ABSTRACT

Advertisements are of great importance for any business activity as it attracts people to use the particular service. Most of the businessmen are using various different means of communication to reach people around the world and turn them into leads that can be further turned into potent customers. There are various ways of putting up an advertisement as per the audience to be addressed. Most people use to look for these advertisements very carefully observing carefully the specifications and efficiency of the featured product. However, it’s impossible for someone to get the reality check through these advertisements, so in order to get clearer idea about a particular service one must go for people’s feedback about a particular product or service and these feedbacks must also be genuine as some of them maybe done for fake publicity. Ours is an age of advertisements. The T.V., the radio the cinema and all other means of communications are full of advertisements now. They are now popularly called ‘ads’. They are also visible on building walls, buses, railway stations and airports. All good positions along roads and highways are used by advertising houses to put up their ‘ads’ and banners. ‘Ads’ are a vital necessity today. Trades and industries are going on expanding. Naturally they want an awareness of their products in the public mind. This way, consumers know where to find the things they want. Employers also get suitable persons for their job requirement by these ‘ads’. The ‘ads’ today even help young people to select life partners of their choice. But these ‘ads’ have their negative side also. They also create a ‘false demand’ by their flattering languages. Sometimes the rogues advertise for the sole purpose of cheating the people. To check this menace, the Government has also established various bodies to find the reality of the goods so advertised. But nowadays, the ‘ads’ are the ‘in thing’. They do help in letting us select the goods we need. Advertisement is a public display of the exhibitionist instinct in man. But it should be used judiciously so that it serves the interests both of the producers and of the public. Hence the present study is giving an overview of Advertisement, Misleading Advertisements and its problems and issues to the society.

Sources: Secondary Sources (Internet, Reports by Various Organisations, Project Reports, Magazines, Newspapers and etc.)
Dr. S. PraveenKumar and Dr. D. Gunaseelan, “Misleading Advertisements and Issues” – (ICAM 2016)

INTRODUCTION
Advertising is the best way to communicate to the customers. Advertising helps informs the customers about the brands available in the market and the variety of products useful to them. Advertising is for everybody including kids, young and old. It is done using various media types, with different techniques and methods most suited. The term ‘advertising’ is derived from the original Latin word ‘advertere’ which means ‘to turn’ the attention. Every piece of advertising turns the attention of the readers or the listeners or the viewers or the onlookers towards a product or a service or an idea. Therefore, it can be said that anything that turns the attention to an article or a service or an idea might be well called as advertising. A paid message for a product, information or service can be defined as advertisement. Every human being desires to publicize his activities to the masses. This may be dealing in product or any other informatory service. Advertisement actually encourages business and transitory exchange while exploring consumer and interested buyer and linking it to the supplier or manufacturer. In the usual course, advertisement symbolizes a particular media, but the modern era leads the channel to various streams such as, boards and hoardings, wall paintings and tree labels, print media, television channels, spot presentation and mouth to mouth publicity. The experts favour more of mouth to mouth publicity. They feel it as most effective method for publicity. This establishes brand and brand position for a product or service.

OBJECTIVES OF THE STUDY
The present study framed with the following objectives:

1. To know about Advertisements and its features
2. To know about benefits and qualities of good advertisement
3. To study about misleading advertisement
4. To analyse the negative impact of misleading advertisements
5. To give an view on negative effects or issues of misleading advertisements

OPERATIONAL DEFINITIONS
American Marketing Association has defined advertising as “any paid form of non-personal presentation and promotion of ideas, goods and services of an identified sponsor”.

According to William J. Stanton, “Advertising consists of all the activities involved in presenting to a group a non-personal, oral or visual, openly sponsored message regarding a product, service or idea; this message, called an advertisement, is disseminated through one or more media and is paid for by the identified sponsor”.

