



كلية الدراسات المصرفية والمالية
College of Banking and Financial Studies

**Ethical Altercations in the Language of Advertising: A Study of
Selected Advertisements to Verify their Ethical Compliance**

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كلية الدراسات المصرفية والمالية College of Banking and Financial Studies

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**ETHICAL ALTERCATIONS IN THE LANGUAGE OF ADVERTISING: A
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ETHICAL COMPLIANCE**

Binu James Mathew* and Zaynab Shukri Nadim

Abstract

In an age of technological innovations in advertising, visual illustration and audio or their combined form have become ubiquitous. In the fierce competition of firms to boost brand recognition and sales, there has been a conscious shift from the traditional media to digital and online advertisements in promotion and marketing. The study of random samples of commercials looks at the controversial use of language and proposes to extrapolate their level of compliance.

Keywords: Ethics; Language; Literature; Advertising; Marketing; Gimmicks

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Ethical Altercations in the Language of Advertising: A Study of Selected Advertisements to Verify their Ethical Compliance

1. INTRODUCTION

Is 'What You See Is What You Get?' While persuasive language is a part of advertising, distorted or exaggerated facts often mislead target audience. In the paradigm shift in the approach and dissemination of advertisement and commercial literature, ethical norms followed by technical writers and advertising professionals have become a major concern these days. Although code of ethics in advertising is in force in many countries, implicit breach of the norms is not uncommon. The study proposes to extrapolate manipulation of facts in used in commercials and presents the results of an action research on the impact of such use of language. The researcher begins by introducing concepts of ethics in advertising and commercial literature. The focus then moves on to analyzing common perception of language used in popular advertisements. The paper ends by bringing awareness in the use of language in context that reveals gimmicks used in advertising.

2. LITERATURE REVIEW

Ethics are the choices of right and wrong. Cunningham (1999) defines ethics as “what is right or good in the conduct of the advertising function. It is concerned with questions of what ought to be done, not just with what legally must be done.”¹ Storholm and Friedman (1989) spoke on the importance of understanding of the unethical practices of direct marketing professionals that can improve perceptions of the industry.

The concept of advertising can be tracked back to the ancient times. McCormack (2014) quoted that Greek philosopher Aristotle (384 BCE –322 BCE) formulated a theory that whenever a person tries to persuade another one, they use any of the three tactics: Ethos, Logos and Pathos.² Ethos is an ethical appeal to establish credibility with the audience in what you say should be considerate and trustworthy. For instance, Tom wants to go for a movie tonight, so he can tell his mom, “Hey mom, shall we all go for a movie tonight?” However this may not go down well with his mom. So, Tom can think of using persuasive strategies. Tom can say, “Hey mom, I know you’ve been doing the household chores whole day and may be bored at the weekend. I’ve an idea. Let’s go for your favourite movie with the whole family and I can use my discount coupons too.” Here, Tom’s mom would think that her son thought of her, he is not trying to trick her into anything, he

¹ Cunningham, P. (2017). Ethics of Advertising. In J. Jones, *The Advertising Business* (pp. 499–513). London: Sage.

² McCormack, K. (2014). Ethos, Pathos, and Logos: The Benefits of Aristotelian Rhetoric in the Courtroom. *Washington University Jurisprudence Review*, 7(1). Retrieved from http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1107&context=law_jurisprudence

must be knowing a lot about good movies and he is smart to think about the discount coupons, so it's a good idea that we can save a couple of bucks too. So in all probability, she would agree with Tom and go for the movie. Here Tom has used Ethos or credibility to his moral and ethical character.

Another strategy Tom can use is Logos or logical appeal to sound reasonable in his demands. If Tom had been thoughtful of the matter, he can give good reasons and provide evidence in the given situation. Tom could say, "Hey mom, let's go for a movie tonight. The latest one has a 4.5 star rating as a family entertainer. It has got a good theme of family bonding and my friends told me it is also humorous." Here Tom's mom would be probably thinking that Tom is really thoughtful and he has some good reasons and we should go for that movie tonight. She liked the family theme of the movie and the humour aspect in it.

