11.1 INTRODUCTION:

Advertisements are a familiar phenomenon. Their extent and pervasiveness make them an integral part of both, the culture of society and economy. The familiarity with them is such that it is easy to over-look simple fact that it involves literally millions of communication linkages between advertisements and their recipients. But it is this familiarity with advertising that challenges the advertiser to make his communication effective and to establish some awareness of his message.

In the mass audience, the precise effects of any individual advertisement generally remains obscure though on occasion, the advertiser will seek to assess the effectiveness and the recipients may question the effects. In the process of striving for recognition and for greater effects, an advertisement on occasions contravenes some standards in compliance. But what are these standards? From where do they derive? What is the purpose and status? It is necessary to study the answers to all these questions.

Advertisers operate, within the legal frame work like any other business, in addition to which, there exists a whole structure of voluntary restraints. Advertising practitioners often respond to the proposals of restrictions, labelling themselves, as the most regulated
industry. But until the beginning of this century, trading laws were based on the principle of caveat emptor. (let the buyer beware) This means, it was the responsibility of the purchaser rather than the seller to ensure that goods and services, he was buying were really worth the price asked for. Over the years two systems have evolved to protect consumers against advertisements that are not quite legal, honest, truthful or even decent. Either advertisers exercise degree of self-discipline or refrain from placing those advertisements that do not confirm to the voluntary controls. Such an advertiser who has failed to observe the laws on the matter will be called to account at the earliest and afterwards charged accordingly. This unique combination of voluntary and statutory controls forms the basis for advertising. Following Diagram 1 gives the clear idea about restraints that influence advertising process. So today's advertiser is faced with tremendous pressure and difficult task of advertising campaign that will sell the product, idea, or service while trying to cope-up with laws and regulations. Failure to follow these restraints may turn out to be very expensive in terms of damages and bad publicity.

Diagram 1

- Central Laws and Regulations
- State and local laws and Regulations
- International Laws and Regulations
- Social Customs and Contraints
- Self Regulation
Overall, the laws and self regulatory codes are concerned with the factual and physical characteristics, contents and purpose of advertisements. The general principles that appear to underline the laws, is the avoidance of advertisements which deceive or falsely permit an unfair advantage to be gained over others, whether they be fellow advertisers, or consumers. Also advertising itself should not be detrimental to the well-being of vulnerable groups, especially children and sick. The means adopted are the restrictions on certain forms of copy and prohibition of advertising by certain advertisers or in relation to particular products. But however, there are considerable difficulties in framing legislation to prevent abuse and in setting deterrent penalties commensurate with other offences.

When the respondents of primary survey were asked about the need for controlling the advertising, 73.13% were in favour of control. When the same respondents were asked about the mode of control, and were given multiple choices they favoured the consumers control with 34.17% as compared to law, self control or professionals control. The details of it are given in the Table 11.1 and 11.2
Table 11.1
Response of the Sample of those whose Income is > Rs.5000 p.m. for Controlling Advertising.

<table>
<thead>
<tr>
<th>Consumer Classification</th>
<th>Housewives</th>
<th>Professional Females</th>
<th>Professional Males</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>yes</td>
<td>16 (75%)</td>
<td>51 (79.69%)</td>
<td>50 (65.79%)</td>
<td>117 (73.13%)</td>
</tr>
<tr>
<td>No</td>
<td>4 (25%)</td>
<td>13 (20.31%)</td>
<td>26 (34.21%)</td>
<td>43 (26.87%)</td>
</tr>
<tr>
<td>Total</td>
<td>20</td>
<td>64</td>
<td>76</td>
<td>160</td>
</tr>
</tbody>
</table>

Table 11.2
Choice for the Mode of Controlling.

<table>
<thead>
<tr>
<th>Consumer Classification</th>
<th>Housewives</th>
<th>Professional Females</th>
<th>Professional Males</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Law</td>
<td>12</td>
<td>17</td>
<td>14</td>
<td>44 (25.88%)</td>
</tr>
<tr>
<td>Self Control</td>
<td>7</td>
<td>18</td>
<td>16</td>
<td>41 (24.12%)</td>
</tr>
<tr>
<td>Consumers</td>
<td>11</td>
<td>26</td>
<td>22</td>
<td>59 (34.71%)</td>
</tr>
<tr>
<td>Professional Bodies</td>
<td>4</td>
<td>11</td>
<td>11</td>
<td>26 (15.29%)</td>
</tr>
</tbody>
</table>
11.2 FREEDOM OF COMMERCIAL SPEECH:

Speech or freedom of expression enjoys a uniquely favoured status in the democratic culture. The bulk of significant human behaviour is hardly subject to any rules and regulations. When religion, politics, science or art is the topic of speech, the cultural part or political present powerfully reinforce the anti-censorship ground rules. But the Speeches of 'commercial choice' do not always receive the same protection. Commercial speeches have been constantly subjected to a series of censorship attempts.

