

THE AWARE CONSUMER

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www.consumerconexion.org



OUT OF THE BOX

7 Tricks Advertisers
Use To Manipulate
You Into Spending
More Money

IN FOCUS

Advertising
Standards
Council of
India (ASCI)

Changing Trends in
ADVERTISING

PLUS

REPORT • MY MARKET • THE LAST MILE



“Let's think about making our product which has 'Zero Defect'; so that it does not come back (get rejected) from the world market and 'Zero Effect' so that the manufacturing does not have an adverse effect on our environment”

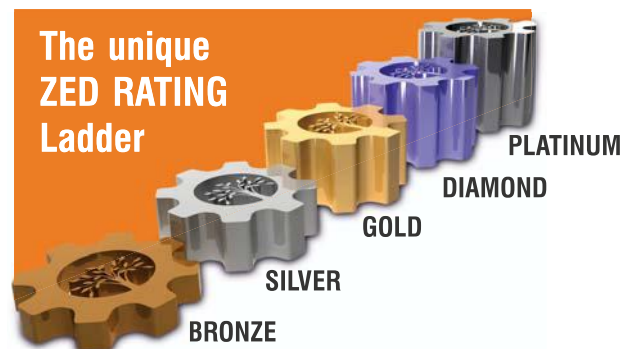
SHRI NARENDRA MODI
Hon'ble Prime Minister



Certification Scheme

A roadmap to
World-class manufacturing

The unique
ZED RATING
Ladder



HIGHLIGHTS

- ⚙️ A scheme by Ministry of MSME, Govt. of India
- ⚙️ Certification on the systems and processes of MSMEs
- ⚙️ Handholding MSMEs towards world class manufacturing
- ⚙️ Special emphasis on MSMEs supplying to Defence Sector
- ⚙️ Direct subsidy to participating MSMEs
- ⚙️ Creating a credible database of MSMEs for OEMS/CPSUs/Foreign Investors under “Make in India initiative”
- ⚙️ Quality Council of India (QCI) to function as the NMIU (National Monitoring and Implementing Unit) of the scheme

Free Registration at
www.zed.org.in



BEJON KUMAR MISRA | bejonmisra@consumerconexion.org

Ad-vantage Consumer

CONSUMER BEHAVIOUR IN India is strongly influenced by the caste system that compartmentalises society. If this system creates social differences, it also allows strengthened proximity relations between people of the same social group. Thus, advertising a brand works a lot via the recommendations of relatives and word of mouth.

In general, Indian consumers are becoming more and more attached to brands without staying true to one of them. Indeed, they seek above all the added value of the purchase and the brand, more than its reputation.

Companies wishing to reach as many consumers as possible must make significant efforts in terms of market penetration. The growth of the luxury sector is considered limited since affluent consumers tend to avoid spreading their wealth, except at weddings.

Indian shoppers tend to buy fresh produce (dairy products, fruits and vegetables) no more than every two to three days, a factor which benefits traditional 'kirana' shops over modern grocery outlets. In recent years rural consumers have come to the forefront.

A broader access to the internet is leading to an exploding demand for streaming services, together with a significant growth of e-commerce. According to IBEF data, by 2025 India will be the 5th largest in the consumer durables market in the world (it is

currently the 12th). The durables market is expected to reach USD 20.6 billion by 2020.

India is the fastest growing economy in the world and is going digital with a vengeance. Online advertising will play a large part in this transformation as well as metamorphosing into a more effective marketing tool.

A little over 15 years and online advertising has moved from simple e-mails, text ads to increasingly sophisticated and effective innovations like SEM (Search Engine Marketing) honed by SEO (Search Engine Optimization) and Mobile ads, trying to attain the maximum reach with the consumer.

Advertisements to a large extent misleads consumers. The Cabinet has approved the Consumer Protection Bill that seeks to establish an authority to safeguard consumers' rights along with provisions to deal with misleading ads. It also provides for a ban on celebrities for misleading advertisements. The Bill, in other words, is a welcome change for consumers in the country, because it looks at their interests more closely than before. And it brings India at par with the developed world on the protection of consumers in the country. Consumer is king.

According to IBEF data, by 2025 India will be the 5th largest in the consumer durables market in the world. The durables market is expected to reach USD 20.6 billion by 2020.



Message from the Editor-in-Chief

POOJA KHAITAN

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Invest In Your Message

TWO HUNDRED SIXTY-SIX billion dollars. That's how much advertisers around the world are expected to spend on digital advertising this year. And in just three short years from now, that amount is forecast to reach \$376 billion—a 41% increase.

Looking ahead, industry experts agree that budgets will shift to more controlled environments, with targeting that looks at context versus just demographics. Additionally, advertising will be able to take into account how people feel about a particular experience.

Given that Instagram wasn't even launched a decade ago and today counts more than 800 million active monthly users, there's no doubt that [what's ahead for] the ad industry will look absolutely nothing like it does today.

Brand safety is a priority for all marketers today. It's about staying true to the brand's purpose, which partly has to do with running ads in a positive, trusted environment.

Brands are worried about being associated with messaging that isn't in line with their overall values and purpose. There's a safety component there and also an authenticity component. You want your messaging alongside content that strategically makes sense—content that fits.

Ultimately, magic happens in advertising not only when an ad is relevant to an individual—which is primarily driven by data—but also when viewers are rapt and great creative makes an emotional connection. The ad industry has done a great job on data-driven performance, but we need to start valuing creative and context much more.

Selling impressions will be a thing of the past and those who thrive will be the ones that invest in their message and their audience, not their job security. For the advertising industry, this is going to be a paradigm shift as big as the financial crisis of 2008. We hear it all the time: Content is king. We've heard it so much, our eyes start to glaze over in boredom. Not me. Great content is mandatory for effective marketing today and in the foreseeable future. We are re-entering the era of word-of-mouth marketing. The difference now is that our word can travel long distances and has a much larger reach. Quality will matter more than ever before because we have more options than ever before.

Indian Advertising Industry

IMARC Group's new report finds that the market reached a value of more than INR 573.5 Billion in 2017, growing at a CAGR of 11% during 2011-2017. The market is further expected to reach a value of INR 1102 Billion by 2023.



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16 | The Advertising Industry

Advertising is one of the key activities for potential business and is equally important as producing something using raw material, or as capital, manpower, planning, organizing etc. products or services. Publicizing that the business offers to the targeted customers is called advertising which forms the integral part of marketing, and an essential precondition for selling. Advertising is done with vast population and requires organizing and applying human skill and talent and technology backed media.

HORIZONS

23 | ADVERTISING AND ELECTIONS 2018-19: A BOOST TO DIGITAL AD REVENUES IN INDIA



Five states held their assembly elections in Nov/Dec 2018 – Chattisgarh, Madhya Pradesh, Mizoram, Rajasthan, Telangana. Election season will end with General Elections in May 2019.

GOVERNMENT PERSPECTIVE

25 | MoUs WITH HEALTH MINISTRY AND TRAI



The Indian government has given tremendous support to the advertising and marketing industry. Advertising expenditure is likely to increase in the financial sector, driven by Reserve Bank of India (RBI) policies which could result in a more favourable business environment.

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The AWARE CONSUMER
is printed and published by
Bejon Kumar Misra
at F - 9, Second Floor, Kailash Colony,
New Delhi - 110048 and printed at
M/s. Swastika Creation
19, D.S.I.D.C. Shed, Scheme 3,
Okhla Phase II,
New Delhi - 110020

Place of Publication: B - 306, First Floor,
C.R. Park, New Delhi-110019

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Total number of pages - 64, Including Covers

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D. Shivakumar, the newly elected Chairman on how he plans to chart a new course for the self-regulatory body, government's intervention in regulating advertising and more.

MY MARKET

38 | 5 MARKETING TRENDS TO PAY ATTENTION TO IN 2019



The world is changing a mile a minute, and it's hard to scale, differentiate yourself, and maintain trust in the ever-changing marketing world. The more you can plan ahead, the better equipped you feel to manage those changes.



OUT OF THE BOX

40 | 7 TRICKS ADVERTISERS USE TO MANIPULATE YOU INTO SPENDING MORE MONEY

Advertising remains an influential industry whose power frequently goes unchecked.



IN FOCUS

49 | ADVERTISING STANDARD COUNCIL OF INDIA (ASCI)

The Advertising Standards Council of India (ASCI) established in 1985 is a voluntary self-regulatory council, registered as a not-for-profit Company under section 25 of the Indian Cos. Act.



THE PRESCRIPTION

54 | INDIAN HEALTHCARE ADVERTISING: NO MORE PLAYING SECOND FIDDLE

From communicating to doctors and now engaging with consumers, Indian health advertising agencies have come a long way, bringing highest accolades for the country at international awards. What makes this segment standout?



THE LAST MILE

59 | THE CONSUMER PROTECTION BILL, 2018: RESTORING CONSUMER SOVEREIGNTY

Shri Ram Vilas Paswan, Consumer Affairs Minister introduces a new Consumer Protection Bill.

KELLY ANDRESEN

SVP AND HEAD OF GET CREATIVE AT USA TODAY NETWORK

"In an environment where programmatic makes things easier and more efficient, marketers are still going to need ways to make a splash, or make a headline, and that's where all of us across that chain can really be focused on innovating."

ROUNDUP



DO YOU KNOW HOW MUCH
YOU REALLY SPEND
ON CIGARETTES?

**Calculates
Tobacco Costs,
Car**

IMAGE OPTIMIZATION: Ad Tricks That Will Help Stop People In Their Tracks

Advertising is one of the key activities for potential business and is equally important as producing something using raw material, or as capital, manpower, planning, organizing etc. products or services.

