everyone and have mostly been inherited from parents or from generation to generation and so on in time as long as humans existence on this planet. It presumes that moral truths originate in primitive social groups. Then why is it that selfishness, unfaithfulness, cruelty, etc. are not acceptable? Sometimes selfish group of people who think only of them are more likely to survive in a dog-eat-dog world. Unfaithfulness will lead to further propagation of a bloodline with an even larger number of children.

This helps assure the survival of the species and all of these moral taboos could easily be seen as virtues to ancient or primitive cultures. And this might have been the source of study for Charles Darwin’s evolutionary theory “survival of the fittest.” However, ethics is vital for human life. Ethical codes have invariably been influencing everyday decisions and a means of deciding a course of action, without it, the actions will be aimless. There would be no way to work towards a goal. Every child is taught by its parent that it is wrong to lie, cheat and steal. It’s eminent to learn about good ethics as they guide our decisions and determine our future. Ethics are learned throughout life, it teaches an individual to respect, adapt to take responsibilities and good conduct. Moreover, it moulds the character of an individual. Ethics makes people honest and law-abiding citizens, which contribute to the good of society. Ethics is the basic belief and standard that makes everything run smoothly.

Ethics are applied in all organizations and institutions around whether it is political, medical, law, religious, or social.<sup>1</sup>

### **ETHICS, CULTURE AND LAW**

In Indian culture, according to Hinduism, Purusharthas<sup>1</sup> are regarded as the most important purpose of human life or existence. There are four Purusharthas namely Dharma (religious, social and moral), Artha (material and financial prosperity), Kama (love, emotion and sexual pleasure) and Moksha (liberation as well as detachment) Out of the four goals, Dharma is closely associated to the present study, the word “Dharma” comes from Proto-Indo-Iranian root dhar, which means to uphold, sustain, or uplift. It can be thought of as righteousness in thought, word and action. It represents a “principle” or a „quality of being“. Dharma incorporates the glorious guideline “do unto others would do unto you”, and therefore the set of all achievable attitudes such as speaking truth, being kind, speaking pleasant words, being respectful, exhibit reverence towards the earth and the natural resources etc. when a person harmonize to a certain behavioural pattern, it contributes to the maintenance and the improvement of societal order and thus upliftment of the society itself. In simple it means the religious and moral law or natural law governing the conduct of the individual and of the group. Hinduism, Jainism, Buddhism and Sikhism all have the concept of Dharma at their core. (www.hindupedia.com) In Islam too it is defined as “good character”. The holy Quran defines and sets the standards of social and moral values. There are various verses in the Quran which provides a set of moral stipulations. Throughout history, famous people have often exhibited some of the best and the worst behaviours. Some of the great social activists in the history have challenged the law of the society<sup>2</sup>.

One of the best examples is of Martin Luther King fighting for civil disobedience against bifurcation in the United States of America in the 1950s and 1960s. Inspired by the civil rights movement, thousands of people in Vietnam challenged the laws of conscription on moral grounds. Perhaps the best case of morality versus law in political history is the movement against the laws of apartheid led by Nelson Mandela in South Africa. Both Nelson Mandela and Martin Luther King were directly influenced by Mahatma Gandhi’s Philosophy and practice of moral resistance to biased laws in India. These examples make the claim that the law demand no respect if it fails to maintain respect for an individual. Hence, The United States of America’s former Supreme Court Chief Justice Earl Warren quotes “the law floats on a sea of ethics”. Taking the all the above into consideration it can be said that the law has been

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<sup>1</sup> Source: ASCI’s Self Regulation Guidelines on Advertising of Foods and Beverages

<sup>2</sup> Article titled "The First Amendment and the Media" by Eric Barendt, published in the book, Importing the First Amendment, edited by Ian Loveland, Hart publishing Oxford, 1998.

influenced by ethics but ethics is not derived from law. The rule of law keeps the society under control, without the constraint of law, immoral behaviour will lead to uncivil and unethical society. Great personalities like Mohandas Karam chand Gandhi's was popularly called "Mahatma" the apostle of nonviolence, Swamy Vivekananda, Abraham Lincoln earned the title "Honest Abe" and George Washington "could not tell a lie" On the other hand, Richard Nixon resigned in disgrace and Bill Clinton suffered impeachment because they lied.<sup>3</sup>