ADVERTISEMENT
An advertisement undergoes an elaborate process before it is presented to masses. The concentration is more to attract the masses. The film star calendar is such a development by Hindustan Level Ltd. In the field of advertisement the Caption writing or slogan writing had an important role in the development of an add the process is known as ‘copy writing’. The writer has complete details of the products in his mind. He wants to select a caption which is catchy and directly hitting the mind of the user. Very recently the manufacturer of a tooth Paste advertised as ‘strictly vegetarian tooth paste’. It certainly aroused a feeling of vegetarians that whey they have been using a paste with non-vegetarian ingredients? In the real facts, every paste has its own constitution. So the acceptance never questioned such a partition. Anyhow, the ‘ad’ attracted a particular segment of consumer.
The necessity of ‘ad’ is expanding with the time. In print media, advertisement has two sectors (i) classified and (ii) display. Classified ads are charged as per word for number of words under specific headings of the newspaper. Display ads are charged as per length in column centimeter. These ads are self dependent and they do not have the consideration of words. In the same way, there is no restriction of headings or space for such ‘ads’. Advertisements are normally planned by some advertising agencies who offer specialized expertise service in the channel. The normal advertising agency has two major considerations for planned advertisement, the major point is the ‘Publicity Budget’ and next, the type of clientage to be dealt with for the advertisement. Agency’s planning starts as per budget. They tailor the publicity as per budget provisions.

Advertisement has a very important notion for marketing. None of the manufactured items or services can capture market share without proper publicity or allied gist schemes. However, the trends are more for elaborate descriptions and harping on the features, which are mostly missing in service or products. This creates a very negative attitude in the minds of customers. They, as such, go to the consumer court for remedy and the advertiser suffers for neglecting the code of conduct in advertisement. Cost and advertisement has a direct ratio and they are interrelated to each other. Advertising has acquired a definite place in business. The specialized branch inspires visualizes to work more sincerely for this sector. It is as much obvious that advertising has a potential scope in India. It can light the candles or the emotional attachments of consumer.

FEATURES OF ADVERTISEMENT

It is a paid form of communication
Advertisements appear in newspapers, magazines, television or cinema screens because the advertiser has purchased some space or time to communicate information to the prospective customers.

It is a non-personal presentation of message
There is no face-to-face contact with the customers. That is why it is described as non-personal salesmanship. It is a non-personal form of presenting products and promoting ideas and it supports personal selling. It simplifies the task of sales-force by creating awareness in the minds of potential customers.

THE PURPOSE OF ADVERTISING IS TO PROMOTE IDEA ABOUT THE PRODUCTS AND SERVICES OF A BUSINESS
It is directed towards increasing the sale of the products and services of a business unit.

Advertisement is issued by an identified sponsor
The identity of the businessman issuing the advertisement must be disclosed. Non-disclosure of the name of the sponsor in propaganda may lead to distortion, deception and manipulation. Advertisement should disclose the sources of opinions and ideas it presents.

BENEFITS OF ADVERTISEMENTS
Helpful in Generating More Employment
Advertising is instrumental in generating more employment opportunities and creating diverse kinds of jobs. It provides jobs to artists, screen printers, block-makers, script-writers, painter, etc. Today, advertising has become a profession. Some companies do only advertising job

Helpful in Improving the Standard of Living
Through the medium of advertising people get information regarding new products. As people use these new and latest goods, their standard of living gets a boost. Advertising is helpful in providing employment and increasing income of the people. Both have a positive effect on their standard of living.
Helpful in Survival of Communication Media

The main communication media are Newspapers, Magazines, T.V., Radio, etc. Major source of their income is advertising. If these media of communication do not get support of revenue from advertising, they cannot survive for long. These media of communication keep the society well informed. Their existence is of utmost important and they can survive only by advertising.

Helpful in Creating Healthy Competition

When a company gets its product advertised, it seeks to improve its quality and lower its price. It is their endeavour to improve their own product rather than finding fault with the product of their rivals. In this way a healthy competition prevails in the market and the entire society stands to gain from it.

Helpful in the Economic Development of the Country

Today, the effect of advertising is no longer confined to the four walls of the country; rather it has crossed the national boundaries. Through the medium of satellite, domestic advertising messages can be transmitted to the rest of the world. As a result, export-potentials of the country get a big boost. Foreign exchange capacity of the country increases and new industries develop. Thus, advertising proves helpful in the economic development of the country.