The freedom of speech about commercial choice deserves special protection because it is integral to our culture's commitment. The concept of 'free commercial speech' forms the back drop upon which advertisers operate. Historically Anglo-Saxon Law has regarded advertising as "mere commercial speech", subject to restrictions against the fraud, but not deserving status of free speech in political realm. In U.S.A., US Supreme Court affirmed the same principle in 1942 and in 1951. But subsequently, there have been some changes in their views since then.

Some authorities have recommended extreme step of banning commercial speech from media. But this will be self-defeating. Instead, the efforts should be made for utilising society's capacity to transmit information in the most effective manner.

In India also, on 4th August, 1995, a landmark judgement by the Supreme Court, upheld the opinion of Bombay Civil Court
that, "Advertisement constituted commercial speech" within the scope of the "right to freedom of speech and expression", granted under Articles 19(1)A of the Constitution. The judgement went on to add "besides being the fundamental right of the speaker (advertiser), commercial speech is also fundamental right of the ordinary citizens who listen, read and receive the same". The decision implies that in a democratic system of free flow of commercial information is indispensable. There cannot be honest and economical marketing among the public at large, without they being educated by the information given through advertisements. The economic system in a democracy would be handicapped without there being freedom of commercial speech. However the court has observed that the only restriction that the government can impose or regulate commercial speech on the grounds of it being deceptive, unfair, misleading and untruthful under articles 19(2) of the constitution. Now with this verdict, all those who are involved in practising advertising are concerned about this government authority.

Though the court has given the authority to the government to frame the laws on certain grounds, there are a number of difficulties in framing legislation to prevent abuse and in setting up deterrent penalties, commensurate with other offences.
11.3 **LIST OF LAWS THAT REGULATE ADVERTISING:**

Advertising practices and conduct of business related to advertising are affected by the law in a number of ways.

1. There are laws that affect every kind of trading activity such as law of contract and copyright.

2. Some laws are specific to advertising, such as those which regulate commercial broadcasting.

3. Laws relating to aspects of trading - such as printing the product details to be displayed on packaging etc.

4. Laws which have a specific purpose (such as the control of gambling or money landing) which have detailed implications for any advertising which relates to the areas concerned.

5. There are many specific laws relating to certain types of business activity or certain kinds of products which directly or indirectly affect their advertising. They include food products, cigarettes, alcoholic drinks, gambling, finance, consumer credit. All these are called sensitive areas of advertising for reasons of public health or because they are particularly open to deception or fraud.
The actual list is as follows.

1. Drugs and Cosmetics Act, 1940.

2. Drugs Control Act, 1950


4. Copyright Act, 1957

5. Trade and Merchandise Marks Act, 1958

6. Prevention of Food Adulteration on Act, 1954

7. Pharmacy Act, 1948

8. Prize Competition Act, 1955


11. Indecent Representation of Women (Prohibition Act), 1986

12. Weight and Measures (enforcement Act)

13. The Prohibition acts of various states.

11.4 POSSIBLE TROUBLE AREAS IN ADVERTISING:

Advertisers and copywriters, both should get into the habit of checking with the law and following aspects before they release any kind of promotional material for use or for publication, because these aspects can draw the advertiser in legal battles or spoil the image as well as reputation of the advertiser.

1. Are they really telling the truth? - the whole truth?

This seems so obvious, because big, bold and blatant lie is easy to detect and relatively easy to stop. Anyone who tells such an obvious lie in advertising must be crazy, for there is no quicker way to alienate customers and ruin one's reputation. It is not the obvious lie, which advertisers should look-out for. It could be a minor fact --- almost the truth, that may bring the advertiser in to trouble. In fact, there are the lies which get surrounded by qualifications, that they almost disappear. But actually these are the greatest faults.