DATA BRIEFING

Indian
digital
advertising
market
to grow

32%

to Rs 189
billion
by 2020



USE A WHITE BACKGROUND

Advertising experts have done thousands of tests, and concluded that white backgrounds drive more click-throughs. Why? Because, in general, it draws the eye. Web designers regularly use white space to make the main object stand out more.

In this image, see how the orange pops out of the screen. It's boosted by the white screen behind it. The customer's eye is automatically drawn towards it, and they're much more likely to click on the link. Try it yourself with your own adverts.



NatureBox

Sponsored •

Like Page

Deliciously wholesome snacks, delivered monthly.

Try a free sample of five of our tastiest snacks, just pay \$7.95 for shipping!



You Know You're Going to Snack. Get Smart About It.


Our snacks contain NO artificial colours, sweeteners, or flavours.

WWW.NATUREBOX.COM

USE THE RULE OF THIRDS

The rule of thirds is a design principle that helps create a sense of balance in an image. Implementing this principle is easy; divide your image into 9 equally sized boxes by drawing two lines horizontally and two vertically. Placing the main subject of your ad in the cross sections of the drawn lines gives a balanced feeling. Here's an ad that implemented this rule:

These guys get it absolutely right here. The bright colors pop out, while there's a sense of uniformity and balance – all thanks to the handy dandy “rule of thirds.” Notice how intentional the proportions of the objects are; two-third of the ad will be the shoes (primary object) while the final one-third will be the brand (secondary object). This provides a visual hierarchy, where you're first drawn to their beautiful mocs, then you're introduced to the brand. They also give the product and the logo a ton of breathing space, giving it a sleek and well-balanced touch.

M. G E M I **M.Gemi** 
about 12 months ago



We took our clients' favorite shoe and remade it with with texture-rich squalotto leather and soft, washed colors to create a summer driving moc.



Our Best-Selling Felize Is Back In Stock

Handcrafted Italian drivers, sneakers, loafers and more. Direct to you at uninflated prices. Step in.

FREE SHIPPING & RETURNS | M.GEMI

[Shop Now](#)

 5  Comment  Share

ALWAYS PUT YOUR PRODUCT IN THE RIGHT HAND

This trick might seem strange, but statistics show that products sell better when advertised in a person's right hand. Crazy! But, true. This is all based on age-old marketing knowledge. In a shop, for example, items you buy regularly are placed on the righthand side as you move down.

You can use this same trick online. Our eyes are immediately drawn to the right hand. For most of us, it's more natural.

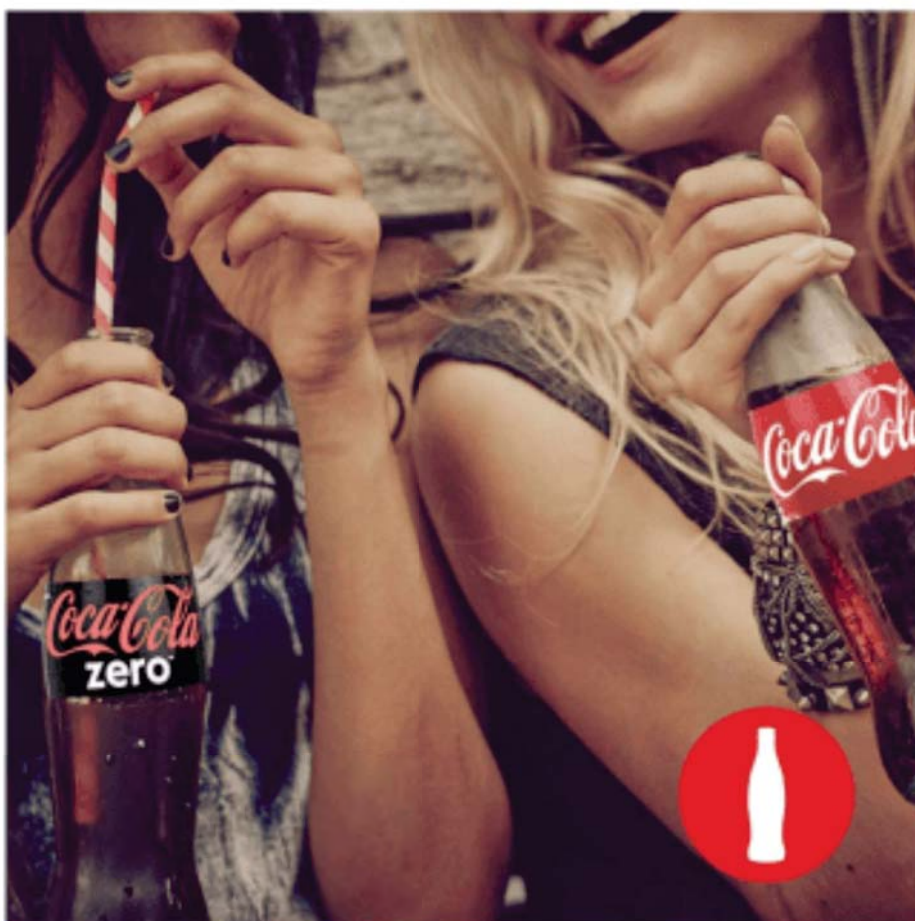
You can use all sorts of jedi mind-tricks when using online marketing and advertising.



Coca-Cola

20 March at 12:02 •

What does the first day of Spring have in common with the International Day of Happiness? They're both today! We'll sip to that [#TasteThe Feeling](#)



BONUS TRICK! USE AN EXACT FIGURE FOR PRICING

Your mind processes a simple figure much faster than one with pennies. So, instead of promoting a pair of sunglasses at \$14.95, promote them at \$15. Don't be afraid to round up or down in the pursuit of a better click-through rate. ▶

ASCI Bans 558 Ads

Including Times Now, Republic TV, Paytm, Big Bazaar, Ayush, Wagh Bakri, Saffola, Lenskart, Dr Batra in August & September 2018

THE CONSUMER COMPLAINTS Council (CCC) of the Advertising Standards Council of India (ASCI) has banned as many as 558 advertisements out of 590 complaints it received across segments during August and September 2018.

Of the 355 advertisements where the complaints were upheld, 201 belonged to the education sector, 62 to the healthcare sector, 24 to the food & beverages category, 24 to personal care, seven violated BARC Guidelines and 37 were from the 'others' category, the self-regulatory industry body said in a statement.

The banned ads are from prominent companies like Hindustan Unilever Ltd. (Lever Ayush), Hindustan Unilever Natural Ltd (Red Label Care), Zydus Limited Wellness (Nutralite), Future Retail Ltd (Big Bazaar), Paytm E-Commerce Pvt Ltd (Paytm), Gujrat Tea Processors and Packer Ltd (Wagh Bakri), Times Network Ltd (Times Now), ARG Outlier Media (Republic TV), Cadila Healthcare Ltd (Nutralite Mayo), Marico Ltd (Saffola Gold Oil), Godrej & Boyce Mfg Co Ltd (Godrej Air Conditioner), Lenskart.com, Times Internet Ltd (Gaana.com), Blue Star Ltd (Blue Star Inverter AC), Dr Batra's Positive Health Clinic among others, they range from FMCGs to autos, personal accessories to alcohol, and education to media.

The most common reason for upholding complaints were unsubstantiated claims in the Education sector such as providing "100% placement", "guaranteed immigration", "No.1". This was followed by exaggeration

of product efficacy and exploiting consumers' lack of knowledge, violations of Guidelines for Celebrities in Advertising, BARC Guidelines, Drugs and Magic Remedies (DMR) Regulations. Many of the claims were misleading and likely to lead to widespread disappointment in the minds of consumers, it added.

Amongst various advertisements that were examined, the CCC observed that, a renowned celebrity was found endorsing a well-known air hostess training institute claiming to be "World's No1 institute".

Another advertisement had a popular celebrity endorsing an anti-pimple product promising pimple free skin whereas this claim was inadequately substantiated and misleading by exaggeration. Furthermore, a famous celebrity couple endorsed a soap brand; the advertisement implies that the product has the effectiveness of turmeric whereas the mechanism of action is due to another antimicrobial ingredient. These advertisements contravened ASCI's Guidelines for Celebrities in Advertising. ■



National Accreditation Board for Testing and Calibration Laboratories (NABL), Gurugram



A Constituent Board of Quality Council of India (QCI), an autonomous body under the aegis of Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry

NABL provides accreditation to Testing Laboratories, Calibration Laboratories, Medical Testing Laboratories, Proficiency Testing Providers and Reference Material Producers based on International Standards.

NABL accredits Medical Testing Laboratories as per the international standard ISO 15189:2012 "Medical laboratories -- Requirements for Quality and Competence" in the following disciplines:

- Clinical Biochemistry
- Clinical Pathology
- Haematology & Immunohaematology
- Microbiology & Serology
- Histopathology
- Cytopathology
- Genetics
- Nuclear Medicine (in-vitro)



International Recognition & Acceptance:

NABL is Mutual Recognition Arrangement (MRA) Signatory to:

- International Laboratory Accreditation Cooperation (ILAC)
- Asia Pacific Accreditation Cooperation (APAC)

New Schemes:

To ensure quality in diagnostic and healthcare services and to bring quality at every doorstep, NABL expanded its Medical Accreditation program by introducing two new schemes:

- **Recognition Scheme for Sample Collection Centre/Facility of Medical Laboratory**
- **Quality Assurance Scheme for Basic Composite Medical Laboratories (entry level)**

**More than
1000 Medical
Testing
Laboratories
have been
Accredited by
NABL**

Consumers, Beware

Did You Know You Can Sue Brands for Misleading Ads? Here's How!

Advertising is seen as misleading when it involves false or deceptive information that is likely to cause the average consumer to act in a way they would not if they had not seen the ad.