On the other hand, a third method which Tom can use is by using an appeal to emotions, feelings or Pathos. Tom could say, "Mom, you know I like watching humorous movies, and it would make me happy and relaxed, especially after my class tests this week. Shall we go for the movie?" Tom's Mom would think that being a weekend, even I like to go for a movie, so is indeed a good to change the monotony. So, in these ways, if you use all three methods by establishing your credibility, have good reasons for with evidence, and help the audience to think like you do, you are sure to win your audience.

3. METHODOLOGY

The study has taken pure research approach to identify the fundamental ethical norms underpinning the advertisement literature and related areas. A range of commercials with debatable principles as well as blatant violation of standards were analyzed including their implications.

4. DISCUSSION

In the context of advertising, whether you are the advertiser or the audience, it is always good to know how to persuade others. If you are the speaker or author, understanding the persuasive appeals gives you leverage on how to persuade your audience. If you are the audience, it is always helpful to understand these persuasive appeals so that way you will know when someone is trying to use these strategies on you.

However, of late, advertisers manipulate these three strategic approaches to such an extent that there is breach of ethical norms that they are expected to follow. If these tactics of advertisers are known by the average consumer, it would be beneficial for the latter to be vigilant to the marketing gimmicks. In the revised version of Standards of Practice Manual released in September 1990, American Association of Advertising Agencies (ams.aaa.org), gives ethical codes for advertisers. It states the advertisers to refrain from deliberately creating advertisements that are: False or misleading statements or exaggerations in visual or verbal forms; testimonials that do not reflect the real opinion of the individual(s) – read it as experts or celebrities - involved; claims in price that are misleading and claims that are unsatisfactorily supported or that distort the true meaning or practicable application of statements made by professional or scientific authority.³

The Standards Manual also mentions that advertisers should uphold high ethical standards in statements, suggestions, or do not use pictures that are offensive to public decency or minority segments of the population. While affirming its belief, the Manual further states that confidence and respect are indispensable to success in a business embracing the many intangibles of agency service and involving relationships so dependent upon good faith. Although the methods and media of advertising vary sharply geographically, linguistically and ethnically, there are direct appeals ranging from “Have a break, have a Kit Kat” to questionable statements such as “Red Bull gives you wings.”

³ *Standards of Practice of the American Association of Advertising Agencies.* (2017). <https://ams.aaa.org>. Retrieved 7 April 2017, from <https://ams.aaa.org/eweb/upload/inside/standards.pdf>

Recently India had taken off Maggie Noodles produced by Nestlé – the instant noodle packs – because it had contained an unhealthy amount of lead. The company’s campaign for being very a ‘healthy instant noodles’ was challenged. Interestingly, not only the company came under fire from the consumers; the celebrities who endorsed the commercials also were taken to task by irksome customers. Nestle had to destroy over fifty millions of dollars’ worth products from their shelves (Schindler, 2015).⁴ The Indian judiciary also held the celebrities (movie actors) partly responsible for betraying consumers of hiding the truth. Although Nestlé has taken proactive measures to repair the damaged reputation by assuring consumers its safety standards, the company and the advertisement actors faced the backlash of the consumers. Gender stereotyping and degrading women or minority communities are not very rare these days in advertisements. Instances of gender stereotyping portrays women as dependent housewives who are passive and lacking intelligence and credibility. This is totally different from what women are these days - intelligent and independent individuals, not as mindless victims who needs a protector. Another hapless targets are the children in advertising. Since children are using more than one medium simultaneously like surfing the web and watching the TV, they have been used as an easy way to reach their parents. Yet another aspect in advertisements is puffery, which is not illegal but it has deception for. As indicated earlier in this article, Red Bull will never make you fly or Doritos will not actually make a dead person to come back to life. Similarly, when famous personalities advertise a product, there is no guarantee of the actual usage of the product or its portrayed results. Further, several advertisements tickle the human sexual desires while portraying the products to enhance individuals’ sex appeal. Advertisers use imagery and suggestive wordings to associate their products with its appealing results. They try to tap into the minds of consumers hoping to build an association with their products on a subconscious level. Creating an emotional appeal is crucial to effective marketing. In this regard, several products use the common technique of arousing the feeling of shock. Fashion industries are pushing boundaries to extremes in order to gain publicity for their products making us believe that body exposure is a must for advertising.

