Ethical Considerations in Product Advertising in Nigeria

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Abstract
This paper seeks to examine the trends of deception in advertising practice in Nigeria and their corresponding effects on the consumer. The paper relies on documentary research method to analyse selected product advertisements and review certain literature or documents that contain information about the phenomenon being investigated. The paper found out that some advertisers have failed to exercise caution while advertising their products in order to ensure that consumers are not misled. Therefore, the paper concludes that the active selectors' use of the mass media by the audience to achieve their goals will result in being dependent on the media and thereby exposed to deceptive advertising contents. Against this backdrop, the paper recommends that the Advertising Practitioners Council of Nigeria (APCON) should live up to its responsibility of monitoring and controlling the practice of advertising in Nigeria. It also recommends that the mass media should ensure that all advertising messages conform to the rules guiding advertisements before placing them on the appropriate media.

Keywords:

Introduction

Advertising is one of the most visible activities of business. By inviting people to try their products, companies risk public criticism and attack if their advertising displeases or offends the audience or if their products do not measure up to the advertised promise. Proponents of advertising say it is therefore safer to buy advertised products because, when a company's name and reputation are on the line, it tries harder to fulfill its promises (especially when it lists product benefits). Advertising is both applauded and criticized not only for its role in selling products but also for its influence on the economy and on society. For years, critics have denigrated advertising for a wide range of sins-some real, some imagined (Arens, 2002).

For advertising to be effective, consumers must have confidence in it. So any kind of deception not only detracts from the complete information principle of free enterprise but risks being self-defeating. Hence, deception in advertising contradicts the laws or principles governing the overall practice of advertising in Nigeria and other nations of the world.

Objective of Study

The basic objectives of this article are:

- To examine the contemporary trends of deceptive advertising in Nigeria and/or other nations of the world.

- To find out the corresponding effects of deceptive advertising on consumers, products, corporate bodies or companies in Nigeria.

Defining Deception

According to Arens (2002:73), The Federal Trade Commission (FTC) in the United States defines deceptive advertising as any advertisement that contains a misrepresentation, omission and other practice that can mislead a significant number of reasonable consumers to their detriment. Proof that consumers were deceived is not required and the representation may be either expressed or implied. The issue is whether the advertisement conveys a false impression - even if it is literally true.

Theoretical Framework

This work is situated or explained within the confines or perspectives of relevant theories such as, the Dependency Theory.

The Media Dependency Theory

The Media Dependency Theory was, according to Anaeto, Onabajo and Osifeso (2008:96), propounded by Sandra Ball-Roacheach and Melvin De Fleur in 1976. The assumptions or principles of this theory, in the view of Anaeto et al, include:

1. Dependency theory proposes an integral relationship among audiences, media and the larger social system.
2. The theory predicts that one depends on media information to meet certain needs and achieve certain goals.
3. We do not depend on all media equally. Two factors influence the degree of media dependence. First, one will become more dependent on media that meet a number of one's needs than on media that provide just a few. The second source of dependency is social stability. When social change and conflict are high, established institutions, beliefs, and practices, are challenged, forcing one to re-evaluate and make new choices. At such times, one's dependency on media may go down.
4. One's needs are not always strictly personal but may be shaped by the culture or by various social conditions.
5. The more alternatives an individual has for gratifying needs, the less dependent he or she will become on any single medium.

Media dependency theory also states that the more dependent an individual is on the media for having his or her needs fulfilled, the more important the media will be to that person, DeFleur and Ball-Rokeach (1976) described dependency as the correlating relationship between media content, the nature of society, and the behavior of audiences. It examines both macro and micro factors influencing motives, information-seeking strategies, media and functional alternative use, and dependency on certain media (Rubin and Windahl, 1982).

This theory is relevant to this work because it shows that the active selectors' use of the media to achieve their goals will result in being dependent on the media, as suggested by the people who propounded the theory. Consequently, consumers or media users become vulnerable to negative media contents or messages, such as deceptive advertisements, as a result of over-dependency on a particular media of their choice - be it electronic or print.