WHILE WATCHING YOUR favourite show on the television, reading a magazine or surfing the internet, you would have been interrupted by an advertisement. From Taste Bhi, Health Bhi to Be fair, Be Handsome and Staying Hungry, Staying Foolish, we are surrounded by advertisements.

Advertising is a mix of art and fact. It is a form of communication meant to entice and persuade the audience to buy a product or service offered by the communicator or seller.

Is advertising a fundamental right to express?

Our Constitution provides us with the fundamental right to freedom of speech and expression which allows an individual to speak or share through various media, their thoughts and ideas. However, this right comes with restrictions.

Advertising is well within the ambit of fundamental rights, considering that it is a way to express and reach out to the public at large, be it print, electronic or visual media.



Advertising

Advertising is a...
to drive consumer be...
Advertising message...
increased consump...
tain qualities in t...
tion via

Apart from the advertiser's right to express, the freedom of expression is also linked to people's right to know. Therefore, advertising is not a privilege for the brands to reach out to the audience at large but also encompasses the right of the people to listen, read or receive the information conveyed.

What are misleading advertisements?

Advertising is seen as misleading when it involves false or deceptive information that is likely to cause the average consumer to act in a way they would not if they had not seen the ad.

consumers, beware

|| DID YOU KNOW YOU CAN SUE BRANDS FOR MISLEADING ADS? HERE'S HOW!

Advertising may also be considered false if important information that an average consumer requires, to make an informed decision, is left out. Misleading advertising covers claims made directly to consumers by manufacturers, distributors and retailers, as well as catalogues, websites etc.

Though the freedom of speech and expression comes with certain restrictions, many times this fundamental right is misused by advertisers. We are constantly bombarded with false or misleading advertisements, right from fairness creams with guaranteed "fair skin in four weeks" to "taller, stronger and sharper" children.

Not only are the dark-skinned people demeaned by the fairness creams but are also hooked on to a mountain of false hopes that the use of such creams can guarantee instant fairness.

If you have taken the "two-week challenge" to lose those extra inches and have been disappointed with the brand's false promise, then worry no more as such brands can be held liable for misleading customers.

Misleading advertisements like these, especially in the health,

nutrition, food and cosmetic industries can be harmful. Not only is the consumer's right to information violated by these advertisements, but it can also put their lives in danger.

A few examples of misleading advertisements include a comparison between products and brands which is either incorrect, or done with an intention to demean the brand being compared to, false environmental 'green' claims, bait advertising, printing false information about the product, claiming false promises and exaggerated results or hiding relevant and important information.

Various forums have set up for the benefit of consumers for claiming relief against false and misleading advertisements.

Here's the legal recourse if you had been misled by an advertisement:

Regulatory Authorities at your service!

Regulatory agencies like Advertising Standards Councils of India, Indian Broadcasting Foundation and Broadcasting Content Complaints Council, Telecom Regulatory Authority of India, News Broadcasters

Association and News Broadcasting Standards Authority, Food Safety and Standards Authority of India, Central Drugs Standard Control Organisation, etc. which are responsible for the regulation of advertisements broadcast or printed, depending on the nature of goods for which unfair practices have been taken up.

Complaints can be filed before all these forums, in case of false advertising by writing to their postal address or even through the complaint forms available at their website.

Superman for the Consumers

The Consumer Protection Act helps consumers seek redressal against any false or misleading advertisements. The court, in such cases, can order the advertiser to discontinue the advertisement or warn them not to repeat while awarding the cost of litigation and compensation for any loss or suffering caused on account of unfair trade practice under section 14 of the Act. You can file a consumer complaint with the help of a lawyer.

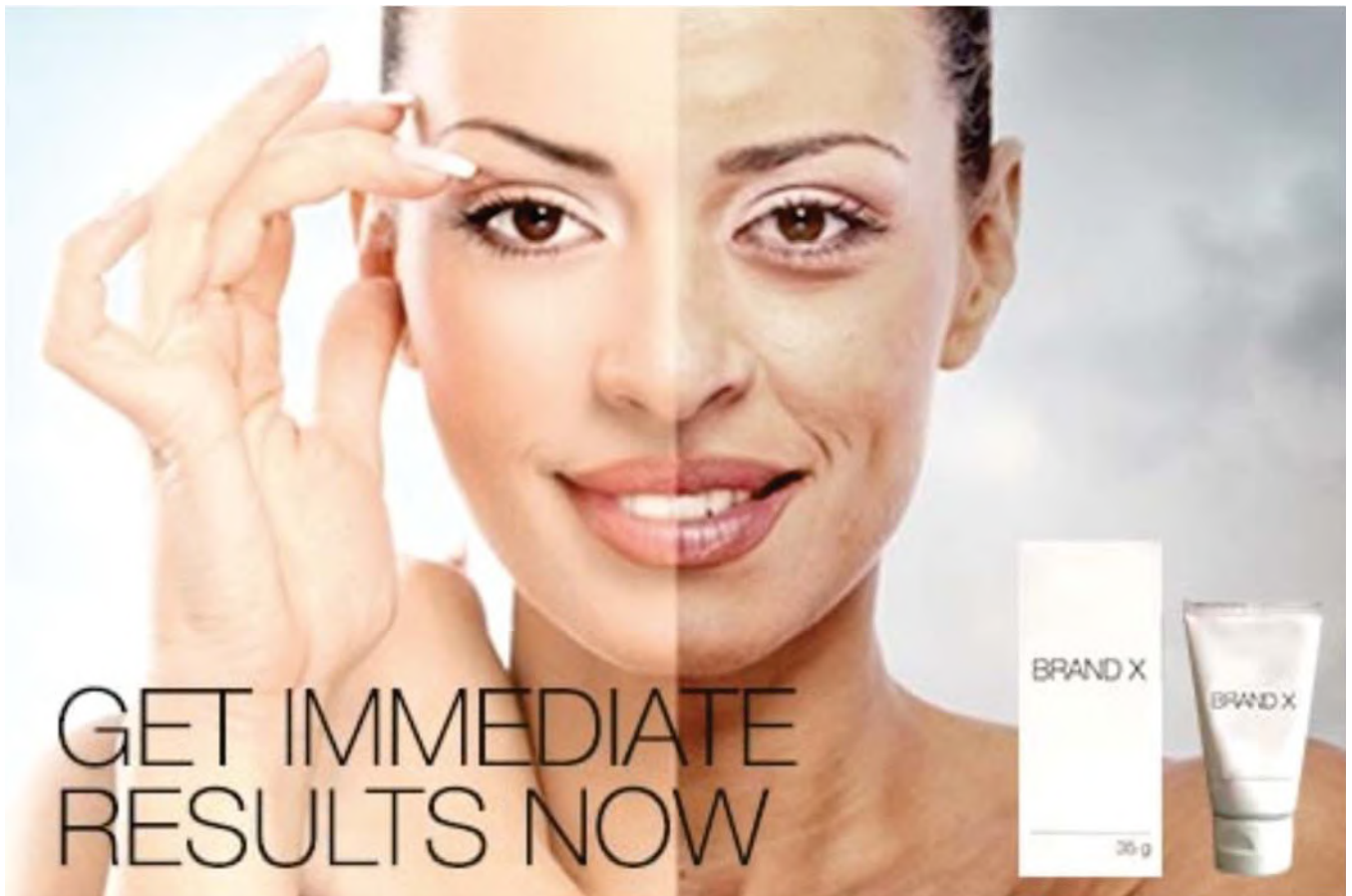
Comparison in ads, Disparagement & Trademarks

The Trademarks Act, 1999, permits comparative advertising using another person's trademark. Comparative advertising is a form of advertising, either explicit or implicit, which is used for claiming that one's product is better than the other, usually of a competitor.

In the act of comparing goods or services by way of advertising, an advertiser, however, cannot disparage the goods or services of another. Any such act does not only constitute the infringement of a trademark but is also covered under the domain of unfair trade practices.

Comparative advertising can also cause the consumer to be misled into buying the wrong products. In cases of disparagement, the aggrieved party can approach a civil court for relief against the infringement of their trademark.





Advertising is seen as misleading when it involves false or deceptive information that is likely to cause the average consumer to act in a way they would not if they had not seen the ad.

Criminality of advertisements

Indian Penal Code, 1860, criminalises the publication of obscene books and pamphlets including advertisements which are deemed “lascivious or appeals to the prurient interest”. The punishment of committing such an offence could be with fine and even imprisonment up to two years.

The Information Technology (Amendment) Act, 2008, also states that any person distributing or transmitting in the electronic form, any information or data which contains any sexually expressive act should be punished with imprisonment up to five years, with a fine stretching up to ten lakh rupees.

Therefore, an advertisement which

portrays that the use of a deodorant can attract swarms of women in a sexual manner can be banned or pulled down for being indecent. Similarly, an advertiser spreading electronically, a commercial containing pornographic videos or images is also liable to be punished.

Are the celebrities liable for false advertising?

Shahrukh Khan promotes a fairness cream to build trust in the consumers for that brand or product. Madhuri Dixit feeding instant noodles to her kids inspires parents to buy the same packet for their kids' “healthy snacking”.

When a product is endorsed by a

celebrity, it increases the product's sales volumes, due to their influence on their followers; even when viewers are aware that it may be no more than a marketing gimmick and that the celebrity in question may not use that product or service in reality.

Though there are no stringent laws in India which make the celebrities endorsing the products for misleading advertisements liable, a consumer can bring an action towards the celebrity promoting any food product which is misleading or deceiving under section 24 of the Food Safety and Standards Act, 2006.

