

# SHAPING PREFERENCES, DRIVING CONSUMPTION: THE IMPACT OF ADVERTISING

by

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**Abstract:** Advertising has existed in human society since ancient times, beginning with wall paintings in Indian rock art dating back to 4000 BC. Over the centuries, advertising has evolved from using wall paintings to promote commercial products and political parties to the Egyptians using papyrus to create wall posters and sale messages. Eventually, newspapers became famous for spreading news and advertising products and businesses worldwide. As technology advances, advertising becomes increasingly prevalent on electronic devices like television during commercial breaks. This paper explores the purpose of advertising, its influence on society, and how it affects consumer behaviour and decision-making.

**Keywords:** Advertisement, Promotions, Communication, Competition, Customers, Consumption

## I. Introduction

Advertisement refers to promoting products, services, or ideas through various forms of communication to attract and persuade potential customers or target audiences. It is a long-standing marketing strategy aimed at expanding consumer reach and introducing products to the public market by raising awareness.

Advertisement is a communication directed towards the public or a particular group. Its main objective is to promote and raise awareness about a specific cause, issue, or product. According to Section 2(a) of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, advertising creates awareness about a cause, issue, or product within society. Typically, it is employed to promote commercial products or businesses to attract a more extensive customer or consumer base. Advertising can also generate awareness among individuals regarding any prevailing cause or societal difficulties. For instance, various forms of advertising, such as billboards, radio, and television ads, promote products like Coca-Cola, Pepsi, and Burger King. Additionally, advertising may raise awareness for important causes, such as Poonam Pandey simulating her death to bring attention to cervical cancer. Newspapers, magazines, social media, television channels, banners, radio, outdoor signs, direct mail, and the Internet are often used for advertising.

## II. Advertisement and its Impact

Advertising has become an integral part of our lives, and its impact on society is significant, leading to numerous discussions. Advertising has a wide range of consequences on society, including both positive and negative features.

**Benefits of Advertising:***1. Increasing job creation*

Employment advertisements in newspapers, articles, and commercial ads will effectively target the appropriate audience, resulting in more candidates for the specific position. By utilising these technologies, a company can efficiently identify suitable individuals, resulting in a faster, more streamlined process for filling job vacancies through advertising. Advertising can generate job opportunities for artists, screenwriters, painters, etc.

*2. Improving the quality of life for individuals*

Advertising serves as a means for individuals to acquire information regarding newly introduced products. The incorporation of these state-of-the-art products improves their standard of living. Advertising has a significant role in generating employment opportunities.

*3. The continued existence of media communication*

Newspapers, magazines, television, radio, and other communication platforms heavily depend on advertising as their primary source of income. Without sufficient advertising backing, various communication media would encounter significant difficulties sustaining their operations. The continuous existence of these platforms relies critically on commercial support, considering their essential role in keeping society informed.

*4. Establishment of a Vigorous Competitive Environment*

When a corporation promotes its product, it aims to improve its quality while lowering its price. The emphasis is on enhancing their product rather than criticising their competitors. This fosters an environment of vigorous rivalry in the market, which is advantageous for society. It also increases individuals' earnings, which have a favourable effect on their quality of life.

*5. National Progress*

Today, advertising has a global impact that surpasses national borders and goes beyond geographical limits. Satellite technology has enabled domestic advertising efforts to reach audiences worldwide. As a result, this increases the country's ability to sell goods and services to other countries, strengthening its ability to trade currencies and promoting the development of new sectors. Therefore, advertising is crucial in driving the nation's economic progress.

*6. Raising awareness of societal concerns*

Advertising serves not only to promote goods, services, and businesses but also to raise awareness about specific topics and causes. For instance, the global movement advocating for the importance of Black lives and the rights of the LGBTQ+ community. These movements are promoted through various media, such as social media, news outlets, television, and newspapers.