It is a truism that not all companies unfortunately play fair in the advertisement world; they involve in deceptive advertising that harms the sentiments or even the health of the public. Advertising is considered as deceptive if it is likely to mislead customers and is ‘material’ which means important for them to choose or use a product, says Weiner (2014).⁵ Although puffery or exaggeration in audiovisual modes to some extent is legally permitted, there is always the issue of the thin line between puffery and reality. While puffery is subjective views of a product advertised, claiming the statement are objective is where the companies make mistakes, according to Weiner (2014).

⁴ Schindler, J. (2017). *Nestlé brand ambassadors caught up in Maggi noodles scandal*. *World Trademark Review.com*. Retrieved 11 August 2015, from <http://www.worldtrademarkreview.com/Blog/detail.aspx?g=edc07805-c1c7-4b51-8024-1df16af89565>

⁵ Weiner, K. (2017). *Your product does what? The dangers of deceptive advertising*. *Creator by WeWork*. Retrieved 7 August 2017, from <https://www.wework.com/creator/personal-profiles/product-dangers-deceptive-advertising/>

In order to illustrate this point, Weiner (2014) refers to Federal Trade Commission's 2014 verdict that refunded cheques amounting to \$9.3 million to about 200,000 customers who bought 'Ab Circle Pro' device. The lawsuit was against the company's claims that exercising on the device for only three minutes a day would cause consumers to lose 10 pounds in two weeks. In another case, in 2012, a mother settled a lawsuit against Ferrero USA Inc, for 3.05 million, when she challenged the marketing punchline of the product Nutella as 'healthy, balanced nutrition. In 2010, US Federal Court penalized yogurt making Dannon – producers of Activa and DanActive – for advertising their product as 'clinically and scientifically proven to regulate digestion and boost immune systems (McMullen, 2010). Waller (1999) regards advertising of racially extremist groups most offensive and unethical in form and spirit. Advertisements of products of fairness creams (such as Fair and Lovely / Fair and Handsome) that promise fair skin complexion ('perfect white' – L'Oréal) and soft texture constantly create insecurity feelings among people who would believe that everyone must aspire to become fair skinned to be successful in life.

According to Federal Trade Commission (FTC) of USA, a lawsuit on L'Oréal was upheld due to its claim that its products Lancôme Génifique advertises as 'Genes produce specific proteins. With age, their presence diminishes. Now, boost genes' activity and stimulate the production of youth proteins.' The product promises 'visibly younger skin in just 7 days.' FTC's Fair (2014) observed that, "Ads that focus on users' dewy visage or angelic glow are probably just puffery. But once companies make objective product representations, long-standing substantiation principles apply."

5. CONCLUSION

As the world is taken by storm with technological proliferation of new electronic gadgets, law enforcers have a challenging time to deal with ethical norm in advertising. Despite strict codes in advertising ethics, the evolving strategies in the industry calls for stricter norms in this globalization era. Authorities need to establish mechanisms and methods to protect customer rights and ethics of advertisements. Law enforcers need more teeth to fight the unethical practices used in the advertisement content.

Due to the evolving nature of advertisements on the length and breadth of universe, from submarines to space stations, monitoring of promotions becomes increasingly unfeasible and one can rely on only a few broad aspects: one is to persuade advertisers to comply with advertisement norms. The current trend in the advertising industry makes one think ethics is no more valued in the morally bankrupt world of advertising. However, there are solutions to address unethical practice in commercials. What is needed here is advertisers must critically review their technical writer's statements to ensure that they can back up the claims made in their commercials. Moreover, there should be sustained campaigning on the need for buying a product, rather than accumulating things just because advertisers create them attractive and turn viewers into impulsive buyers of a product.

Simultaneously, law-enforcers and cultural watchdogs such as industry leaders and academics must be pro-active in upholding ethical norms. On the other hand, customers need to be aware of the fine prints and the lack of transparency in advertisement slogans and literature. They should be able to separate the wheat from the chaff. Unless the target customers are aware of the dangers in the advertisements, they will fall into the gullible advertisers.