### **TERMS RELATED TO ETHICS**

However, there is an important distinction that needs to be considered about morals and ethics. The Chambers English Dictionary highlights important distinctions between ethics and morals. Ethics is the combination of morals and values. It is the branch of philosophy which is involved with human character and conduct; it is also an amalgamation of morals, rules of behaviour and conduct. Moral is of or relating to character or conduct considered as good or evil, ethical, confirmed to or directed towards right, virtuous, especially virtuous in matters of sex, capable of knowing right and wrong and subject to the moral law. In this context morality is a quality of being moral, that which renders an action right or wrong, the practice of moral duties apart from religion, virtue and the doctrine of actions as right or wrong. (Chambers English Dictionary) The difference between ethics and morals can seem somewhat unreasonable, but there is a basic and slight difference. Where Morals define personal character, while ethics stress a social system in which those morals are applied. Ethics and morals both relate to "right" and "wrong" conduct. The terms "ethics" and "morality" are often interchanged. Ethics may refer to the study of an individual's value. Hence, ethics is frequently referred to as a "moral philosophy". So, the study of ethics includes the study of morality. However, ethics attribute to the series of rules handed over to an individual by an external source like in code of conduct in the workplace. On the other hand, morals refer to an individual's own principles regarding right and wrong. Ethics are the rules of conduct identified with respect to particular human actions of a particular group, culture etc., and whereas morals are the principles of right or wrong according to an individual's principles and ideals. Alternatively, ethics imply to standards of behaviour accepted by the group of people. This can either be professional ethics, family ethics, social ethics, etc. So while a person's moral code is usually unchanging, the ethics he or she practices can be other-dependent. Ethics is applied in many professions like medical, business, corporate etc. Similarly, ethics plays a significant role in advertising too. Further, this can be broadly categorized as social, professional and personal ethics as follows:

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<sup>3</sup> Pushpa Girimaji , Misleading Advertisements and Consumer ,p1, ISBN : 81-86641-70-X, Revised and enlarged Edition, 2013.

**1. Advertising and Social Ethics:** Implementing ethical values and principles (respect truthfulness, respect the dignity of each human person, and respect social responsibilities) to the advertising is necessary if it is to be socially responsible. Social responsibility motivates any individual to perform a rightful activity within the society and to make its impact on society positive rather than negative. For example, advertisement from Idea Cellular endorsed by Bollywood actor Abhishek Bachchan, especially the one which tries and create a society where there will be no caste discrimination, have received a lot of appreciation from the public both from the advertising field as well as the general public. Life is always governed by the code of conduct called „ethics“, which allows a person to have his own principles and morals. As said earlier ethics is a moral principle so how ethics and morals differ? There is absolutely a connection between ethics and morality (morals); dictionary interpretations of one will usually be the reference of the other. For example, in the case of homosexuality, many believe it is morally wrong, yet some of the same people also believe it is unethical to discriminate legally against a group of people by denying them the same rights allowed to heterosexuals. Ethics and morals are central issues as the world strives to overcome current challenges and international crossroads<sup>4</sup>.

**2. Advertisement and Professional Ethics:** Professional ethics are expressed in a code of standards that identifies how professionals in the industry should respond to certain ethical questions. In India, the Advertising Standard Council of India (ASCI), a self-regulatory organization for advertising founded in 1985, which has committed to honest advertising and fair competition within the restriction of commonly accepted standards of public modesty. Adopting unreasonable approaches for the promotion of product or services are unsafe and harmful to society or to an individual notably to the younger generations. It is also expected to be followed by all bodies concerned with advertising like advertisers, media, advertising agency, etc.

### **ETHICS AND ADVERTISING**

Developments in information and communication technology in recent years have transformed the entire world. The advancement in science and technology of internet, wireless communication, digital information structure, cellular communication, etc. has led to competitiveness. Even the advertising field too is not away from the competition. Over time, advertising techniques have adapted the newest techniques available and have changed drastically. It's a fact that advertising is a psychological, social and business process of persuading people towards the product or service. The evaluation of advertising success that it results in increased sales, increased shares in the market. Due to tremendous competition in the business, each advertiser or the

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<sup>4</sup> Ibid.

manufacturer of the product or service desires to excel his rival or competitor in choosing right media for advertising. In the process of tough competition, there are more chances of concealing truth to succeed in the art making more sales and profit. However, advertiser or manufacturer should have the social and moral responsibility towards his target consumers because it is the consumers who are paying the price to buy a product which includes the advertising expenditure. So, advertisement should always be in the best interest of the society and the consumers. Accordingly, advertising industry too is not isolated from ethics and morals. Ethics and morality in advertising mean well-defined, comprehensible and transparent set of principles which govern the way of communication between the advertiser and the target consumer. Ethics is the most important component of the advertising industry. Though there are many benefits of advertising however, then there are some points where it backslides to match the ethical norms of advertising. An ethical advertisement is the one which doesn't lie, doesn't make fake or false claims and should constantly be in the limit of decency. If the advertisers make the advertisement on a belief that the customers will understand, persuade them to think, and then act on their advertising message, then this will lead to positive results and the advertisement may not be called unethical. But at the same time, if advertisers believe that they can fool their customers by showing any non-practical things like just buying a lottery ticket will make you a millionaire, and then this is not going to work out for them and will be called as unethical. As said earlier, the important objectives for an advertiser is to increase the sales, gain more and more customers, and cumulate the demand for the product or service by manifesting a well embellished and colourful advertisement.