QUALITIES OF A GOOD ADVERTISEMENT

No matter the nature of your business, having a solid marketing plan behind you is essential. If you fail to advertise your products and services effectively, it will be difficult for your business to succeed. Understanding what makes a particular advertisement effective allows you to tailor your own marketing plans and achieve better results.

Memorable

In order to be effective, an advertisement has to be memorable for the viewer. If the viewer does not remember the ad after viewing it, the company sponsoring the ad is simply wasting time and their money. With an effective advertisement, the viewer should be able to clearly recall what happened during the course of the ad, and more importantly, which product is being advertised. That recall is the hallmark of an effective advertisement.

Effective Targeting

A big part of developing an effective advertising campaign is knowing exactly who your target audience is. Chances are the product or service you offer will not appeal to everyone, so it is important to identify the segment of the population that is most likely to need what you have to offer. Identifying your target audience also helps you decide which television programs, radio stations and other advertising venues are likely to be the most effective.

Entertaining

An effective ad will inform the consumer about the product or service you have to offer, but that advertisement also need to entertain the potential buyer. Capturing the attention of the consumer is essential for an effective ad, and the more entertaining your can make that ad the more effective it can be. If it is appropriate, try to incorporate an element of humor into your ad, since that humor helps to capture and hold the attention of the viewer or listener. Creating a parody of recent events is often a good way to incorporate humor into your advertising campaign.

Grabbing Attention

No matter how good your ad may be, it will do your company no good if no one sees it. An effective advertising campaign needs to engage the interest of the viewer with an attention grabbing design. Getting the attention of that potential customer is essential, so it pays to test several different designs and choose the one that is the most eye-catching.
Design matters
All elements in your advertising must work synergistically to create a positive impression and experience for your target audience. Copy and visuals should serve to create drama to engage the mind and emotion to capture the heart.

Simplicity is key
The net take-away must be a simple thought. This can be achieved by leveraging simplicity in strategy, idea and drama. Your target audience won’t work too hard to understand your message.

Benefit focus
The advertising idea transforms the strategic benefit into a mind and heart opening executional idea.

Drama
You must capture and hold attention and create an emotional reaction.

Clear reinforcement of your place promise
The advertising must reinforce the strategic equity for your brand.

Visualize the benefit
You should use clear, provocative visuals that support the community’s core promise.

MISLEADING ADVERTISEMENTS
Misleading advertisements are those advertisements that deceive or are likely to deceive anyone who sees it. Misleading advertising may affect the consumer’s choices regarding what they buy. It’s worth bearing in mind that it may be an offence for a trader to advertise goods or services if it is likely to delude and therefore cause loss, damage or inquiry to the consumer.

An advertisement is misleading if it creates increases or exploits a false belief about expected product performance. The following are some examples of how advertisements can be misleading:

Hidden fees
These are extra fees not specified in the advertised price, such as activation fees for cell phones or pre-delivery inspection charges on a new car.

"Going out of business" sales - This entails raising the prices from merchandise that was already on sale and then marking them down.

Misusing the word 'free' - When the sale is "Buy one. Get one free," the second item is not really free because you have to buy the first one.

Changing the measurement units and standards - An example is changing from pounds and ounces to metric to hide the fact that the product was downsized.

Fillers - Food often has fillers to increase its weight, like meat injected with broth or brine.

Misuse of terms - This includes the terms "light" and "natural"

Incomplete comparison - An example is saying a product is better than another but not explaining in what way it is better.

Inconsistent comparison - This includes comparing a product to only the competitors it can beat.

Misleading illustrations - An example is showing the product in a picture as being bigger than it actually is.

Coloring - This would include putting yellow oranges in a red mesh bag to make them appear riper than they are.

Angel dusting - This is adding a very small amount of something beneficial so it can be labeled as such, like a cereal that contains 10 essential vitamins and the actual amount of them is less than one percent of the Recommended Dietary Allowance.