References

1. *Business Blog*. (2017). *Federal Trade Commission*. Retrieved 7 August 2017, from <https://www.ftc.gov/news-events/blogs/business-blog/2014/06/ftc-loreal-scientific-claims-need-proof-thttps://www.ftc.gov/news-events/blogs/business-blog/2014/06/ftc-loreal-scientific-claims-need-proof-thats-more-just-skinhats-more-just-skin>
2. Davis, J. (1994). Ethics in Advertising Decision Making: Implications for Reducing the Incidence of Deceptive Advertising. *Journal of Consumer Affairs*, (28 Winter), 380–402.
3. Drumwright, M. (1993). Ethical Issues in Advertising and Sales Promotion. In N. Smith & J. Quelch, *Ethics in Marketing* (pp. 607–625). Homewood, IL: Irwin.
4. Dunfee, T., Smith, N., & Ross, Jr., W. (1999). Social Contracts and Marketing Ethics. *Journal of Marketing*, (63 (July), 14-32.
5. Fair, L. (2014). FTC to L’Oréal: Scientific claims need proof that’s more than just skin deep. USA: Federal Trade Commission.
6. Garrett, T. (1961). *An Introduction to Some Ethical Problems of Modern Advertising*. Rome: Gregorian University Press.
7. Hunt, S., & Chonko, L. (1987). Ethical Problems of Advertising Agency Executives. *Journal of Advertising*, 4(16), 16–24.
8. Jones, J. (2017). Ethics of Advertising. In P. Cunningham, *The Advertising Business* (pp. 499–513). London: Sage.
9. McCormack, K. (2014). Ethos, Pathos, and Logos: The Benefits of Aristotelian Rhetoric in the Courtroom. *Washington University Jurisprudence Review*, 7(1). Retrieved from http://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1107&context=law_jurisprudence
10. McMullen, T. (2017). *Dannon Owes \$45M for False Advertising*. *ABC News*. Retrieved 7 June 2017, from <http://abcnews.go.com/Business/dannon-settles-lawsuit/story?id=9950269>
11. Murphy, P. (2005). Developing, Communicating and Promoting Corporate Ethics Statements: A Longitudinal Analysis. *Journal of Business Ethics*, (62 (December), 183-189.
12. *Nestlé brand ambassadors caught up in Maggi noodles scandal - Blog - World Trademark Review*. (2017). *Worldtrademarkreview.com*. Retrieved 7 August 2017, from <http://www.worldtrademarkreview.com/Blog/detail.aspx?g=edc07805-c1c7-4b51-8024-1df16af89565>
13. Piper, T., Gentile, M., & Parks, S. (2017). *Can Ethics Be Taught? Perspectives, Challenges, and Approaches at Harvard Business School*. Boston: Harvard Business School Press.

14. *Standards of Practice of the American Association of Advertising Agencies*. (2017). <https://ams.aaaa.org>. Retrieved 7 April 2017, from <https://ams.aaaa.org/eweb/upload/inside/standards.pdf>
15. Schindler, J. (2017). *Nestlé brand ambassadors caught up in Maggi noodles scandal*. *World Trademark Review.com*. Retrieved 11 August 2017, from <http://www.worldtrademarkreview.com/Blog/detail.aspx?g=edc07805-c1c7-4b51-8024-1df16af89565>
16. Storholm, G., & Friedman, H. (1989). Perceived Common Myths and Unethical Practices among Direct Marketing Professionals. *Journal of Business Ethics*, (8), 975-979.
17. *Your product does what? The dangers of deceptive advertising* (2017). Creator by WeWork. Retrieved 7 August 2017, from <https://www.wework.com/creator/personal-profiles/product-dangers-deceptive-advertising/>
18. Waller, D. (1999). Attitudes towards Offensive Advertising: An Australian Study. *Journal of Consumer Marketing*, 3(16), 288-294.
19. Wells, W., Burnett, J., & Moriarty, S. (1998). *Advertising: Principles and Practices*. Upper Saddle River, NJ: Prentice-Hall, Inc.
20. Weiner, K. (2017). *Your product does what? The dangers of deceptive advertising*. Creator by WeWork. Retrieved 7 August 2017, from <https://www.wework.com/creator/personal-profiles/product-dangers-deceptive-advertising/>

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