



Strategic Importance of Ethic Values in Advertising and Concept of Self-Regulatory*

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Abstract

Advertising which has characteristic to inform the target masses and convince them aims to manipulate people to a certain attitude of their own free will. It is important advertising messages having a great effect on public should be truthfull, honest, ethical, protecting the consumer rights and children and young people. On the other hand, the advertising is assessed as unethical. The ethical principles of advertising based on "International Code of Advertising Practice" project to practice within the rule of law and social responsibility. The violation of moral values makes the control system current issue and as a best control system for protecting the freedom and distinctness, the self-regulation model" has become prominent. In this essay, it is discussed how much ethic values are important for advertising and how the self-regulatory model should be managed in the advertising sector. © 2013 European Journal of Research on Education by IASSR.

Keywords: Ethic Values, Self-Regulatory, International Code of Advertising Practice, Adversiting Sector

1. Introduction

The communication sector is mostly affected by the technological developments among others. While technology has changed the communication sector structurally, it has also restructured the way/mode/style of communication between communication instruments and masses.

As an important instrument, the advertising sector has a great share in these changes. The elements such as diversity of production, fierce competition environment and increase in goods and services have made it obligatory for the business/brand to revise the style of communication with the target masses. While the brands have aimed to convince target masses by exhibiting "differences" and left their rivals behind, they think that advertising is the most effective instrument to reach these goals. Advertising, today, has a strategic meaning for establishing corporate identity and culture of business, creating brand equity, positive perception and image about goods or services.

While advertising has such a big improvement in competitive market and the expectation of business from advertising has constantly increased, the threat of advertising putting moral values and law aside has become a current issue along with reaching the goals. The goals such as leaving the rivals behind, selling more, making a big profit have often leaded violating of the ethical principles. Thus, an advertisement making a big sale might be created but this could conflict with the social values.

The ethical principles in advertising are ground on creating truthful, honest and ethical advertisements, practicing within social responsibility, protecting consumer rights, avoiding from harmful messages for children and young people and respect of self-regulatory decisions. At first view, with a wrong perception it is understood that such a

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restriction inhibits the freedom of advertising and damages the creativity of the ethical values. However, it has made the advertising free as freedom has no meaning without ethical values and moral values.

Although the control of ethical principles practice in advertising sector has been carried out in various ways, it is the most accurate and liberal way operate the self-regulatory mechanism The advertising might only protect its creativity if it is controlled by advertising sector. When the self-regulatory system is applied, it might be possible to create advertising within ethical principles and by making no concession on creativity.

2. Concept Of Advertising

There are many definitions about the concept of advertising. According to the most common definition, advertising is a promotion effort of a good or a service to large masses by clarifying the purchaser through the communication instruments after buying place and time. (Elden-Ulukök-Yeygel, 2005:62).

The concept of advertising includes convincing people to behave in a specific way with their own will, manipulating them to a specific view and drawing their attention to a good, service, idea and institution. Advertising has delivered the desirable information and message to the target groups. Advertising has aimed to change the view and behaviour of target groups and made them adopt a specific view or attitude (Gülsoy, 1999:9).

According to the advertising definition of American Marketing Association; the characteristic of “informing” and “convincing” are underlined (Elden, 2009: 136). Advertising primarily includes informing the consumers about a product. Advertising has played a strategic role notably in informing consumers about a newly introduced product in the market. It is the first step to deliver information about a good or service in an accurate, convincing and healthy way for being known, adopted and bought by the customers. The other basic characteristic of the advertising is convincing. The consumers should be convinced to get purchase decision. They need to get enough information to be convinced. Advertising has played a facilitating role in getting decision in the complex convincing process. Convincing will be as easy so the message of advertising is convincing and reliable; the product is durable, qualified and the price is affordable (Bati, 2010:22).

For advertising, the term of “art of creating demand” is also used. We buy any product when we need it and we believe that it will meet our need. While some of our needs are basic ones such as eating, drinking and resting and most of them are created in time and living conditions. According the current era, environment and our talents, new needs are created. Advertising plays role both in meeting current needs and creating pressure on meeting these needs by keeping them constantly alive. Advertising always generalizes the need creation strategy through mass media (Kocabaş-Elden, 2009:16).