Dr. S. PraveenKumar and Dr. D. Gunaseelan, “Misleading Advertisements and Issues” – (ICAM 2016)
Bait and switch - This is advertising one product and substituting a similar product at a higher price, claiming the advertised product is unavailable or sold out.

Acceptance by default - This refers to a contract where the consumer must opt out of a service or feature and if they don’t, they will be charged for it.

COMPANIES FOUND GUILTY OF FALSE ADVERTISING

Here are examples of companies that were found guilty of false advertising:

Activia yogurt
Dannon stated that its yogurt had nutritional benefits other yogurts didn’t. They had to pay $45 million in a class action settlement.

Splenda
Ads say it is made from sugar; but, that is not the case. It is made of highly-processed chemical compounds.

New Balance
One of their sneakers has been sold with claims to help consumers’ burn calories. No studies confirmed this and the shoe turned out to be an injury hazard.

Taco Bell seasoned beef
It was not really seasoned, but had oat filler. This tricked consumers into thinking it had a higher grade of beef.

Definity eye cream
An Olay ad showed the model Twiggy wrinkle-free and the ads were retouched.

Hyundai and KIA
These companies overstated the horsepower of their vehicles, as much as 9.6 percent.

Airborne
It claimed to ward off germs to prevent the flu and colds, but no studies backed it up. Airborne had to pay $23.3 million in the class-action lawsuit and $7 million settlement later.

Kashi
The Company claimed their products are All Natural but they are full of synthetic and unnaturally processed ingredients and actually some that are considered hazardous.

NEGATIVE IMPACT OF MISLEADING ADVERTISEMENTS

May 11, 2011 – The Economic Times carried news that mentioned that unfair and misleading advertisements leads to a child’s death - The news was as follows:

“A boy named Ravi reading in Class V in Delhi committed suicide because he was influenced by the advertisement of a health drink and he wanted to gain height in a short time”. While this might be an extreme situation there is no doubt that misleading advertisements do have an impact, from the sheer logic that are telecast and are in the print medium. Jumping off buildings in search of the favourite soft drink come with a statutory warning in minuscule writing that such acts should not be imitated at home, the impact of such a scene in the situation that children can hardly read has resulted in many mishaps. We see advertisements of motorbikes at very high speed which also carry similar warning has had disastrous accidents and loss of life at the prime of youth has been reported in the newspapers time and again.

480

Dr. S. PraveenKumar and Dr. D. Gunaseelan, “Misleading Advertisements and Issues” – (ICAM 2016)
EXISTING MECHANISMS AND LAWS DEALING WITH MISLEADING ADVERTISEMENTS IN INDIA

With regard to Acts and Laws that are there to both protect and punish offenders are not only enshrined in the Constitution of India, we have various other provisions of law or bodies that prevent and punish offenders. These laws can be divided into two categories.

Laws having horizontal application on advertising

- The Consumer Protection Act, 1986
- The Emblems and Names (Prevention of Improper Use) Act, 1950
- Trade and Merchandise Marks Act, 1958
- Cable Television Networks (Regulation) Act, 1995
- Indecent Representation of Women (Prohibition) Act, 1986
- Monopolies and Restrictive Trade Practices Act, 1969

Laws having vertical application on advertising

- Drugs and Cosmetics Act, 1940
- Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954
- Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
- Prevention of Food Adulteration Act, 1954/ Food Safety and Standards Act, 2005
- Prize Chits and Money Circulation Schemes (Banning) Act, 1978
- Prize Competition Act, 1955
- The Infant Milk Substitute, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 and Amendment Act, 2002
- Transplantation of Human Organs Act, 1994
- The Young Persons (Harmful Publications) Act, 1956

The following Regulatory authorities have power to regulate advertising in their respective domain

- Insurance Regulatory Development Authority
- Telecom Regulatory Authority of India
- Securities and Exchange Board of India
- Reserve Bank of India
- Medical Council of India

NEGATIVE EFFECTS OR ISSUES OF FALSE/MISLEADING ADVERTISING

False advertising is misleading with claims that aren't substantiated by evidence. The Federal Trade Commission sets standards for advertising to reduce exposure to misleading or unfair advertisements. An advertiser who knowingly makes false claims or otherwise falsifies advertising faces financial and legal repercussions, in addition to losing loyalty from previous customers.