“Advertisements are no piece of fiction, but information. They aren't to mislead, but to inform.” ▶

THE ADVERTISING INDUSTRY



ADVERTISING IS ONE of the key activities for potential business and is equally important as producing something using raw material, or as capital, manpower, planning, organizing etc. products or services. Publicizing that the business offers to the targeted customers is called advertising which forms the integral part of marketing, and an essential precondition for selling. Advertising is done with vast population and requires organizing and applying human skill and talent and technology backed media.

Types Of Advertising

National Advertising

- Advertising done by a company on a nationwide basis or in most regions of the country and targeted to the ultimate consumer market is known as national advertising.
- The companies that sponsor these ads are generally referred to as national advertisers.
- Most of the advertisements for well-known brands that we see on TV or in other major media are examples of national advertising.
- It informs or reminds consumers of the brand and its features, benefits, advantages and uses or reinforces its images.

- However, in Indian context due to cultural and linguistic variation, different versions of advertisements are released by the advertisers.
- Example of National Advertiser are: Hyundai, Nestle, HUL etc.

Local/Retail Advertising

- Another prevalent type of advertising directed at the consumer market is classified as retail/local advertising.
- This type of advertising is done by major retailers or smaller local merchants to encourage consumers to shop at a specific store or use a local service such as local financial companies, bank, hospitals, fitness club, restaurants, show rooms etc.
- While the national advertisers sell their products at many locations, retail or local advertisers must give the consumer a reason to patronize their establishment.
- Retail advertising tends to emphasize specific customer benefits such as store house, credit policies, services, atmosphere, merchandise collection and other distinguish attributes.

International/Global Advertising

- International advertising disseminate a commercial

message to a target audiences in more than one country, multiple cultures that differ in terms of values, communication styles, and consumption patterns. Target audiences differ from country to country in terms of how they perceive or interpret message.

- International advertising is a business activity involving advertisers and the advertising agencies that create ads and buy media in different countries.
- In some cases, multinational firms centralize advertising decisions and budgets and use the same or a limited number of agencies worldwide. In other cases, budgets are decentralized and placed in the hands of local subsidiaries, resulting in greater use of local advertising agencies.

Case Study: KFC

- Client – KFC
- Slogan – Finger Lickin' Good
- Brief – Take the international campaign and rehash them for India
- Campaign – KFC print ad
- TG – Young, modern, westward-looking and experimental audience
- Challenge – To change the food habit of any country
- Idea – A series of print ads to establish 'Finger Lickin' Good' with visuals of hands, with the headlines 'Cutlery at KFC' and the line 'Finger Lickin' Good' prominently near the KFC logo
- Insight – No one in India ate chicken only with cutlery



Consumer Product Advertising

- Consumer product advertising is an activity to make product or services known as well to persuade the ultimate consumer. An ultimate consumer is a person who buys the product or service for his personal use.
- This type of advertising is done by the manufacturer or dealer of the product or service. Examples: Advertisements of Intel, Kuttans (shirt), Lakme (cosmetics) etc.

Industrial Advertising

- Advertising targeted at individuals who buy or influence



the purchase of industrial goods or other services is known as industrial advertising.

- Industrial goods are those products that either become a physical part of another product, or used in manufacturing other goods.
- Business service, such as insurance, financial services, and health care, are also included in this category. Industrial advertising is usually found in general business publications or in trade publications targeted to the particular industry.

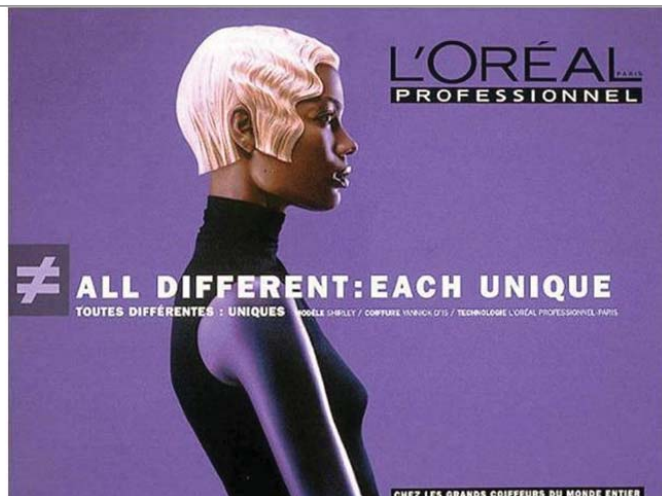
Trade Advertising

- Advertising with in a trade to attract the wholesalers and retailers and motivate them to purchase its products for resale is termed as trade advertising.
- Company sales representatives call on resellers to explain the product, discuss the firm's plans for building demand among ultimate consumers, and describe special programs being offered to the trade, such as introductory discounts, promotional allowances etc.
- Trade advertise usually appears in publications that serve the particular industry.



Professional Advertising

- Advertising that is targeted to professional groups, such as doctors, lawyers, dentists, engineers among others, to encourage to use the advertiser's product or specify it for other's to use is known as professional advertising.



- Professional groups are important because they constitute a market for products and services they use in their businesses. Also, their recommendations influences, many consumer purchase decisions.

Surrogate Advertising

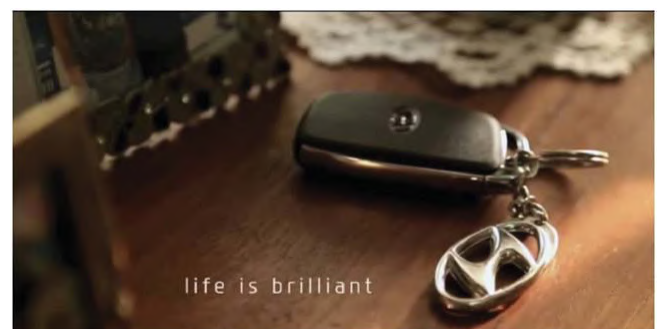
- Surrogate advertising is a form of advertising which is used to promote banned products, like cigarettes, alcohol, tobacco and narcotic products, in the cover up of another product.
- The advent of Surrogate Advertising in India came into being after Cable Television Networks Rules, 1994 and Cable Television Networks (Regulation) Act 1995 was implemented, which banned direct liquor, tobacco and cigarette advertisements.
- Examples from tobacco industry engaged in Surrogate Advertising in India are: Red & White Bravery Awards, Wills Lifestyle Clothing Line, Four Square White Water Rafting and Godfrey Phillips Bravery Awards.
- Examples from liquor industry are: Bagpiper Soda, Cassettes & CDs, Hayward Soda, Royal Challenge Golf Accessories & Mineral Water, Kingfisher Mineral Water,



White Mischief Holidays, Smirnoff Cassettes & CDs, Imperial Blue Cassettes & CDs and Teacher's Achievement Awards.

Corporate/Institutional Advertising

- In this form of advertising, the corporate presents its own story to build up a positive image of itself in the public mind. It is a public-relations-approach advertising. The focus point could be:
 - Viewpoint about a national cause
 - Efforts taken to help this cause
 - Corporate own social contribution and policies
 - Mission of the organization and its philosophy
- Corporate advertising is indirect, subtle, affects basic attitudes of public and does not attempt to sell anything directly.
- It may be targeted to a potential market or to any of the stake holders.
- Many companies are faceless entities. This type of advertising gives a face to the company.
- Objective of Corporate Advertising:
 - To make the company known
 - To make its product/services known
 - To make its achievements known
 - To make its values known
 - To make socio-political/economic/moral statements
- Receptivity to Corporate Advertising:
 - They are meant to be image building so not considered necessary
 - Public are usually adverse of this type of advertising
 - It asks for no action on the part of the audience, except passive approval
 - The recall rates of these ads are low
 - The effectiveness of this types of ads are difficult to evaluate.



Public Service Advertising

- Public Service Advertising (PSA) is done as a part of social responsibility by the advertising agencies or business organization or government or social service institutions.
- Public Service Advertising is considered to be one of the most effective means to create social awareness





सत्यमेव जयते

समय पर प्रतिरक्षण, बच्चे को दे सुरक्षित जीवन



NATIONAL RURAL HEALTH MISSION
सुरक्षित जीवन का पहला कदम
(2005-2012)

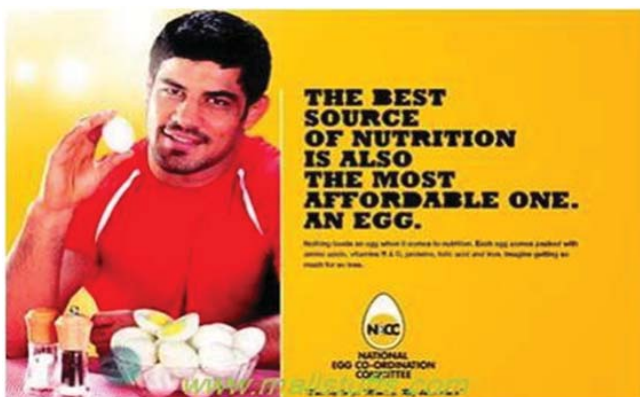
भारत सरकार
स्वास्थ्य एवं परिवार कल्याण मंत्रालय
MINISTRY OF HEALTH & FAMILY WELFARE
GOVERNMENT OF INDIA

and bring about a change/shift in the mindsets of people.

- In PSA it is essential to **focus the message to a target group**, while keeping in mind that what motivates this target group.
- PSAs are usually **emotional** since it touches people's deepest fears, anxieties and values.
- It is also called Also called **Public Awareness Advertising, Social Service Advertising and Social Awareness Advertising**

Primary and Selective Demand Advertising

- Primary Demand Advertising is designed to create demand for the general product class or entire industry.
- Selective Demand Advertising focuses on creating demand for a particular manufacturer's brands.