For instance this Aquaguard advertisement of Eureka Forbes Ltd. All things in the copy are acceptable except the '100% safe' claim. It has been repeatedly stated that no way water purifying is as safe as boiling the water. This company was even dragged to the court for their '100% safe and bacteria and viruses elimination claim.' So advertiser should get into habit of judging a piece of
copy not by what it actually says, but by what the reader is most likely to think about it. Even the use of one single wrong word can cause serious damage.

2. **Decency.**

Considering and comparing the content of motion pictures of today, one cannot think of any advertisement that is downright dirty, obscene or in bad taste. In fact most of them look innocent in front of motion pictures. But these things are difficult to define, since they involve subjective standards. Plus the concepts of obscenity and bad taste change over a period of time and from country to country. But the Supreme Court of U.S.A has neatly laid down the standards in this matter. They are as follows*.

1. Whether the average person applying contemporary community standards would find that the work, taken as a whole, appeals to puritan interest.

2. Whether the work depicts or describes, in patently offensive way, sexual conduct specifically defined.

3. Whether the work --- if it appeals to puritan interest and is patently offensive-lacks serious literacy, artistic, political or scientific values.

But a good taste is totally something else again. It is quite frequently violated in advertising. There are number of advertisements, which offend people, even though unintentionally. For instance this
They can stand anything.

If there's one name that carries weight in moulded furniture, it's National. Our chairs, stools, etc. lend your activities a lot of support without going weak in the knees.

Model featured: Flores shell. Also available in low back, mid and high back.

11.2 (Source: Times of India; Oct 26, 1994).
advertisement of National Moulded Furniture. What do they want to convey by the word 'They'? 

3. **Substantiation**

Most of the automobile advertisers get tempted to make the claim of fuel efficiency. ASCI has already pulled-up Hero Honda CD 100 for claiming 80 kms per litre, Kelvinator of India Ltd. for its Avanti 150 CC Scooter for making claim of 55 kms per litre, Kinetic Spark Motorcycle for claiming 80 kms per litre, Bajaj Auto Ltd for their model Kawasaki KB-100 Motorcycle, staking a claim of 65 km per litre and lastly Escorts Ltd for their Rajdut 175 CC Motorcycle claiming 56 kms per litre. But still, are we supposed to believe in those statements about fuel efficiency to be really true? Substantiation of advertisement claims can help to curb potentially misleading advertisements. Documentation for advertisements claims may run from expert opinions to scientific tests or surveys. When the advertiser states that three out of five doctors surveyed said that they believe the particular product is the best, then the advertisers should be able to show that carefully selected sample of doctors, actually do feel that way about the product. Advertisers so casually refer to their own products in superlative degrees, that if required they are not able to substantiate the claims. This fact was proved by survey conducted by IIM, Ahmedabad.

4. **Endorsement**

If a person gives an endorsement or testimonial about a product, then that person's statement should be based on his or her own
45 KMS FOR THE PRICE OF 1 LITRE OF PETROL

- 18.76 kms to a litre of diesel*
- 0-60 kmph in 11.5 seconds*
- High-performance engine
- Economical to maintain
- Easy to drive

PREMIER DIESEL

THE CAR THAT TAKES YOU FAR.... FOR FAR LESS.

* Accessories shown in the picture are not part of standard equipment.

N-3 (Source - Times of India, May 17, 1994)
tactual use of the product. Also if the advertisement implies that endorser is an expert on a particular subject, then that person must be really such an expert. Everyday we see on television Kapil Dev along with Sachin Tendulkar, saying :- "Boost is secret of my energy - our energy and all energy". The question is are they really drinking Boost everyday after their daily workout?. Does it really regenerate energy ?. or has it really helped them in gaining the energy ?. Because many children have started drinking Boost. The question is more ethical than legal.

5. Comparative Advertising :

If you cannot get anyone to buy your product, why not at least persuade them not to buy competitor's product ?. How ?. By using comparative advertising. As its name implies, such advertising compares two or more products in some way - may be on the basis of brand, price, product, feature etc. There is a constant conflict going on between Coke and Pepsi all over the world, which is known as 'Battle of Drinks'. We as consumers, have witnessed recent fights between 'Cinthol Lime Fresh' and 'Liril Fresh'; between BPL and Videocon; between Cocoraj and Parachute hair oil on television. In many cases even legal action is threatened, but generally no decisions are reached because the advertisers prefer to settle the matters out of the court. With all the trouble they sometime cause, the question is, do comparative advertisements really work ?. Unfortunately, there is little hard evidence to support the idea, that comparative advertisements have a real impact. Those who carry such advertisements feel that such campaigns did have positive effects on sales. Of-course, other
advertisers take opposite view - that comparative advertisements are counter productive.