**Adverse Effects of Advertisement***1. Encouragement of Consumerism*

An individual's well-being is contingent upon their acquisition of commodities and resources. Advertisements are creating the perception that owning an iPhone is associated with being part of the upper class in society. As a result of this marketing, individuals are purchasing unnecessary things that are not essential to their needs. Examples: iPhone

## 2. *Advocacy of deleterious chemicals*

In the past, advertisements for tobacco, alcohol, and smoking were prevalent despite their detrimental impact on people's health. However, these advertisements were eventually prohibited as the negative impacts on society were known. Companies and corporations continue to promote their products without openly revealing the detrimental effects on one's health when used regularly. Advertising entices individuals to consume items which subsequently harm their health frequently.

## 3. *Employing stereotypes*

Numerous firms and businesses employ stereotypes to establish connections with individuals. Gender stereotypes are a prime illustration. Men should purchase these things to enhance their masculine appearance, while women should get these products to improve their feminine appearance. These preconceptions compel individuals to conform to predetermined boundaries, resulting in predictable behaviour due to the extensive audience exposure to advertisements. Certain prejudices might have an impact on other individuals as well. For instance, two examples of products are Axe Body Spray and Fair & Lovely.

## 4. *Deceiving the customers*

Certain advertising may appear enticing and demonstrate strong performance, but it fails to meet the expected standard. These actions are undertaken to enhance the quality and success of the company's products rather than focusing on the satisfaction of the consumers. These advertisements deceive consumers into purchasing these products based on their perceived performance in the adverts. Examples: Tide and Aerial.

The Delhi High Court, in *Dabur India v. Colortek Meghalaya Pvt. Ltd*<sup>1</sup> has ruled that advertisements must not contain deceptive, misleading, or inaccurate information.

## 5. *Dependency*

Advertisements are a contributing factor to people, especially children, developing addictions to specific products. Children's minds are susceptible to manipulation by commercial advertisements, particularly those promoting toys, chocolates, and similar products. These products have the potential to develop addiction in individuals, which can have negative consequences for their health in the future and result in unnecessary expenses for parents.

## 6. *Offending religious beliefs*

Certain advertisements have the potential to cause emotional distress or offend specific communities or religious groups. India's cultural diversity poses a challenge for commercial makers, as they must create ads that do not offend any particular group while fulfilling their purpose. For instance, the Patanjali advertisement had an impact on Christian sentiments. This was due to the commercial promoting a boycott of foreign products, which included a depiction of crosses beside the words E, I, and Co. The Christian organisation experienced distress due to a direct assault on their religious community, notwithstanding their endorsement of domestically produced goods.

### III. Laws Governing Advertisement

With the proliferation of technology, there has been a surge in marketing, creating enough opportunities for misuse. Consequently, the Government is compelled to enact multiple legislations to regulate such commercials. These legislations are aimed at supervising advertising practices. It introduced a self-regulatory system designed to establish ethical guidelines in Indian advertising.

- The Advertising Standards Council of India (ASCI) was established as a non-statutory organisation by its Code of Advertising Practice, commonly known as the ASCI code. This code regulates advertising that Indian consumers encounter, whether distributed locally or from other countries, as long as it is aimed at or reaches a significant number of people in India. ASCI is responsible for resolving disputes related to advertisements.
- Section 6 of the Consumer Protection Act (CPA) grants consumers the right to be informed about the goods or services they purchase. Section 2r of the same statute pertains to "Unfair trade practice," explicitly addressing deceptive advertising.
- Section 6 of the Cable Television Networks (Regulations) Act, 1995, states that it cannot broadcast any commercial through cable service unless it adheres to the advertisement code stated in the Cable Television Networks (Amendment) Rules, 2006.
- Rule 7 of the Cable Television Networks (Amendment) Rules, 2006, sets the Advertising Code for cable services. This code is specifically developed to conform to the country's legal framework and protect against advertisements that may violate the law.
- The promotion of tobacco products is prohibited in various audio, visual, and print media channels, as stated in Section 5 of the Restrictions on Advertising under the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply, and Distribution) Act, 2003. This ban is in place to uphold the principles of morality, decency, and religious sensitivities of the viewers.
- Other legislations that exist include the Advertising Regulations under the Drug and Magic Remedies Act, 1954" and the Drugs and Cosmetics Act, 1940, as well as the Advertising Restrictions under Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 and the "Young Persons (Harmful Publications) Act, 1956.