Methodology

This paper employs the exploratory method of scientific investigation; hence it relies on documentary research method. The use of documentary method refers to the analysis of documents that contain information about the phenomenon we wish to study (Bailey 1994). Payne and Payne (2004) describe the documentary method as the techniques used to categorise, investigate, interpret and identify the limitations of physical sources, most commonly written documents whether in the private or public domain. Thismethod is adopted in order to examine the contemporary trends of deceptive advertising in Nigeria and its corresponding effects on consumers. Therefore, the analysis of selected advertisements in this paper is carried out based on the submission of Ayantayo (2005:5) that deceptive advertising contains:

1. False or misleading statement or exaggerations visual or verbal
2. Testimonials, which do not reflect the real choice of a competent witness.
3. Price claims which are misleading
4. Comparison, which unfairly disparages a competitive product or service.
5. Claims insufficiently supported or which distort the true meaning or practicable application of statements made by professional or scientific authority.
6. Statements, suggestions or pictures offensive to public decency.

The Essence of Good Advertising

According to the Advertising Practitioners Council of Nigeria (APCON) cited in Daramola (1999:220), all advertisement in Nigeria should:

1. be legal, decent, honest, truthful and should be respectful of Nigeria's culture.
2. be prepared with high sense of social responsibility and should not show disregard for the interests of consumers and the wide Nigerian society;
3. conform to the principle of fair competition generally accepted in business and fair comment expected in human communication;
4. enhance public confidence in advertising.

Ethical Restrictions to Advertising in Nigeria

Abayomi (2002:92) notes that:

> APCON makes provision for a code of conduct on several issues relating to advertising practice. The code outlines general principles on marketing communication which include legality (based on decency, honesty, truthfulness and respect for Nigerian culture); good taste (advertisement must be prepared with high sense of responsibility); sex should not be exploited either in obvious or implied terms; advertisement should not encourage negative myth and supernatural belief; other principles include right to safety; genuineness of message and product; truthful endorsement....

In an attempt to protect unsuspecting Nigerians of deceptive advertising, Advertising Standards Panel (ASP) was created through Act No 93 of 1992.

The ASP is a statutory Committee of APCON charged with the responsibility of ensuring that advertisements conform to prevailing laws of the Federation as well as the Code of ethics of the advertising profession.

Review of Literature

The paper examines relevant literature bothering on the subject under consideration so as to achieve its set objectives.

Deception in Advertising

Many critics say that much advertising is inherently deceptive in that it implicitly and sometimes explicitly promises to improve people's lives through consumption or purchase of a sponsor's product. Jamison and Campbell (1997) described this as the "If...then" strategy: "A beautiful woman uses certain brand of lipstick in the advertisement, and men follow her everywhere. Without making the argument explicit, the advertisement implies that if you use this product you will be beautiful, and if you are beautiful (or use this product), you will be more attractive to men." They called the opposite strategy "If not... then not." When Hallmark says "when you are enough to send the very best," the implication is that when you do not send Hallmark, you simply do not care (Baran, 2010).

Commenting on perceptions of advertising, the American Association of Advertising Agencies (AAAA) study shows that the issues about which we are most concerned are advertising's credibility, entertainment value, advertising as a social force, and consumer benefits. We are concerned about how advertising manipulates and motivates us, its clutter and intrusiveness, its content, and media support of advertising as an institution. Of these, our negative opinion centres on its credibility, content, intrusiveness, and its ability to manipulate or motivate us (Bittner, 1989:224-225).

Advertisements exist to grab the attention of an audience by promoting a product. In this day and age, advertisements use deceptive methods like mice type, trick words, confusing colors, and lies to make a profit. Mice type, the process of using very small font size in advertisements, remains as one of the most common forms of deceptive advertisements seen. Examples of mice type include a price sign, snatched off a display of boxed envelopes at an office depot.. .reads: buy one, $3.99; but two, $4.00. A penny sale? The word "each" is written small below both prices ("Buyers Beware") (Hub pages Inc., 2011).