Advertisement is an instrument which introduces various goods or services in all economic systems, gives information about where and how to buy, the price and how to use it, guides the consumer to spend their money in the most logical way. Besides, advertisement supports the business to find the most favorable markets and promotes them to make their investments in favorable areas (Tenekecioğlu, 1983: 83).

About the concept of advertising We could arrange important characteristics as follows: (Odabaşı-Oyman, 2010: 98):

- Advertisement is created for prize. The contractor gives money for advertisement. Because of payed price, the advertiser individual or institution has a control authority. With this characteristic, advertising differs from public relations

- Advertisement is not an individual presentation. It is a non-individual purchase effort and a communication method. It is a mass communication requiring various mass media instruments to convey any message to the consumers.

- In the advertising messages, goods, services or views could be available.

- The advertiser individual or institution is definite and with this characteristic advertising differs from propaganda. While the source in advertising is clear and transparent it is unknown in propaganda.

Advertising embodies all required elements in a communication process for its characteristic. The source in advertising is an individual or institution. This message is often created by professionalists and during this process, requests and needs of target group are considered. The meaning of “channel” in the communication process written,

visual, auidial and digital mass media, used for delivering the advertisement messages to the target groups. In advertising the purchaser means the target group. The messages of advertisement are delivered to the target groups and the effect of it is measured. With the feedback method, mistakes in advertisement are corrected and missing points are completed (Gürüz, 1998:33). The mentioned communication process also points the required process for convincing. Advertising is a convincing communication with this characteristic. Thanks to the dynamic structure of advertising, the ability of communicating with the target group quickly and easily, ability of delivering the messages to the target groups effectively, advertising takes place near the top among comving communication kinds.

Advertising has two basic goals: Sale and communication (Elden, 2009: 181; Kocabaş-Elden, 2009:77).

For the survival and institutional continuity, the businesses should reach a specific sale level and present their goods or services to the target groups. Today, because of the increase in competition between businesses, the importance of incentives leading that the consumers buy a good or service will increase correspondingly. At this point, advertising has become a really strategic element. Besides fast sale to the consumer through advertising, it is also possible that a future sale request could be created by increasing image/prestige of a good or service. Advertising has played an important role both in keeping the sale rate along with increasing it. We could arrange the sale goals of advertising as follows: keeping the current sales, increasing the sales both in short and long term, effecting the consumer's price perception, supporting the effort of individuals and institutions for increasing the sale and announcing the promotion and discount (Elden, 2009: 182).

Besides the sale goal, advertising objects to communicate with the consumers, target groups and society. Without communication, it is impossible to tell something to someone. The level of delivered messages and the exposure of advertising will be stronger as the communication will be healthy. The success advertising communication improves depending on the nature of message, media preference and reaction of the consumer (Gürüz, 1998: 48). The products and brands having an accurate communication with the target group require the support of target groups/consumers. The consumers, supporting their brands and trusting on them and being sure about the qualification of product have increased their support to the brands in time of crisis and help them to rescue from crisis with a minimal damage. When the brands which fulfill social responsibilities and repaying the debt to society explain this sensitivity to the target groups with an effective communication strategy they success to create a big sympathy and win the heart of consumers.

Advertising has functions such as convincing, remembering and enriching. All of these functions have great importance for the communication process. The success of the advertising is measured according to the ability of fullfilling these functions (Babacan, 2008:27; Elden, 2009:178).

3. Social Effects of Advertising

Advertising has important effects on society as it aims convincing and giving message. Advertising is obliged to use this power with a great responsibility and it is expected that advertisement should be created depending on the rule of law and ethical values. (Kavas,1988: 69):

- *Advertising Convincing power:* The truthful information is primarily important for convincing the target group. The consumer/target group has an opinion with given information. The creativity characteristic of advertising is required to change this opinion into a purchase decision. Advertising plays a strategic role in changing the consumers' information about a product. Advertising leaves deep traces with the convincing power. Even, the consumer might buy products without any necessity.

-*Advertising in conformance with the principles of honesty:* Advertising should definitely give right and truthful information while delivering it to the target group as any mistrust will damage the prestige and image of product or business and so it will negatively effect purchase decision. It will not be proper to present a product wrongly or delivering unreal information.