- These are another way of viewing advertising to the ultimate customers in terms of whether the message is designed to stimulate either primary or selective demand.
- Primary demand advertising is often used as part of a promotional strategy to help a new product gain acceptance among customers. Products in the introductory or growth stages of their life cycles often have primary demand stimulation as a promotional objective because the challenge is to sell customers on the product as much as it is to sell a particular brand.

Classified Advertising

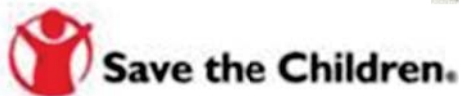
- The ads which are classified in categories are called **classified ads**. These ads are normally placed at certain part of the news paper.



- Classified advertising is a tool for reaching out various categories of customers to offer jobs, cars, houses and a variety of new and used goods.
- In print, classified advertising space is sold in terms of line or, words.
- On internet, classified ads are get posted free of cost, though it is chargeable for premium posting. E.g:- Just dial, OLX, Quikr etc.

NGO Advertising

- There's good advertising. Then there's advertising that does some good. An advertising with a core aim to raise social issues and to help to make the world a better place is a motive of NGO advertising.
- Advertising for good causes, promoting the importance of social and environmental responsibility, encouraging the participation of common people and urging them to donate for a cause are the main aim of this.
- Complicated narratives and long explanations don't attract attention, and they don't get donations, heartbreaking pictures and tidy stories do.



HOW THE WAR IN SYRIA HURTS CHILDREN

4 MILLION

Syrian children need emergency help.



1 IN 3

children have been hit, kicked or shot at.



6.8 MILLION

Syrians are in need, many with limited access to humanitarian aid.

7,000 INNOCENT CHILDREN

have been killed, with many more maimed, tortured or raped.



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Merrill Lynch Wealth Management makes available products and services offered by Merrill Lynch, Pierce, Fenner & Smith Incorporated ("MLPF&S") and other.

Financial Advertising

- Financial advertising is the specialized practice of advertising which **promotes capital issues** to the investor, loan, banking and mortgage customer.
- Increased wealth and expectations have created an **enormous appetite for financial services** and new financial products are launched every day. So, it is necessary to pinpoint a product's potential and identity and identify the audience to whom it will appeal.
- The public is **motivated to invest** by a slogan, a promise of dividends/returns, profile of the product etc.
- The **positive image of financial corporation** is largely promoted to turn it into a trusted name for general investors. ▶

REPORT



Indian Advertising Market

Report & Forecast 2018-2021

THE GROWTH OF the advertising industry is highly dependent on the penetration of various media platforms. India, with its developing economy, provides numerous opportunities to advertisers to promote their products and services through the expanding media channels in the region. The economic growth has also led to an increase in the spending power of a significant portion of the population, creating an affluent brand conscious consumer-base. As a result, the companies are focusing on creating a strong brand-image for themselves by advertising extensively.

Ad spending in India to soar 46% by 2021: Zenith report

The robust performance will help India break into the world's top 10 advertising markets for the first time and become the eight largest market by 2021.

India is set for an advertising boom with a predicted 46% surge in advertisement spending during 2018-2021, said Publicis Groupe's media agency Zenith. The robust performance will help India break into the world's top 10 advertising markets for the first time and become the eight largest market by 2021, Zenith said in its advertising expenditure forecasts report issued on Monday.

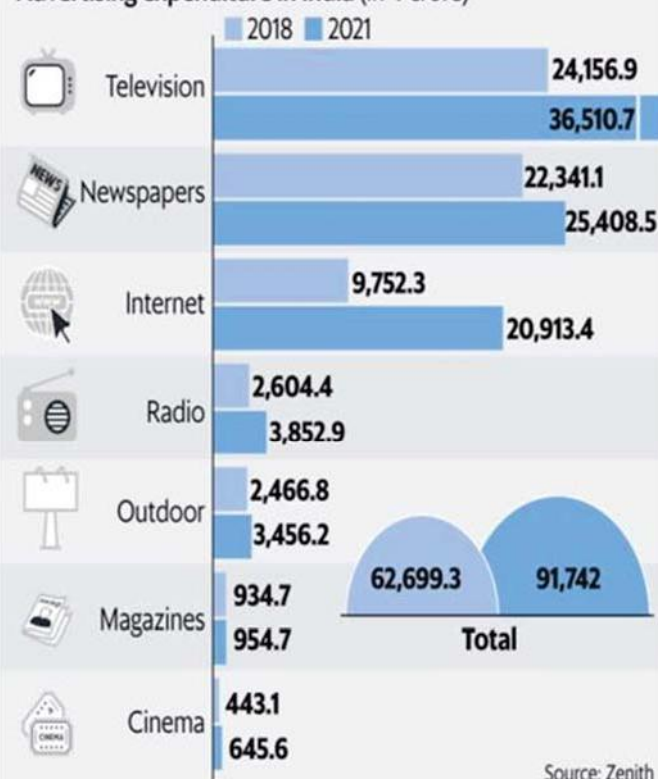
Advertising expenditure in India is expected to reach ₹91,742 crore by 2021, from ₹62,699.3 crore in 2018, the agency said. The growth will reflect on all forms of media, according to the report.

While newspaper advertising is forecast to rise to ₹25,408.5 crore from ₹22,341.1 crore, magazine advertising will grow to ₹954.7 crore from ₹934.7 crore in

Television, digital to lead surge

Wider reach of TV and targeted optimization of online video are currently working better with advertisers than others

Advertising expenditure in India (in ₹ crore)



the same period. Television advertising will climb to ₹36,510.7 crore from ₹24,156.9 crore. Digital advertising will see a big jump, too, to ₹20,913.4 crore from ₹9,752.3 crore.

Given that a bulk of the population is below 30 years, Zenith expects the rise in ad spending to be led by consumption growth. This year has also seen the depreciation of the rupee and oil price volatility but the overall expectation is that oil prices will stabilize, giving consumers more disposable income.

Many parts of India are experiencing a digital evolution, led by the mobile phone, said Tanmay Mohanty, group chief executive at Zenith. This is likely to accelerate growth in categories such as banking, financial services, healthcare, entertainment and sports, travel and lifestyle, he said. "2019 is the year of India's general elections. These and the state elections will boost marketing spends. Additionally, the Cricket World Cup and the Indian Premier League will drive growth," said Mohanty.

Digital media will continue to grow both in reach and consumption. Television—linear and catch-up—will be on an upward curve. Radio is expected to digitize aggressively in response to streaming services, while both cinema and out-of-home media will innovate and increase reach-led investments.

"Print will thrive on regionalization," Mohanty added.

Global ad spend will grow 4.5% in 2018, reaching \$ 581 billion by end-December. This will be boosted by the Winter Olympics, FIFA World Cup and US mid-term elections. Growth will remain steady for the rest of the forecast period to 2021, at 4.0% in 2019, 4.2% in 2020 and 4.1% in 2021.

In the last decade, internet advertising has jumped from 12% of the total global spend (in 2008) to 41% (in 2018). Meanwhile the share of newspapers has fallen from 25% to 8%, while that of magazines declined from 12% to 5%. Television's share peaked at 39.1% in 2012, fell to 34% in 2017, and is expected to be 29.9% in 2021.

The wider reach of television and the targeted optimization of online video are currently working better with advertisers than anything else. The combined share of these two media of ad spend in 'display' media has risen from 46.2% in 2012 to 48.4% this year. By 2021, television and online video are estimated to have a combined 48.8% share of global 'display.'

"Brands are transforming their businesses to take

advantages of the new digital opportunities available to them," said Vittorio Bonori, Zenith's global brand president. "Better segmentation and targeting, personalised creative and direct transactional relationship with consumers are combining to drive brand growth."

7 Statistics on the Indian Digital Ad Industry in 2018

1. The Indian digital ad industry is estimated to grow with a CAGR of 32% to Rs 18,986 crore by 2020, Digital ad spends will touch almost 19,000 crores in three years which is almost same as the size of print ad industry today. It is expected to grow at 3X of industry average over this time to touch almost a quarter of ad spends. Of this, mobile is expected to take 60% of share.
2. Digital Media spends currently contribute to 15% of the total advertising industry and are expected to reach 24% of the entire market by 2020.
3. Google and Facebook continue to take the majority share of these spends, by some estimates, 80-85%. But this year might change that.
4. According to the report, 43% of the digital media budget is spent on advertising on the mobile devices (Rs 3,491 crore), as of 2017. The rest is spent on desktops (57 percent). While current digital media spend on mobile stands at 43%, it is expected to grow at a CAGR of 49% to reach Rs 11,392 CR by 2020 (60% of the spends share). It will overtake spends on desktops by 2019.
5. Majority of the ad spends on desktops are made on Social Media (29%) followed by Search (27%) and Video (20%). Spends on Video on Desktops have seen the highest growth of 28% followed by Display (22%) and Social Media (20%).
6. A large chunk of the spends on mobile are made on Social Media (27%) followed by Search (25%) and Display (23%). Spends on Video on Mobile has seen the highest growth (74%) followed by Display (60%) and Social Media (57%).
7. While 85% of the digital media is currently purchased directly, the report expects programmatic to contribute to a quarter of all the digital media buying in India by 2020. ▶



Digital Ads to Overtake Traditional Ads



ADVERTISING AND ELECTIONS 2018-19

A Boost To Digital Ad Revenues In India

– B G Mahesh

THE ELECTION SEASON in India has begun. Five states held their assembly elections in Nov/Dec 2018 – Chattisgarh, Madhya Pradesh, Mizoram, Rajasthan, Telangana. Election season will end with General Elections in May 2019. Media is not complaining, I am not complaining as it will keep us busy and should attract more revenues.

The table shows a healthy growth for digital advertising revenues for FY19 (ending March 2019). I think the beginning of FY20 too will be good for digital publishers in view of the General Elections 2019.