### IV. Significant Judicial Pronouncements on Advertisements

- Horlicks Limited vs Zydus Wellness Products Limited<sup>2</sup>

Horlicks Limited filed a lawsuit in the Delhi High Court for a permanent injunction against Zydus Wellness Products. The request sought to ban Zydus from airing an advertisement claiming that one glass of Complian (a product by Zydus) has certain benefits. Zydus, in response, argued that the advertisement was not deceptive, highlighting that the information provided was truthful and in line with the recommended serving size for both drinks.

After careful analysis, the High Court concluded that the disputed advertising was deceptive and derogatory. Notwithstanding the existence of a disclaimer in the advertisement, the court determined that the disclaimer was ambiguous. The advertising implied that consuming one cup of Complan was equivalent to consuming two cups of Horlicks without fully considering the portion proportions. Based on these views, the High Court determined that the balance of convenience favoured Horlicks. The court concluded that Horlicks would experience irreversible damage if the broadcast of the controversial advertising were not prevented. As a result, the court approved the request for a temporary restraining order.

- Francis Vadakkan v A-One Medicals & others<sup>3</sup>

In this case, brought before a consumer court in Kerala, the plaintiff came across an advertisement promising that regular use of the hair cream product for six weeks would lead to significant hair growth. The complainant asserted 'deficiency in service' against the product producers, the celebrity endorser, and the medical store where the product was purchased, as the advertised promise was not delivered even after following the suggested length of cream treatment. The court ordered the defendants to compensate the plaintiff for spreading 'false promises' and directed the celebrity endorser to advocate items only after confirming their legitimacy and effectiveness.

## V. Conclusion and Suggestions

### *Conclusion*

Advertisements have a crucial impact on moulding cultural attitudes, consumer behaviours, and economic dynamics. The analysis of advertising's influence has uncovered a complex terrain where its consequences extend across all aspects of society, encompassing both advantageous and detrimental outcomes.

Advertising plays a crucial role in fostering economic growth and generating employment opportunities. It also stimulates demand, increases consumption, and drives corporate expansion by promoting products and services. Furthermore, advertising stimulates innovation and competition, motivating enterprises to enhance their products and distinguish themselves in the market. Competition in this environment promotes the development of new businesses and encourages economic advancement.

Moreover, advertising is a potent instrument for increasing awareness regarding social issues and advocating for constructive behaviours. Advertising efforts focusing on public health, environmental conservation, and social justice programmes can rally support, alter views, and motivate individuals to act. By employing strategic messaging and innovative storytelling techniques, advertising can promote significant societal transformation and positively contribute to overall welfare.

Nevertheless, advertising poses obstacles and risks in addition to these favourable effects. Encouraging materialism, excessive spending, and the sale of dangerous products can worsen society's concerns about excessive consumption, debt, and health problems. Furthermore, misleading or deceptive advertising techniques diminish consumer trust and weaken the market's integrity. This highlights the need for robust regulatory frameworks and enforcement procedures to protect consumer interests.

Thus, Advertising significantly influences contemporary society, but its effects are intricate and diverse. Through comprehending and tackling the various impacts of advertising, individuals and groups involved might strive to utilise its capacity for beneficial societal transformation while minimising its adverse outcomes. By employing ethical and responsible advertising techniques, we can establish a more informed, empowered, and sustainable society for everyone.

*Suggestions:*

1. More stringent regulations are necessary to oversee and manage deceptive or detrimental advertising material.
2. Advertising industry advocacy groups, such as ASCI, may strengthen their codes to address emerging concerns and ensure their enforcement effectively.
3. Promote media literacy programmes that empower individuals to assess media content with a discerning eye and resist manipulative or deceptive advertising strategies.
4. One way to enhance security is to implement age-appropriate content filters and limit the user's exposure to specific advertisements.
5. Promote public awareness campaigns that seek to educate individuals about the potential adverse effects of specific advertising on mental well-being, self-perception, and consumer habits.

**VI. References**

*Case Laws Referred:*

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- [2] Horlicks Limited vs Zydus Wellness Products Limited AIRONLINE 2020 DEL 701
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