-*Aesthetic or visual dimension of advertising:* The visuality and presentation of advertising are followed by society closely along with the messages. Human has always a tendency to aesthetic and beautiful elements. In terms

of convincing, advertisements which are visually attractive and aesthetic are important. The social effects will be more positive as long as the aesthetic and visual elements in advertising are used in more correct way. The rapid developments in communication technology, today, have led to a big change in creating advertisement. These developments have contributed to the aesthetic and visual beauty.

-The relation of advertising with value judgements and life style: These are major elements of the advertising communication; value judgements and cultural assets. As advertisement messages embody generally accepted elements, they will increase the power effects. Advertisement presents a life style and it gives a message that the consumers will have a kind of life style when they have advertised products/brands. The “brand loyalty” has an important effect on that the individuals integrate themselves with the purchased products. The brands request in their communication with the consumers that they protect the values of brands. The consumers feel happy when they protect this value and they have a place in the society through the brands.

4. Advertising and The Importance of Ethical Values

Ethics “is a branch of philosophy which searches, defends or criticizes human behavior, principles of it, judgement and rules on the morality ground” (Çelik, 2013:155). Ethics, pointing ideal; abstract one and searching moral principles and values is also defined as an art determining correct or good one (Dedeoğlu, 2004). Ethics, defining good and bad, correct and incorrect looks for beauty and truthfulness with its principles.

Mass media has a power to effect and manipulate society. For this reason, mass media should be used with the sense of responsibility and in accordance with judicial restriction. This is also valid for advertising which gives messages to society and tries to convince them. The message of advertisement has no difference from news or comment on a paper or a program on TV. The responsibility expected from mass media is a publishing sense in conformity with ethical values and judicial limits. The same responsibility is also expected from the advertisers.

In the advertising sector, it is understood primarily personal ethics then organizational ethics and professional ethics from ethics (Özkan, 2014: 132).

The source of personal ethics is primarily individuals’ conscience. Each advertiser should determine the positive and negative effects of advertising message for the social structure and humanity in his own conscience. If advertiser personally determines his own ethical values and presents his own ethical codes, it will be easier to determine organizational and professional ethical values (Yeygel, 2007:357).

The organizational ethics includes principles such as enabling to develop the same behavior in legal employers and undertaking some social responsibilities while it is serving society (Yeygel, 2007:358). The organizational ethics has an important role in the advertising sector. If the relation between the advertising agency and the contractors is maintained with ethical values, an honest and a transparent relation could be established and this relation could be also more long-lasting. The advertising agency could easily refuse some requests of the contractors if the agency is against its own ethical values.

The professional ethics is an overall principles created, protected and adopted by a specific occupational group concerning that occupation. The professional ethical principles restrict personal tendency and expect a specific behavioral pattern from the professionalists. Also, if some of them do not adopt these behavior, the principles exclude them and manage the competition (Aydn, 2002: 4). The professional ethical principle is a really special control mechanism developing aside from judicial restrictions and sanctions against advertising and it also aims to carry out controlling in each profession.

It could be easily prevented to act illegally if the professional ethical principles are followed properly and adopted. When the professional ethical principles are followed, legal activity will be carried out and illegal activities will be prevented. The most ideal behavior in the advertising sector is acting with ethical values through the occupational organizations rather than occupational sanctions.

5. Ethical Values in Advertising

Creating advertising ethical principles has become an obligatory as there are dishonest and misleading messages in advertisements and consumers criticize the context of the advertisements. These ethical principles have been created by the contractors, advertisers and media representatives. The demands of foundations and organizations representing the consumers have been considered. In this sense; American Advertising Federation, American Advertising Standards Alliance and similar organizations have determined the ethical principles in advertising. At international level, concerning the ethical principles in advertising, International Code of Advertising Practice determined as a basic text by International Chamber of Commerce was issued in 1937. International Code of Advertising Practice which has been re-edited and developed constantly until now has been adopted in Turkey (Çelik, 2013:156).

The ethical principles in International Code of Advertising Practice includes important topics such as morality, honesty, truthfulness, social responsibility, protecting children and young, sensitivity in environment and health, protecting the consumers and respect for personal rights. It would be wrong to understand that these ethical principles are attempts to restrict the distinctiveness and freedom of advertising. The ethical principles never aim to press over the contractor or advertiser or impose on them. On contrary, these principles aim to increase the success of advertising by enabling the creation of advertising proper to ethical principles and moral values. Conformance of advertisements with the ethical principles or rule of law are perceived positively by the consumers and so this increases the brand value and prestige (Özkan, 2014: 162).