The majority of digital ad revenues have gone to Google and Facebook. Digital publishers would like the political fraternity to spend

Sector	FY18 (in INR Crore)	% change y-o-y (FY17 vs FY18)	Projected Advertising Revenue FY19 (in INR Crore)	Projected FY23 (in INR Crore)	CAGR % (2018-23)
TV	65,190	9.5	22,500	1,17,960	12.6
Print	31,890	3.4	22,370	42,490	5.9
Film	15,890	9.6		22,880	7.6
Digital Ad	11,630	35	15,470	43,500	30.2
Animation TV	7,390	18.6		15,180	15.5
Gaming	4,380	35.1		11,880	22.1
OOH	3,200	11.9	3,570	4,970	9.2
Radio	2,590	7.9	2,830	4,210	10.2
Music	1,440	14.7		2,960	15.5
Total	1,43,600	10.9		2,66,020	13.1

Source: Kantar IMRB's Target Group Index & KPMG (ET, Oct 28, 2018)

the ad dollars directly with them, instead of going through an intermediary. This is unlikely to change in the near future. Also, publishers will need to think out of the box to offer something more than just users, page views and banners.

It is good to see politicians preferring to advertise on language sites for the simple reason, they can reach a far larger audience than English.

While most journalists and media houses are on Twitter, I don't see big money being spent on Twitter in India for the simple reason – it is expensive.

Will Digital Be Important in General Election 2019 in India?

This following table needs to get updated for 2019. In 2014, about 81 crore were eligible to vote, and in 2019 it is expected to be at least 94

General Elections in India	2004	2009	2014
Population (in billions)	1.12	1.21	1.29
Total Number of Eligible Voters (in millions)	668	714	814
First Time Voters (in millions)	17	43	101
Percentage of eligible voters who are first time voters	2.5%	6%	12.4%

crore (940 million). And the number of internet users has only grown since 2014: 193 million in 2013, 233 million in 2014, 500+ million in June 2018. Can politicians afford to ignore the digital medium? Hopefully not!

What is driving the growth of advertising revenues in India

With internet penetration growing, literacy growing, buying power increasing in rural areas digital publishers can see better days ahead.

Print and digital consumption are growing mainly due to regional languages. Brands prefer to use digital advertising as they can target the rural areas.

OOH (out-of-home) advertising could take a beating in a few cities. In Bengaluru, flex advertising has been banned for a year.

Video Advertising Will Dominate Digital Ad Spend

The below table shows there is not much variation in the number of hours each age group watches online videos in India. Not sure if this is good or bad.

Age Group Watching Video in India	Hours/Week in 2017
15-19	1.25
20-24	1.29
25-34	1.24
35-44	1.33
44-45	1.27

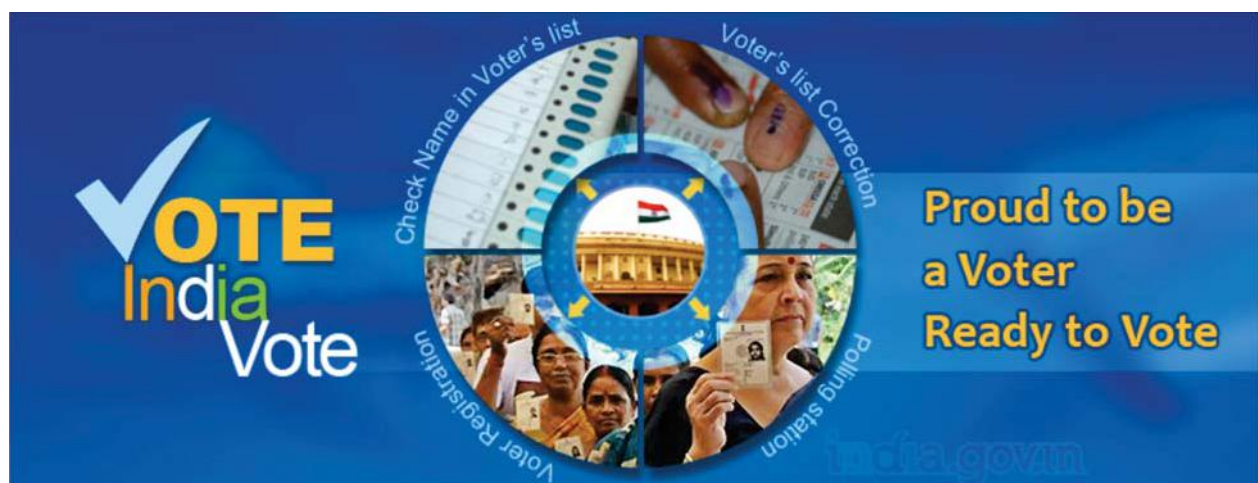
The below table shows the smaller the town, greater the consumption of online videos. I am reasonably sure in smaller towns the videos watched are language videos. It will take a long time in India for podcasts to take off in a big way.

Population of Towns	Videos watched Hours/week in 2017
Top 8 metros	1.25
4 million +	1.14
1-4 million	1.27
0.5-1 million	1.11
0.1-0.5 million	1.41
< 100,000	1.44

There is a huge difference in what is being watched on TV and online. While news, movies, soap operas, comedy serials dominate TV, it is short clips (comedy, UGC, music videos, entertainment news) that dominates online video platforms.

With speeds of up to 100 gigabits per second, 5G will be as much as 1,000 times faster than 4G. The download time for a typical movie (8GB HD movie) will be just 6 seconds, compared with 7 minutes over 4G and over an hour with 3G. India will have 5G in the near future and online video consumption will only increase from the current levels.

Online video platforms will need to innovate quickly to get their users to consume news, election-related news. It is a good opportunity to innovate and test things now in view of the upcoming series of elections in India. ▶



MoUs with Health Ministry and Trai

The Indian government has given tremendous support to the advertising and marketing industry. Advertising expenditure is likely to increase in the financial sector, driven by Reserve Bank of India (RBI) policies which could result in a more favourable business environment.

Also, proposed licences for new banks and better market sentiments render the advertising and marketing industry in India a fertile space.



ADVERTISING

THE ADVERTISING STANDARDS Council of India (ASCI) had signed a memorandum of agreement with the Food Safety & Standards Authority of India, allowing it to directly process complaints received by the latter on misleading advertisements.

The ad regulator is also a partner of the Union department of consumer affairs, acting on allegedly misleading ads received by the latter, on a website promoted for the purpose. This website, operational for a few months, allows consumers to complain about any ad in any medium across categories.

Persons in the know say segments such as health and telecom have seen some serious ad violations of late, prompting the move by ASCI. It has rapped Bharti

Airtel, asking the firm to withdraw its 4G speed challenge ad for being misleading. Similar action was taken against ads by Idea and Vodafone.

The ad regulator is likely to renew its contract with TAM for monitoring print and television ads. Inked in 2012, the arrangement for a three-year period had seen the scanning of about 10,000 print ads and 350 on TV each week. This had allowed ASCI to catch errant advertisers in small towns and cities, taking action against them on its own, said persons in the know.

The body is also looking for a digital agency to monitor online ads, a space rapidly seeing incidents of tall or misleading claims by established brands and e-tailers.

Ministry of AYUSH, Government of India and The Advertising Standards Council of India (ASCI) Partnership



ASCI has rapped Bharti Airtel, asking the firm to withdraw its 4G speed challenge ad for being misleading. Similar action was taken against ads by Idea and Vodafone.

Recently, ASCI said it had upheld complaints against 82 campaigns in June, for misleading consumers. It issues news of action taken against brands with a lag. Names such as Flipkart, Uber and Snapdeal had figured prominently in the list of errant advertisers for June, beside brands such as Vodafone, L'Oreal, Fortis Healthcare and Pernod Ricard. June's action had

followed what the body had done for May, when major advertisers such as Hindustan Unilever, Dabur, VLCC and Aptech were pulled up.

Secretary General, Purandare says most big brands and advertisers do modify ads when the body writes to them, at times within days of the misleading or errant ad being released. This is unlike in the past, when ASCI was accused of acting too late, well after the ad had run its course. Speedy action follows ASCI moving from a monthly to a fortnightly to now a weekly cycle of addressing complaints.

The number of complaints to the body against misleading ads has also shot up almost 13-fold in the past few years. ▶

PROGRESSING WITH THE

impetus towards supporting co-regulation in advertising, the Ministry of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH) has signed an MoU partnering with the Advertising Standards Council of India (ASCI). Addressing the cases of misleading advertisements with respect to Ayurveda, Yoga and Naturopathy,

Unani, Siddha and Homoeopathy Medicines, treatment and related services, ASCI will comprehensively monitor these advertisements across print and electronic media. ASCI has been given a self-monitoring mandate by the Ministry of AYUSH to identify potentially misleading advertisement in the AYUSH sector and process complaints through its Consumer Complaints Council (CCC). The Ministry of AYUSH will also redirect complaints against misleading advertisements they receive to ASCI, which will be reviewed using ASCI's code and guidelines. The MoU also requires ASCI to report to the Ministry of AYUSH, advertisements in potential violation of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 and Rules thereunder as well as non-



compliance of ASCI's CCC recommendations for the Ministry of AYUSH to take further action.

This partnership will put in place, a much needed formal mechanism to monitor & curtail misleading advertisements in the AYUSH sector and will lead to effective implementation though strong support locally from the State Licencing Authorities as well as Centrally through the Ministry of AYUSH.