Also, deceptive method like lies has been used often to advertise products in Nigeria. For example, the advertisement of New **Dettol Fresh** claims that the product gives "Day Long Protection for Unbeatable Freshness." To what extent can the product guarantee this claim? This contradicts the provision of APCON which state that *'all advertisements in Nigeria should be honest and truthful....'*Again, the recent advertisement of **Manna Premium PC** by a Kaduna based Electronic Company- Micro Manna at the rate of N92, 999.99 is deceptive. How can a company claim that reduction of one kobo from a previous price is a new low price? This is mere deception aimed at making a profit.

Another case of deceptive advertising is clearly observed in **Dettol** Soap advertisement which promises MAXIMUM PROTECTION, in addition to **everyday protection against a wide range of unseen germs.** The question is: to what extent can this be guaranteed? This is somewhat misleading. A close consideration of the TV commercials for this same product, spells out exaggerated information on the efficacy of the product. This is considered as a mere comparison, which disparages competitive products. Many other products are also guilty of this.

Similarly, **CLOSE UP** Tooth Paste is also guilty of deceptive advertising for claiming to offer consumers: **'the** confidence of **a dazzling smile and fresher breath** with new Close **up active** gel'. The question is: to what extent or duration can consumers use this product in order to enjoy this claim? This is not substantiated in the advertising or slogan of this product.

In Nigeria, advertisers have been implored to exercise caution while advertising their products to ensure that consumers are not shortchanged. Dr Olayinka Egbokhare of the Department of Communication and Language Art, University of Ibadan, said that while it is true that advertising enjoys the freedom of expression through the use of figure of speech, it is important for advertisers to ensure that the goods that they are offering for sale possess the quality they portray in the advertisement (Olugbamila, 2010).

Still on the evil of deceptive advertising, Bok (1988:153) noted that deception comes into advertising when advertisers lie about the quality and quantity of the product being advertised. Lying in this context, according to him, consist not simply in making a false statement, but it also consists of making a statement which one believes is false, to another person, whom one has reason to think will believe the statement to be true.

Therefore, deceptive advertising is found when what is advertised differs from what the product is when it is purchased (Aaker 1982:40).

Unfair and Deceptive Practices in Advertising

The courts have, according to Arens (2002:56), held that these acts, among others, constitute unfair and deceptive trade practices and are therefore illegal.

False Promises

This is a situation of making an advertising promise that cannot be kept. In Nigeria, the Advertising Practitioners Council of Nigeria (APCON) was established to ensure that advertising is practiced responsibly. Despite all efforts made by APCON to control the abuse of advertising, it is quite disappointing that some deceptive advertisements still got exposed to Nigerians, especially political and alternative medicine advertisement materials (The Nigerian Daily .Com, 2011).

Lending credence to this, it is regrettable to note that some political parties in Nigeria engaged in deceptive advertising during the 2011 General Elections by giving false promises to vulnerable electorates. This is a breach of the ethical standards of advertising in Nigeria which prohibits dishonesty and falsehood in the practice of advertising. For instance, an academic discourse with contemporaries revealed that most political parties during the electioneering period dwelled more on deceptive political advertisements to capture the attention or sympathy of electorates. A good case in point here is the overblown media publicity on **change** and **transformation** by major political parties in Nigeria during the period under review.

Partial Disclosure

This is a way of stating certain facts about the advertised product but omitting other material information. An example is the claim that the MTN Fast Link MODEM is fast and efficient everywhere one goes, which gives subscribers more confidence in purchasing the product,

without mentioning at the point of purchase that the MODEM device cannot be used immediately after sudden temperature change. Customers or buyers are not also informed to avoid using the MODEM device near metallic structures, devices or establishments that can emit electromagnetic waves in the advertisement for this product, which may adversely affect signal reception.

This is a serious deviation from the ethical restrictions to advertising in Nigeria which supports genuineness of message and product.

Bait-and-Switch Offers

This deceptive practice deals with advertising an item at an unusually low price to bring people into the store and then 'switching' them to a higher priced model by claiming that the advertised product is out of stock or poorly made. This is a common practice in Nigeria where manufacturers or companies advertise a locally made goods or products, for instance, and in return offer consumers or customers imported ones claiming that the advertised product is out of stock or poorly made.