We could understand how the basic principles of International Code of Advertising Practice are important by discussing the context shortly:

Morality: According to International Code of Advertising Practice, the expression verbal and visual elements against general moral principles should not be used in advertising. The moral distinctive perception and social sensitivity should be also considered. It is thought against the ethical principles to give messages to the target audience by abusing the moral values.

Honesty and Truthfulness: Advertisements should be so framed as not to abuse the trust of consumers or exploit their lack of experience or knowledge. The elements affecting the purchase decision of consumers should be presented in proper time and way to the consumers. Advertisements should be truthful and have never misleading messages. In advertisements, the expressions, sounds and visuals which might mislead the consumers directly or indirectly by lack of information, creating ambiguity or claiming exaggerated messages could not be used. The principle of honesty and truthfulness are really important in advertisement as the consumers firstly expect trust from the brands. The image and prestige of brands will be damaged by abusing the trust of consumers.

Social Responsibility: Advertisements should not give any message including form of discrimination, including that based upon race, national origin, religion, sex, age, social and economic status or disability nor should they in any way undermine human dignity. Advertisements should not without justifiable reason play on fear, appear to condone or incite violence, nor abuse the suffering of people. As it is seen, the ethical principles remind the important social responsibilities of advertisers and underline that they not only sell a good or service but also protect the society.

Children and young people: Children and young people should not be presented in activities harmful both for themselves or others. There should not be presented in any incentive negative behavior in advertisements addressed to the children. Advertisements should not exploit the inexperience or lack of information of children and young people and the imagination and reality should be recognized easily. The ethical principles give great importance to protect children and young people who are one of the big target groups and prevent giving message by exploiting them.

Consumer rights: The ethical principles have various provisions about respecting the consumer rights. The ethical principles request to protect consumer rights and underline not to force consumers to do any activity under coercion, non-use of the personal information without permission and delivering unwanted products. In last years, applications in digital media platform have increased and most of these applications have started to disturb the consumers. In this sense; some practice such as unwanted e-mails, including consumers' name in marketing lists

and delivering messages about discounts are thought as against the ethical principles. “Online Behavioral Advertising” developed in last years is also discussed in terms the ethical principles. “Online Behavioral Advertising” based on collecting information about your online activity (like webpages you visit), analyzing this information and using it to create personal advertisements is criticized for violating the private life. It is expected from the institutions having this application to announce it and be transparent.

The consumer satisfaction has a great role in creating prestige and image of the brands. The brands satisfying and pleasing the consumers are always desired and purchased. Thus, the consumer loyalty has appeared. For having loyal consumers, brands should protect their rights and respect their values in any communication area notably advertisements with the consumers.

Respect of self-regulatory decisions: No advertiser, advertising practitioner or agency, publisher, medium-owner or contractor should be party to the publication or distribution of any advertisement or marketing communication which has been found unacceptable by the appropriate self-regulatory body and should not mediate. International Code of Advertising Practice, as it is seen, underlines to follow the decisions taken by self-regulatory boards among the ethical principles and points the importance of self-regulatory. Self-regulatory is the single control mechanism protecting freedom and distinctiveness of the advertising sector. When the self-regulatory decisions are followed there will not be immorality or violation of the rule of law. In advertisements, it will make great contributions controlling itself with the self-regulatory mechanism.

6. Basic Legal Regulations in the Area of Advertising

The source of advertising law is collected in different texts. The advertising legislation varies. 56th and other articles of the Commercial Code which will be applied to unfair competition through advertisement constitute the oldest source of advertising law. The judicial regulations concerning advertisement in legislation are collected in these two sources: Consumer Law Legislation and Radio-Television Law Legislation and Radio-Television Law Legislation (Özkan, 2014: 193).

16th and 17th articles of the law on protecting consumer rights constitute general regulation about advertisements in our legal system.