Commenting on the partnership, **Sh. Ajit M. Sharan, Secretary, the Ministry of AYUSH** said, "We are happy to announce this partnership with the ASCI. It is yet another important step taken by the AYUSH ministry to ensure that Indian consumers have access to safe and effective medicine. The arrangement would also ensure that any advertisement making claims for

diseases and disorders, in violation of the notification issued by our ministry for indications that have been prohibited from claiming, are immediately brought to our attention. We have entered into an MoU with ASCI to effectively weed out such advertisements so that consumers are protected from unscrupulous manufacturers selling products making false

claims. This is vital for the propagation of AYUSH system of medicine within India and beyond."

Mr. S.K. Swamy, ASCI Chairman, added, "At ASCI, we have been relentlessly working to encourage self-regulation in advertising content and ensuring the protection of the interests of the consumers. AYUSH is among top three sectors where we find a high incidence of misleading advertisements and some of the advertisements in the AYUSH sector claiming treatment of certain diseases in violation of the Drugs and Magic Remedies Regulations have been a cause of concern. ASCI's partnership with the Ministry of AYUSH will provide the necessary support to our efforts in effectively curtailing misleading advertisements in this sector." ▶

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deaths occur every
year



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you are one of them

The newly elected Chairman on how he plans to chart a new course for the self-regulatory body, government's intervention in regulating advertising and more.

Charting A New Course: **WE NEED TO ELIMINATE STEREOTYPING IN OUR ADS**

AT A BOARD meeting of The Advertising Standards Council of India (ASCI), D Shivakumar, Group Executive President, Corporate Strategy, Aditya Birla Group, was unanimously elected as the Chairman of the Board of ASCI. As a member of the Board of Governors for past three years, he has always supported self-regulation.

Shivakumar has spent over 19 years in sales, marketing and general management positions across consumer products and the luxury industry. He succeeds Abanti Sankaranarayanan, Chief Strategy and Corporate Affairs officer, Diageo India.

Edited excerpts:

A portrait of D. Shivakumar, a man with dark hair and a mustache, wearing a white shirt and a dark tie. The image is overlaid with a blue tint.

D. Shivakumar

Chairman, ASCI



Q What are your visions for ASCI for the next one year? How do you plan to chart a new course for the body?

ASCI has been around since 1985. Advertising remains imperative in today's world. The total advertising expenditure is over Rs 70,000 crore. ASCI is a self-regulatory body. So my visions are to increase the awareness around ASCI among consumers. ASCI has excellent collaboration with Doordarshan and Department of Consumer Affairs, etc. We would be working towards getting more industry participation and towards working closely with the government, regulator and ecosystem.

Q Do you feel ASCI needs more power to actually take action against offenders? Critics say that the damage is already done by the time ASCI reacts.

As more sectors and people join the ASCI movement, I think we will see better compliance.

Q What are some of the key suggestions that have come forward on improving ASCI?

There is nothing like one key suggestion. It is evolving as and when new things come up and that will keep happening. Whether you've had to do with automotives or herbal medicines or insurance, as and when something comes up, people do talk about it. An area which will become significantly important is celebrity advertising. Around 50 per cent of all advertising today is celebrity advertising. There are a lot of challenges in this space from society. Brands need to worry that the

celebrity is the right person. Also, there is the liability factor.

Q With regards to holding celebrities accountable for the products they endorse, shouldn't brands be accountable for exploiting consumers' insecurities?

Overall, today trust is a premium in the world. I think any type of stereotyping in advertising or communication won't go well. We need to think about and eliminate stereotyping or any kind of edginess. Today, we have to be far more mindful about advertising and far more sensitive to the society. A number of brands might not be recognising it today, but they need to adhere to this. So it's important for brands to be mindful of society's boundaries.

Q If there is one thing that the advertising needs to address right now, what would you advise?

Advertising industry is such a large one. The heart of all advertising is creativity. I feel that digital now gives advertising far more latitude and power than ever before. The Supreme Court recently abolished Section 377. Over 20 brands took advantage of it, releasing topical ads and creatives riding the wave. Creativity and responsiveness to fast-changing events remain the biggest challenge for advertising today.

Q In the months gone by, is there a particular sector that you have seen attracting a larger number of complaints compared to the others? Also, do you intend to evolve ASCI guidelines for a new medium?

I feel that digital now gives advertising far more latitude and power than ever before. The Supreme Court recently abolished Section 377. Over 20 brands took advantage of it.



The magic remedies and special interest groups do attract a large number of complaints.

We need to evolve the guidelines for the new medium — digital. Unlike other mass media platforms, the self-regulatory guidelines for digital are not clear. Though responsible brands have been adhering to the larger advertising guidelines, ASCI is yet to draw self-regulatory limitations. How self-regulation and its policies will impact this medium is something we need to think about.

My vision is to increase awareness about ASCI among consumers. Our awareness is low today and we should do a lot more in the digital space to increase engagement with the ordinary consumer.

Q What is your opinion on government's intervention when it comes to the regulation of advertising? Can ASCI work in tandem with a government body?

Yes. All self-regulation has to be of influence and negotiation. We have to work in tandem with not just the government and the regulator, but also with advertising agencies, advertisers, media-houses, etc.

ASCI has excellent collaboration with the Ministry of Information and Broadcasting, and Department of Consumer (DoCA), Food Safety Standards Authority of India (FSSAI), Ministry of Health (expert committee for HFSS), AYUSH, etc. My goal would be to strengthen the eco system and ASCI's role in it. We would work towards getting more industry participation and working closely with the government, regulator and the ecosystem. New-age industries should also participate in this eco system.

Q How effective have the regulations been?

Our compliance rate of about 90% stands testimony to effective self-regulation. Self-regulation is the only way we can achieve a win-win-win situation, meaning consumers' confidence in advertising is maintained, the advertiser has the trust of consumers and there is lesser burden on the regulator.

Q The advertising industry felt a little betrayed when the organisation sided with MIB on the watershed hours for the condom ad issue. What do you have to say on this?

Those ads were inappropriate and unsuitable for family consumption. Watershed hour restrictions from MIB are for ads deemed to be detrimental to children's sensibilities as they play heavily on sexual content and sensationalise the act. Some of the mentioned advertising had crossed some limits, so the MIB acted on complaints it received. ASCI is a body that self-regulates advertising content; whose core mission is to maintain the public's confidence in advertising. Advertisements that were complained against were not educational; instead, they focussed on explicit adult content, which made them embarrassing and distasteful to be viewed, especially in the presence of children during family viewing hours. As these advertisements were not objectionable for viewing by adults, they could be aired during the watershed hours as is practised globally. ASCI welcomed this move, which provided a pragmatic solution addressing the concerns of all stakeholders. ■



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Pyush Misra
Director,
Consumer Online Foundation

How Advertising Affects Behaviour

MOST CONSUMERS DON'T go out of their way to find ads (unless they're remarkably memorable and worth sharing). The marketing and creative department work together to formulate ads that appeal to an audience's curiosity. A good ad will increase sales and brand awareness. For consumers, advertisements are not what consumers need; however, an ad is a great way for consumers to find out about the products or services they do need. Understanding the ways in which advertising affects consumer behaviour will allow brands to create stronger, more memorable ads.

Brand Awareness

If you were stranded on an island with no signs of human life and decided to open a shop, you'd get no business because no one would know that it exists. Even if you started a business in a busy city, the only people who would know about it are friends, family, and the lucky ones who happen to be walking or driving by in the moment they need exactly what you offer.

Bridge the gap between a salesperson and consumer. An advertisement lets a consumer know that you exist, and brings your brand to a wider audience. Without any advertising--print, television, online, etc.--you would have only word-of-mouth to keep you afloat.

In a vastly growing online world,



ma and pa shops don't get by without advertisement in some form. The free market allows any competitor to set up shop near you, and with large corporations building franchises across the nation, it's more important now than ever to you set yourself apart. With a quick Google search, consumers can quickly compare and contrast one business from the next.

Behavioral Effect of Brand Awareness

Brand awareness has a neutral effect on consumers. An advertisement's first job is to let people know that your product or service is available to them. People who view

advertisements find out about your products similarly to how they find out about current events in the news. At this stage, consumers go from not knowing that your business exists to gaining awareness of your brand in the case of a future purchase.

Consumers Get the Information They Need

Most advertisements will provide consumers with a general idea of product's features. In order for an advertisement to be effective, it must show enough to raise curiosity. A simple phone number will give them a means of contact in case they

have further questions or want more detailed product information, but an advertisement should at least give consumers a pretty good idea of what your product, service, or company is all about.

Behavioural Effects of Features

The features of your product are analyzed rationally by consumers. A logical listing of features gives consumers an idea of functionality and works on an intellectual level with the ad viewer. If you're advertising a vacuum, a logical feature would be that it cleans dirt from carpet. For a consumer whose vacuum just broke, this analysis of features might lead them to a store to compare vacuum cleaners. Having an ad showcasing your product will make your brand seem that much more memorable in the eyes of a consumer.

Weighing the Benefits

Most industries are rife with competition. What sets you apart from your competitor is how you do the same thing differently, and how you advertise that difference. Benefit evaluation is an emotional response. Consumers will watch your ad and identify how your product can make them happier or improve their life. This is an irrational consumer response and is the part of an advertisement that can lead consumers to make impulse buys. Again, if you're advertising a vacuum, but this time your vacuum not only does what all vacuums do but also has the added benefit of steam-

cleaning, a consumer with a stained carpet will weigh that benefit when comparing it to a regular vacuum.

Reminders and Ad Repetition

Memory is not perfect. If you make an advertisement and only show it once to an audience, the impulse buyers might make a hasty decision, but most will not. In most cases, it takes a few times before an ad really sinks in. Thanks to technological innovation, tracking allows online advertisers to reach the right audience. If you announce on social media that you're engaged and change your status on Facebook, you'll start to see advertisements for wedding photographers, planners, and all sorts of other wedding-related ads. Eventually, when the time comes, an ad that has been repeated enough will pop in your head when you need something the ad offers.