To buttress this, M. A. Basorun (Personal Communication, December 12, 2011) said that Vodafone - a communication company and service provider in Nigeria - sent him a text message on the availability of an advertised mobile phone product, but at the point-of-purchase in the sales depot, he was offered an alternate phone product with claims that the advertised one was out of stock. This is deceptive and grossly antithetical to the ethics of advertising.

The Effects of Deceptive Advertising

In the view of Ayantayo (2005), deceptive advertising often produces negative effect on the public to which the advertisement is targeted. For example, it leads to (in economic terms) a misallocation of resources by a buyer, he spends his money on invaluable things especially when what he pays for goods outweigh the quality of goods purchased. The end result is a disappointed buyer, or worse a real economic or physical injury and thereby leading to financial wastage.

In fact, this could be the reason why some target audience demonstrates gross hostility to some products upon the slightest exposure to their advertisement on the media. Experience, they say, is the best teacher. Hence, the goods so advertised deceitfully will eventually receive low patronage because naturally every person will want to allocate or use his/her resources maximally meaningfully and beneficially.

Deceptive advertisements have damaging effects on individuals or group. Carson, Wokutch and Cox (1985:99) found that deceptive advertisements harm consumers by causing them to have false beliefs about the nature of the products being advertised and thereby cause some consumers to make different purchasing decisions than they would have otherwise made. In this circumstance, deceptive advertisements harm one's competitors by reducing their sales.

Also, Bok (1979) argued that, apart from its immediate bad consequences, lying (and by extension, deception) lowers the general level of trust and truthfulness so essential to the proper functioning of our society and its economic system. Because of this, she claims that there is a strong presumption against lying and deception, even when they do no immediate harm.

Deceptive advertising has power to manipulate the choices of consumers or target audiences. For instance, some political advertisements in Nigeria greatly influenced the choice of candidates at the poll during the 2011 GeneralElection. This was, perhaps, because of poor voters' education during the electioneering period.

In addition, Ayantayo (2005) concludes that deceptive advertising also produces negative effect on an advertiser because it shows that whoever deceives others lacks integrity. But can a man throw away his integrity all in his bid to sell products and render services? Or can a man throw away his integrity all in his bid to outshine competitors in the market?

Certainly, any product or advertiser guilty of this ethical issue risks prejudice or hostility from a consumer, group or even the society at large, thereby discouraging public confidence in advertising. Therefore, the potential damage of deceptive advertising cannot be under-estimated.

Conclusion

The foregoing discourse has to an appreciable extent exposed the practice of deceptive advertising in Nigeria. Hence, it is clear that advertisers use several deceptive methods to shortchange customers or consumers thereby making undeserved profits. Deceptive advertising can, therefore, be regarded as a mere appeals to the interest of the target audience so as to establish and sustain good patronage for advertised goods, products or services.

It is important to note, in addition, that deceptive advertising practice has a negative effect on the corporate and marketing image of Nigeria among the comity of nations. Besides, this practice can also mislead a significant number of reasonable consumers to their detriment, as stated in the operational definition of the key concept of this work - deceptive advertising. Therefore, it can be concluded that the active selectors' use of the media by the audience to achieve their goals will result in being dependent on the media and by so doing, exposed to deceptive advertisement contents.

Recommendation

Having brought to perspective the practice of deceptive advertising in Nigeria, it is pertinent to recommend as follows:

- The Advertising Practitioners Council of Nigeria (APCON) should live up to its responsibility of monitoring and controlling the practice of advertising in Nigeria.
- The Advertising Standard Panel (ASP) should fully assume to its responsibility of ensuring that advertisements conform to the prevailing laws of the Federation as well as the Code of Ethics of the advertising profession.
- APCON should also spell out appropriate punitive measures for offenders in the advertising profession.
- The mass media should also ensure that all advertising messages should conform to the rules guiding advertisements before placing the message on the appropriate media.
- Consumers and the general public should also become alert to their responsibilities of reporting deceptive advertisements to relevant bodies or authorities for appropriate sanctions.

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