Investigation

If a marketing campaign is suspected of being false advertising, the FTC may investigate further to determine if the company violates any laws. The FTC reviews the content of the ad from the standpoint of a consumer to determine if the actual or implied claims constitute falsification. The FTC also evaluates information that is left out, such as failing to report side effects of a new medication.
Cease-and-Desist Orders
In some cases, the company may receive a cease-and-desist order to stop the falsified advertisement from running. The advertisements must be brought up to FTC standards before they are allowed to run again. This may include correcting any false information and adding in the information omitted from the advertisements. In addition, the company may have to include additional disclaimers in future advertisements or let anyone who purchased the item that the company used deceptive practices.

Financial Loss
False advertising ends up costing the company a significant amount of money if caught. If the ads are pulled, the company loses out on the money it spent to develop those ads. The company is sometimes charged a fine for both current false advertising and any future incidents of deceptive advertising. If the company is sued, additional expenses come in the form of legal fees and money that must be paid to consumers who filed the suit.

Broken Trust
A company that engages in false advertising gives the impression that it isn't a trustworthy business. Both existing and new customers may feel betrayed and are more likely to go somewhere else for the same products or services. The lost loyalty from existing customers cuts into business. The company may also get a bad reputation as a deceptive organization, which means decreased business in the future.

Misrepresentation
Advertising aims to present a product in the best light possible. There is some leeway in the creative process. As the Gecko in the Geiko ads says, "That's just a dramatization, of course," referring to the idea that if you ask Geiko representatives for an English muffin, they'll serve one up toasted with butter and jam. The problem arises when the dramatization crosses the line into falsely representing a product. Hefty fines can result from false advertising when levied by the Federal Trade Commission.

Unrealistic Expectations
Direct-to-consumer advertising for prescription drugs has resulted in unrealistic expectations about the effectiveness of drugs and their side-effects, according to the Food and Drug Administration's study "Patient and Physician Attitudes and Behaviors Associated With DTC Promotion of Prescription Drug.” Voice-overs give the downside to the drug, but the visual images show healthy, happy people. It's not unusual to hear that even death may be a side-effect of a prescription drug. Beauty and health products may also not live up to their promises, resulting in wasted consumer dollars. Disclaimers are often hidden in very small print on product packaging and in out-of-the-way spots in ads.

False Images
Advertising is ingrained in American culture, from children's programs on Saturday morning to talk shows and prime time TV. Advertising even invades movies through product placement. It's not an accident when a movie hero holds up a can of Coke instead of Pepsi. Advertising influences how people feel about themselves -- often in a negative way. Based on the images they see in advertising, women often feel they should be thin and beautiful and hold down full-time jobs while also being full-time mothers. Advertising communicates that men should be handsome, tall, athletic, caring husbands, thoughtful fathers and virile at all times. These images are often unrealistic and unattainable.

Children
In his study "Review of Research on the Effects of Food Promotion to Children," Professor Gerard Hastings found there is a link between food advertising and children's preferences regarding what they will consume. Ads for many sugary cereals encourage children to ask their parents for those particular products -- regardless of whether the products are good for the children. It's not coincidental that the most heavily advertised toys during the holiday season end up being the top sellers. Children are susceptible to advertising.
CONCLUSION

The Consumer Protection Act 1986, the only option to protect the consumers’ rights, also does not contain any concrete provisions to keep a tab on misleading ads. Hence it should be amended at the earliest to bring about a complete change in the scenario,” he said. Food and Civil Supplies Minister Anoop Jacob admitted that the government was helpless as there were no provisions to take direct action against the defaulters. Advertising, when used correctly, can be an effective way to promote and sell products. It can provide consumers with the information they need to make a smart shopping decision. However, false advertising is harmful to both the consumer and to the advertiser.

REFERENCES

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