6. **Right of Privacy:**

Privacy is, as William Francois points out - "An expanding legal doctrine which poses new dangers to mass communications, the principle one being vagueness or ill defined limits of any such right". It has been defined as the right to be left and to be free of unwarranted publicity. In case of advertising, the legal doctrine prohibits the use of the name or picture of living persons without the use of the name or picture of living persons without consent and thus makes it necessary to get signed releases even from professional models. There are number of cases in which ASCI has pulled-up companies to withdraw their advertisements. But in the year 1993-94, ad-agency like HTA, while advertising for their client 'Deccan Chronicle', mentioned the names of well known industrialists and some well known personalities without their prior permission, the required action against them was taken by ASCI.

It is sometimes argued that professional models, actors, sports stars and others who are regularly in public eye have no real right to privacy, but the courts have ruled, that they cannot be used for commercial publicity without their consent.

7. **Copyrights:**

It is not only a good idea that one should copyright his or her material, but one must also be very careful about using material submitted by someone else. With all the best intentions
in the world, people send advertisers ideas, slogans or jingles in various contests, which they think will do a great job and should be worth a lot of money. But advertisers should avoid everything of this nature. They should make rules. So that anything submitted to them must be accompanied by the consent to release.

8. **Special Products** :

From time to time, the advertisers encounter some products that are surrounded by certain limitations. Cigarettes and Liquor drive the advertisers crazy because the rules applicable to them change from time to time and place to place.

11.5 **IMPORTANT ACTS FOR ADVERTISERS AND CONSUMERS** :

From the long list of laws applicable to advertising, the general law of the land and after studying possible trouble areas of advertising, it becomes necessary to study two acts in some depth because they provide for monitoring authorities also along with the law. They are:

11.5.1 **CONSUMER PROTECTION ACT, 1986**:  

This act has been a major victory for the supporters of the 'consumer movement' in India and those consumer groups who have relentlessly pursued the passing of this major legislation along with the Members of Parliament. The act is the milestone for many reasons. It is a step towards justice, by informalising legal process for common man. A complainant can write or approach the appropriate forum regarding his complaint and ask for adequate relief. Another important fact for the consumer is, no court fees are required to be paid contrary to the existing procedures in all other judicial forums in India today. So even the poorest consumer is not hesitant to lodge a complaint. Another important feature is the time limit of 90 days imposed for the disposal of the complaints by the forums under the Act. All consumer group registered as such, have been given the authority to represent consumer cases and issues before the various forums set-up under the act.

In some ways, Indian Consumer Protection Act can be regarded as even better than the existing consumer laws in the west, not only for the above reasons, but also because it goes far beyond the scope and jurisdiction of the "small claims courts" in U.S.A., which has a limited jurisdiction of only $1000.

The objectives of the Act are to promote and protect the rights of the consumers. These rights are:

1. The right to be protected against marketing of goods
that endanger life and property.

2. The right to information about the quality, quantity, standards and price of goods.

3. The right to choose that is the right to have access to a variety of goods at competitive prices.

4. The right to seek redressal against unfair trade practices and exploitation.

5. The right to consumer education.

To provide speedy and simple redressal to consumer disputes, the Act provides for setting up of the courts which are empowered to give suitable relief or award compensation. The consumer courts also have the power to enforce the orders that they pass and penalise those who do not comply with their orders. Apart from setting-up procedures to deal with the complaints, the Act is extremely careful in defining the words like consumer and complaints, service etc.

11.5.2 THE MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT, 1969:

The major and significant amendment in this Act, in 1984 opened entirely new and promising forum for consumers and their
associations. This amendment was by way of introducing a major
chapter titled 'Unfair Trade Practices'. It was inserted as part B,
Section 36A to 36E. Ancillary amendments were also made in
the act elsewhere, such as S.12A, 12B and others.

The Act provides for establishing of commission. The
commission sits permanently in Delhi, like a regular court and has
powers to call for and examine records, take and record evidence,
issue orders like civil courts. The commission also has a power
to hold sitting at other places and currently on account of
several representations made to it, it is holding sittings at Mumbai
and Madras.