16th article includes these provisions: These are essential for the commercial advertisements and notice to be accordant with the principles determined by Advertising Board, public morality, public order, personal rights. Honesty and truthfulness are also important. Advertisement, notices and covered advertisements could not be created which are dishonest and misleading, abusing the trust of consumers or exploit their lack of experience or knowledge, threatening the security of life and property, deceiving the consumers, incentive for violation and committing crime, damaging public health and exploiting patients, children, old and disabled people. Competitive advertisements of rival goods and services with the same goals and meeting with the same needs could be created. The contractors have the responsibility of proving concrete claims in the commercial advertisements and notices. The clients, advertisers and media institutions have to follow the provisions in this article.

In 17th article; the principles in commercial advertisements and notices are determined, the commercial advertisements and notices are analyzed within the principles, a responsible board “Advertising Board” to give required punishment according to the result of analyze is established and detailed information about the scope of Board is given. The 17th article of law about protecting consumers gives the responsibility of determining the principles to the Advertising Board. Ministry of Science, Industry and Technology has published “legislation about the principles and code of practice about Commercial Advertising and notices” to fulfill the provisions.

The other legislation about controlling the advertising in Advertising law is about the Radio and Television broadcast. “The Law no 6112 about Radio and Television Institution and Broadcasting Services” determines advertising principles in visual and audial media. These principles having various details are based on being proper to morality, honesty and truthfulness, not deceiving the consumers, not discriminating, protecting the children, young people and woman and respecting the personal rights. This also gives detailed information about the product placement, program support, commercial communication of a specific product, teleshopping and the principles to be

adopted are expected. The law determining on which ground advertisements will be displayed in Radio and Television is made within European Union the Regulation of Audio-Visual Media Services (Çelik, 2013: 166).

7. Control Procedures and Self-Regulation Concept in Advertising

In judicial control of advertisings these methods are used: Administrative control, private law case, criminal prosecution and self-regulatory (Avşar-Elden, 2004; İnal-Baysal; 2008).

Administrative Control: The rivals could avoid from prosecuting the clients with deceive advertisements. There might be no case because of long lasting case expense. The consumers might not be really willing to sue for the misleading advertisements. For similar reasons; there is a need for an administrative control to fight against notably misleading advertisements. For the administrative control about advertisements in Turkey, the authorized agencies are Advertisement Board and Radio-Television Supreme Council. These two institutions have determined the principles in advertisements as an administrative control agency, followed adapting of these principles and made sanction in case of violation.

Private Law Case: Private Law Cases are the oldest and classical method for struggling with unfair competition law and deceive advertisements. For instance, in Germany which controls the advertisement the most effectively among EU member countries, controlling the decisive advertisements are provided through cases presented based on “law against unfair competition” by rivals and consumer organizations. In accordance with this law, the right to sue is given to the consumer organizations rather than the consumer as an individual when consumer’s benefit and deceive advertisements occur since 1965. 58th article of Turkish Commercial Code has enabled to prevent deceive advertisements by giving sue right to the rivals, damaged consumers, related occupational organizations. 24th and 25th articles of Civil Code and 48th and 49th article of Code of Obligations have protected damaged people by broadcasts in television on radio through various civil lawsuits against these attacks.

Criminal Prosecution: It is rarely seen method in preventing deceive advertisements. In France, struggling with misleading advertisements notably is carried out in the area of criminal law. The provisions about advertisement in English law has criminal characteristic. However, the criminal prosecution is rarely seen in practice in English law as the self-regulatory and administrative control have come into prominence in provisions about advertisement. When Turkish Commercial Code is discussed in Turkey, it is understood that there is no use of a criminal method in struggling with deceive advertisements.

Self-Regulatory: It will not be enough to provide advertisement control only by administrative and judicial body but there is a need for the self-regulatory mechanism created by advertising agency advertiser, media organizations which is active in the advertisement sector. The self-regulatory mechanism has appeared as an alternative to the control policy of state authority. The self-regulatory is undertaking the control of ethical and legal subjects about advertisements before the control or judicial bodies (Elden, 2009: 622). By means of the self regulatory, conflicts have been solved after parties reaching an agreement and warning them without decision of administrative control institutions or courts (Çelik, 2013:174).