The advertiser or the manufacturer claims that their product is the best, having unique qualities than the competitive product, more cost effective, and more beneficial, etc., but it is to be tested if all the claims made are true. Unfortunately the credibility of advertising has been under criticism for decades. For any advertising man, it is substantial to evaluate advertising on an ethical context. Though there are laws and regulations governing the practice of advertising, but an advertiser should be aware of the codes of conduct, on personal and professional grounds as well. Generally, the companies and the advertising agencies are accountable to prove their points to various advertising regulating bodies. Some advertising are blamed for informing customers of a product by hiding the facts and this may mislead the customers. Advertising portrays the product as one of the best of its kind in the market, which makes it successful in the business. To achieve this only the advantages of the product is highlighted and the disadvantages are hidden<sup>5</sup>.

### **ETHICAL ISSUES IN INDIAN ADVERTISING**

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<sup>5</sup> Advertising and Media, p 15, 2007, ABD Publishers, Jaipur, India.



Advertising has been playing a supreme role in today's world of business and economy. Though advertising has benefitted the people and society but has also been highly criticized. Especially among the Fast Moving Consumer Goods also called FMCG sector, the advertising industry has always been targeted for creating irrational and unnecessary desires and needs of the people. This indirectly creates a sort of race among the people to purchase more and more of advertised products even if they have to spend beyond their limit.

According to the business dictionary, the ethical issue has been described as "A problem or situation that requires a person or organization to choose between alternatives that must be evaluated as right (ethical) or wrong (unethical). (www.businessdictionary.com) Advertising has to respect the laws of the land. Ethics and social responsibility play a major role in any society. Advertisements may be legal in the sense that it does not violate any law. But still, it may err morally or ethically. Ethics guide what is right and wrong in a given social situation and at a given point in time. Advertisers have always faced ethical dilemmas. Ethics in advertising, as in other forms of social life, is a complicated issue. What something that a person contemplates ethical, the other person may consider unethical. Generally, advertising professionals must make complicated judgement about the information to be said in advertisements. Clients want to make the strongest claims possible for their brands, but the border between the possible and the unethical must be constantly negotiated to sell the product or service. There occur various issues which are essential on judging the Indian advertisements ethical and their influence (positive and negative) on the minds of the adolescents. Various arguments are being raised to advertising for its effect on society, people and its relative effect on the culture too<sup>6</sup>.

### **CONCLUSION**

The Indian advertising industry has come a long way. The Indian advertising has carved a niche for itself in a very short period and has placed itself on the global market. Indian advertising industry has given tremendous opportunity for business as well as employment. The Indian advertising industry offers great opportunity for creative people to showcase their creative ideas. In recent years, the creative minds of the Indian advertising industry have come up with some astonishing concepts and ideas in advertising. The advertisements shown are sometimes innovative, fun and knowledgeable but sometimes they are deceptive, tricky and boring. The Indian advertising agencies have incredible creative and talented professionals which is

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<sup>6</sup> Abdussalam P. K., and Dr. B. Johnson, "Celebrity Endorsement in India - Patterns and Trends" Indian Journal of Commerce & Management Studies ISSN: 2249-0310 EISSN: 2229-5674.

evident by the fact that companies around the world are approaching such advertising agencies to venture their media campaigns.

However, the Indian advertising are sometimes describe as untrue, misleading and obscene. Advertising Industry has been facing a lot of criticism in the recent times as the advertising practices have not always been ethical. In today's competitive market, due to free allowances, the advertisers are sometimes following the unethical practices to fight the competition. For many years, the advertising industry has adapted voluntary self-regulation. Most advertisers and the media recognize the importance of maintaining consumer trust and confidence. The body of self-regulation in advertising is widening day by day. Even the code of ethics drawn up by the Advertising Standards Council of India (ASCI) does not have much impact. Advertising is an important and legitimate means for the seller to awaken interest in goods and services. The success and reputation of the company depends on public confidence; hence no practice should be permitted that tends to impair their confidence on advertisements. Advertising is driven by the social process, thus it must follow the time-tested norms of social behaviour and should not insult our moral sense. In short ethics are rules of conduct or principles of morality that point us towards the right or best way to act in a situation. Ethics vary from person to person and society-to-society. Advertising contributes towards both negative and positive influence on life style and society. Advertising is a promotional activity for marketing a commodity. In the present day of mass production and distribution, advertising serves as a powerful tool. However, it is very difficult to distinguish a clear line of difference between what is true and what is untrue. But the advertisement as such is judged by its impact and by its acceptance by the consumers. The product must fulfil its advertised claims. Advertisements should be decent and not of obscene. It must be truthful. Sometimes, celebrities endorsing the product and spreading falsehood is also unethical.

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