The commission has the power to grant a temporary
injunction in the form of 'cease and desist' order to prevent an
unfair, or restrictive or unfair trade practices from continuing. It can
award compensation for any loss or damage caused due to the
unfair, restrictive or monopolistic trade practices of the concerned
party. The orders of the commission regarding temporary
injunctions or awarding damages may be sent for enforcement
to the court within whose jurisdiction the company against whom
the order is made, has its registered office and in the case
of person, normally where that person stays or carries on business.

Section 36(A) was introduced as an amendment to the
original Act, which deals with five different types of unfair trade
practices. They are:-
1. **Falsehood or Misrepresentation**.
   This may be in respect of quality of goods and services and may be in writing, visual or oral in relation to warranty or guarantee. Cases relating to misleading statements in advertisements are also covered by this provision.

2. **Bargain Sales**:
   Under the law, now advertisements for bargain sales must ensure that the sale is open for reasonable quality of goods, for a reasonable period of time and quantum of discount must be clearly displayed.

3. **Contests and Lucky Draws**:
   Such contests and draws often advertised for promoting sales. The law also prohibits the offer of free gifts with intention of inducing a person to buy. if, in the transactions as a whole, the seller recovers partly or wholly the cost of the free gift. Also prohibited are contests or games of skill, if such business promotion tactics are liable to cause injury to the buyer.

4. **Violation of Prescribed Safety Standards**:
   The violation of ISI standards or any other standards drawn-up by other competent authority or of price control order would be unfair trade practice.

5. **Creation of Scarcity**:
   With holding goods or creating a scarcity with a view to profits is an unfair trade practice.
11.5.3 DRUGS AND MAGICAL REMEDIES

(OBJECTIONABLE ADVERTISEMENTS) ACT, 1954:

For a long time this was the only law in India, attempting to monitor and curb misleading presentation in advertisements. Under the Act, advertisements claiming to cure or prevent certain diseases like improving sexual pleasure, blindness, diabetes, cancer, blood pressure, heart diseases, tuberculosis and typhoid are offences. The Food and Drugs Administration is the enforcing authority and can take-up complaints from public, if the advertisements violates the statute. Advertisements offering to cure infertility or leucoderma or promising to improve memory power are all banned as they offer magical remedies. But even today we find such advertisements in even leading newspapers because mostly they are non-allopathic and associated in the public mind with efficiency due to mystique or long-standing benefits promoting 'increased vitality' or 'offering to help to overcome weakness' or 'lack of vigour.'

11.6 SOME IMPORTANT RULINGS OF MRTP COMMISSION:

Number of injunctions and rulings have been handed out from the time the Act come into effect. Few examples are mentioned here to show the range of issues covered by complaints received and investigated.
11.6.1 USE OF ISI MARK

The reputed Company like TTK products is the producer of Prestige Pressure Pans. One of the pans exploded in use, causing the user to sustain burn injuries. It was found that contrary to popular belief, that Prestige brand is certified by ISI, the pressure pan did not have ISI approval as that certification is restricted only for the cookers. It was pointed out by the consumer organisation, that since pressure cooker and pan are advertised together, and are meant to use the same lid, consumers could easily be misled. Electric appliances also sometimes use the ploy of ISI mark in their advertisements, where as only one component may have ISI approval, not the entire item.

11.6.2 MISLEADING CLAIMS

'Avanti Garelli' a popular moped, was advertised as having 'Italian Collaboration'. Enquiries revealed that this claim was false. Roche Pharmaceuticals were advertising their drug 'Ferudexom' as containing iron which is good for pregnant mothers. The claim was found to be false, and an ex-parte injunction was issued restraining them from advertising their product. Cadi mopeds were advertised in 1985 as giving 90 Km per litre of fuel. But it was found after investigations that the claim of mileage was not borne out under actual conditions of road use. It is valid only under test conditions; the figure during the road-use was only 55 Km. The advertisement was deemed to have caused loss to the consumer
through misleading claims and also restricted competition among moped manufactureres. Cease and desist order was passed by the Commission.

Misleading claims of financial companies about the return on investment is a common thing. Even at times postal services of the Indian Government and UTI have also given misleading advertisements. But they are not covered by MRTP Act.

11.6.3 UNFAIR TRADE PRACTICE :

Indian Rayon Corporation issued an advertisement in December 86. Saying “Earn more than 80% annualised return” and insisting public to invest in their debentures. One purchaser who registered a complaint with MRTPC, because he incurred a loss of Rs.1162. He also calculated that the total loss suffered by the investors who had put their money into the undertaking on the basis of that particular statement could be estimated at Rs.22 crores. Taking into account the facts of the case, the commission ruled that advertisement had resorted to unfair trade practice in luring the investors.