The self-regulatory of advertisements in our country is controlled by “Advertising Self-Regulatory Board”. In Turkey, Advertising Self-Regulatory Board (ASG) has been established in 1994 to assess advertisements ethically and solve the disagreements. In this Board, the contractors, advertisers, media representatives, consumer organizations, universities and legists take place. The self-regulatory Board operates based on International Code of Advertising Practice and gives importance that decisions and vision of it is parallel with universal values. Advertising Self-Regulatory Board aims actively and makes constant effort for making the advertisements legal, moral, truthful and honest. As a result, these efforts establish trust on advertisement so the advertisement sector and society will benefit from this (Özkan, 2014: 167).

The contractors, advertiser, advertising agencies, rival businesses, consumers, occupational and consumer organizations could apply to Self-Regulatory Board. The Board could examine advertisements itself. At the end of examinations, the Self-Regulatory Board could result that the whole or a part of advertisement is not proper to the

Code of Advertising Practice, request some changes or offer to stop the display. The decree of Self-Regulatory Board is reported to media institutions and advertisements which are not proper to the ethical values could be requested to stop the display. Self-Regulatory Board has no authority of penal sanction or binding. The decrees of Self-Regulatory Board are proposals rather than judicial results. (Özkan, 2014:168).

The Self-Regulatory in fact, is a method required to be adopted and supported in democratic societies respecting the conformance of controlling advertising and the ethical values. This method does not become invalid as there is no penal sanction. On contrary, it encourages the advertising sector to undertake more responsibilities and enables more freedom. When advertisement which is a kind of communication with very sensitive, creative characteristic and having impact power on public is restricted by the state authority, some negative results might occur. However, a sense of advertisement which is against the ethical values and violates the rule of law could not be accepted. In this sense; the most ideal system, today, is that advertising sector controls itself and operates self-regulatory system properly after creation.

8. Conclusion

Advertising has played an important role for businesses in delivering information about good or service to consumers, their target groups. The advertised goods or services are much more preferred by the consumers, the perception for the consumers develops positively as the fame of good or service has increased.

Advertising has also contributes to create the brand value, establish a positive institutional image and develop the business prestige. The advertising sector has developed with the technological development; both the new areas (such as; internet, social media) have started to be discovered and new ways, methods and techniques have been developed for convincing the target groups. All these developments address to increase the effect of advertisement on consumers and the added value of businesses, gained through advertisement. The ethical values have played important role in communication between consumer triangle; the contractor business, advertisement agency and target group who have been exposed to advertisement.

Any activity which gives message to society, makes effort to affect target groups and aims to convince could not be thought separately from the ethical principles and moral values. The restrictions of ethical principles of advertisement have been drawn by International Code of Advertising Practice. The prominent elements in this principles are; morality, honesty and truthfulness, practicing within the social responsibilities protecting children and young people, being sensitive about the environment and health, respecting for personal rights and protecting the consumer rights. These principles are adopted and interiorized by the contemporary democratic societies.

Although following the ethical principles in advertisement is a need for democratic sense or moral view, in some times, these ethical principles are not practiced. In this sense, controlling advertisement has occurred. There are various advertisement control methods; the most used and having sanction power one is administrative method. However, such a control system has made the government power prominent and a prohibitive and restrictive view have been discussed.

However, contrary to administrative control model, "self-regulatory model" has a liberalist view. In the institution under the title of "Advertising Self-Regulatory Board" in Turkey, the clients, advertisers, media representatives and consumer organizations take place. The self-regulatory model based on controlling the advertising sector by people from the same sector has put prohibitive and restrictive view aside and aims to make advertisements proper to the ethical principles before display. The self-regulatory model has eliminated elements against ethical principles by contributing to the advertisement in process of creation and so it has prevented possible negative results as the message of advertisement has not reached to the public yet.

The distinctiveness and freedom are important in advertising. The freedom of advertising, the spirit of it could not be taken by the control methods. For this reason, self-regulatory model has an important role in protecting the

spirit and freedom of advertising. For the future of advertising sector, these will be important to adopt the self-regulatory model, understand the value and display the ethical values much more in advertising practice.

The success of advertisements which are neither convincing in the competition area nor having effective relation with the consumer have gradually decreased. The advertising sector which should practice with the mentioned points, needs to find a way to create advertisements both creative and convincing; and proper to the ethical principles. The fact that as long as the brands are loyal to the ethical principles and protect social values, society will adopt these brands should be remembered.

Ethics; is not a preventive or prohibitive for advertising. Conversely, it is a strategic value of reinforcing, giving confidence and providing prestige for advertisings.

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