11.6.4 CONTESTS AND PRIZES :

MRTPC issued an injunction, restraining Bata India Ltd from carrying out the contest any further of its Bubble gummers shoes (This case has already explained in detail in ch.5- Children as consumers).
11.6.5 PREJUDICIAL TO PUBLIC INTEREST:

Indian Tobacco Company organised "Made for Each Other Contest" with attractive prizes such as an air-conditioned car, persian carpets etc. Under the rules of the contests, at least one partner of the man-woman couple should be a smoker. This was considered as an adequate grounds for complaints before MRTP, since the advertisement could lure non-smokers into the smoking habit. For the sake of attractive prizes. It could also lure smokers away from brands with a lower nicotine contents. In response to a complaint from the Indian Federation of Consumer Organisations and VOICE that contest was "Prejudicial to public interest," the commissioner passed an injunction for discontinuing contest.

11.6.6 FALSE CLAIMS:

Sheri Louise had advertised that patients undergoing treatment with them could lose 10 Kg weight in 23 days without use of drugs, dieting, exercise, gadgets; while in fact its treatment included an appetite suppressing drug, the adverse reaction from which included cardiovascular disorders, central nervous system disorders, gastrointestinal and endocynal problems. It was held that in future advertisements to be issued by Sheri Louise, such references will not be made. They were forced to issue corrective and clarificative advertisements in several newspapers. One client, who suffered mental as well as physical trauma due to the slimming course, was awarded damages to the extent of Rs. 5,02,450/-.
COME ALIVE
RE-ENERGIZE
YOUR LIFE
ULTIMATE CURE
FOR FAT

Sheri Louise

GUARANTEE:
* LOSE UPTO 110 POUNDS & MORE
* LOSE UPTO 15 INCHES FROM YOUR WAIST.
* LOSE UPTO 10 INCHES FROM YOUR HIPS.
* LOSE UPTO 10 INCHES FROM YOUR THIGHS.
* GET RID OF YOUR MEDICAL PROBLEMS.
* FEEL MORE ATTRACTION & ENERGETIC.

COME WITH THIS A.D. AND GET A 5% DISCOUNT

THE FASTEST, EASIEST WEIGHT LOSS & INCH LOSS POSSIBLE.

9, PARAS BAG SOCIETY, BEHIND TAGORE HALL, PALDI, AHMEDABAD-380 007. Tel: 79954
TIMING: 9 A.M.—6 P.M. (OPEN ON SUNDAYS)

SLIMMING CENTER, BRANCHES: BOMBAY, DELHI, BANGALORE & CALCUTTA.

11.4 (Source - Times of India; Jan 25, 1985).
These are some of the representative cases handled by MRTPC. during the initial period of 1985-1988. Many more can be cited. But one cannot ignore the fact that many advertisers still remain unpunished because of public ignorance of the controlling system, lack of faith in the system, or the inability of the consumers to read between the lines.

11.7 CONCLUSION :

In principle, policy measures directed at false, deceptive and misleading advertising and offending advertising find widespread support, both amongst the consumers and amongst the responsible advertisers. It is in the formulation and implementation of practicable policy, where the practical difficulties arise. It is particularly difficult to specify the sort of features which an ideal system should exhibit for instance -

1. Advertising abuse should be unambiguously defined and easily recognisable.

2. Any abuse should be prevented before transmission.

3. The costs of prevention should rest exclusively with the advertiser.

4. Any adverse effects from errors of commission or omission should be fully compensated.
5. Penalties should be swift, sure and conspicuous to deter possible offenders.°

However the problems of definition, administration and execution are difficult to solve with the best of intentions. The complexity and flexibility of advertising can always allow scope for abuse, whether this be intended or unintended. That is why responsible advertisers should be in conformity with all recognised standards. Problems arise from differing perceptions of these standards and degree of compliance with them. Despite this, on occasions, some contravention of the accepted standard can occur for variety of reasons. The time it takes for withdrawal and amendment of the advertisement, the adverse effect arises about the damage which is already done, when such advertisement is withdrawn. That is why prevention of such abuse is preferable. The necessary incentive and power, not to provide to such advertising with the space and time lie with the media, but it also depends on the identification of any abuse.
REFERENCES

8. Ibid - Page 19.

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