It's wise to note that many millennials (and shoppers of all sorts, today) aren't allowing themselves to be easily affected by advertisements, unless they see more from the venture involved: more earnest concern about the environment, more authenticity, more of your mission-statement's story or other positive influences, regarding the world beyond business.

Give Consumers The Ads They Want

As advertising and ad measurement become more sophisticated, two

things are certain: New technologies and channels are bombarding consumers with messaging, and consumers have become frustrated with advertising that they find irrelevant, disruptive and annoying.

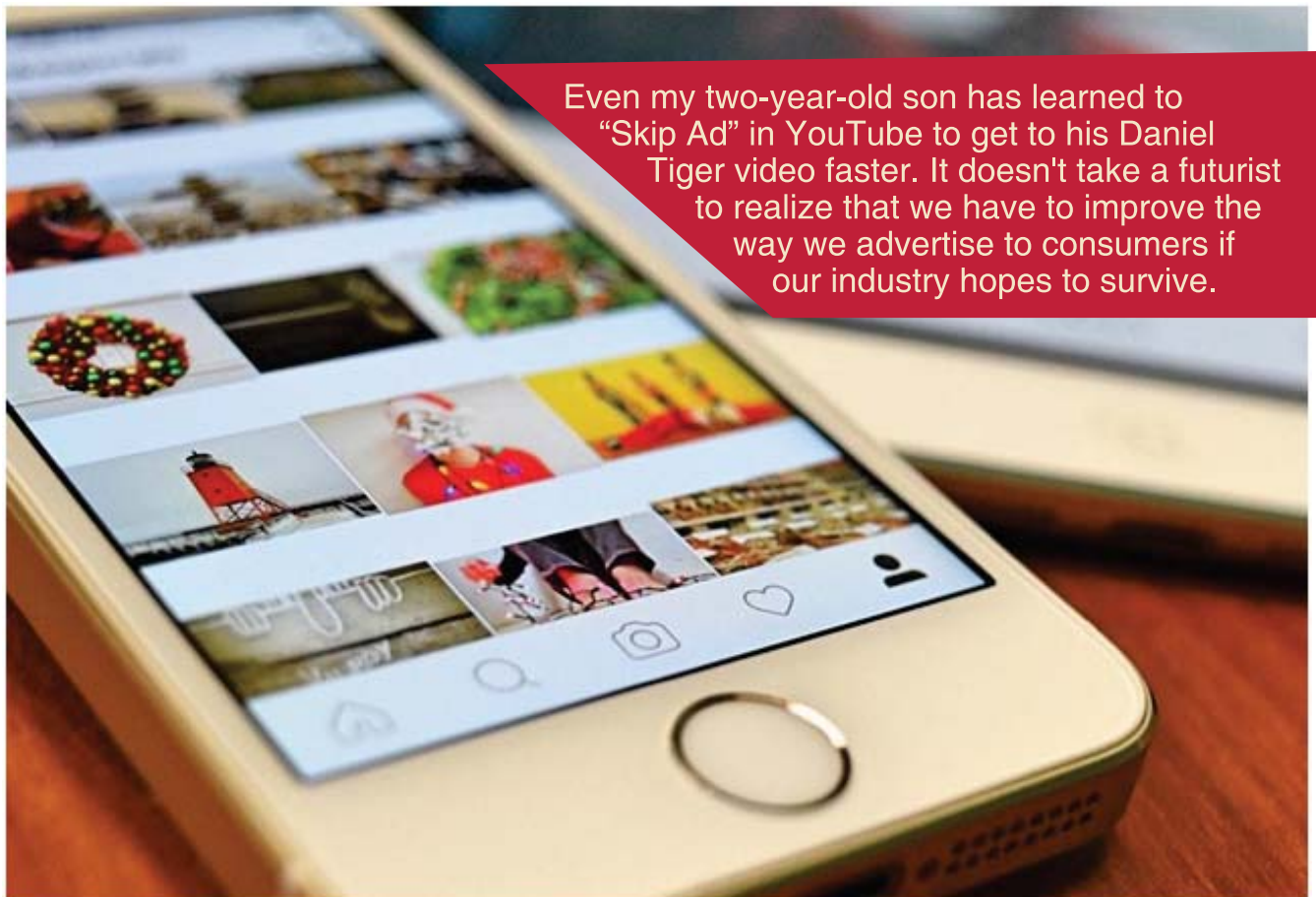
The environment of increasing media channels (in-store smell is my new favorite), ad blockers, banner blindness, shorter attention spans and general mistrust of advertisers is tough for brands trying to get their messages to the right people. Tuning out the noise has become instinctual -- even my two-year-old son has learned to "Skip Ad" in YouTube to get to his Daniel Tiger video faster. It doesn't take a futurist to realize that we have to improve the way we advertise to consumers if our industry hopes to survive.

Fortunately, today's technology, research and insights can help us understand consumers' motivations and purchase behavior better than ever before and enable advertisers to give consumers what they really want: not less advertising, but better advertising. By leveraging the power of data, marketers have the power to create advertising experiences that are actually enjoyable for consumers, guiding them along their journeys to purchase.

When we put the consumer first - meaning we reach them at the right moment, with the right message and with a relevant product or service -- they welcome the assistance of advertisers. That's why I'm confident that in the future -- consumer permission will be at the center of all effective advertising. Our audiences will recognize the value they can get out of advertising that is actually useful for them, so they will tell us what they're interested in, how they want to be targeted and on what channels they're best reached.

For example, Pinterest, an IRI partner, is already creating an environment where users ask to be advertised to. Promoted Pins show up in relevant searches and look just like regular Pins, except that advertisers pay to have them seen by more people. They don't interrupt or distract Pinnerers but instead are





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summoned by the user looking to discover something new. Users don't even consider Promoted Pins to be advertisements because they help users find the ideas and solutions they came to Pinterest for in the first place.

In a more direct way, voice-activated technology is another channel where consumer-first advertising is bound to take hold. Alexa will wait until you ask how to get a coffee stain out of your favorite white shirt before responding with instructions, along with a recommendation for the best stain removal product on the market. Then she'll offer to have it delivered within a few hours. That kind of advertising puts the right product in front of the right individual at the time the consumer requested and enables immediate action to be taken.

Once we have data to support it broadly, augmented reality (AR) presents a similar advertising

opportunity for savvy brands that believe in putting consumers' needs at the forefront of their advertising strategies. One day soon, when that same consumer with a stained white shirt points their phone to the stain removal product in their laundry room, they could watch videos showing how to use the product for best results as well as adjacent products that might help. That advertising experience presents a useful, relevant and timely recommendation to a consumer actively searching for information.

If the industry continues driving toward a better advertising experience for the consumer, it's clear that new advertising mechanisms will provide a win-win solution for both advertisers and consumers. The future of additive assistive advertising, however, is dependent on whether advertisers can understand their consumer's needs at the right time and reach them in the right place.

In order to get there, it is critical that advertisers invest in their ad measurement and optimization capabilities. Measurement solutions on the market today have evolved so that scaled and precise data sets can exist as one to optimize marketing efficiency across each ad unit. If we scale our ability to measure advertising responses at the most granular, we can make the ad experience of the future our reality.

Time and time again, we are reminded that the evolving tastes, wants and needs of consumers must drive business strategy and innovation. In advertising, it is hard to argue that our strategy today gives consumers the experiences they want. But if we double down on investment in measurement and commit to delivering additive advertising experiences, the opportunities for more efficient, effective and enjoyable advertising are endless. ▶



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5 Marketing Trends To Pay Attention To In 2019

AT EACH OF my last three keynote addresses, I was asked this simple question: “What do you think is going to happen with marketing next year?” There are a lot of marketing speakers and sales speakers already shouting out the trends for 2019. It's still only summer, but people are already trying to look ahead and see what's around the curve. And I understand why: The world is changing a mile a minute, and it's hard to scale, differentiate yourself, and maintain trust in the ever-changing marketing world. The more you can plan ahead, the better equipped you feel to manage those changes when they happen.

Here are some midyear thoughts about what you need to keep an eye out for in 2019:

1. People are putting more trust in others they know and reputable content, not ads.

We knew years ago that people were running away from traditional ads. A Nielsen study from 2015 showed that the top four most-trusted sources of advertising were:

people you know, branded sites, editorial sites, and reviews. Ads are near the bottom of that list, and that fact hasn't really changed.

In fact, 30 percent of all internet users are expected to be using ad blockers, meaning traditional ads now won't even reach 30 percent of possible target audience members. So, does this mean marketers should abandon ads completely? Not necessarily.

I honestly feel there's still a place for some ads, but



they have to be more relevant and valuable to the consumer. This is why we see more money going to content marketing, influencer marketing, referral partnerships, and other methods that are designed to deliver actual value to audiences. This shift isn't going to stop until ads start being more valuable for the consumer.

2. Creativity, not conformity, will set successful marketers apart.

People have been saying for a long time that print is dead, but I recently came across a company that used software to obtain physical addresses for clients and started sending them print newsletters. Imagine that. In the age of MailChimp and HubSpot, this company went against the grain and spent extra money to do it the old-fashioned way. I was also surprised to find that its campaign was extremely successful — but why?

Simply put, everybody else had gone digital, and this company saw an opportunity to do something different. Now, I'm not advocating that businesses should try to resurrect print marketing or do something only because it's uncommon and not because it resonates with their audiences. But they should consider integrated campaigns and creative distribution tactics that focus on ways to engage audience members that their industry competitors might not be considering.

3. Winners won't be concerned with internal barriers.

In my first point, I talked about the need to create engaging content rather than just advertisements. This engaging content doesn't just help marketing. It can enable your sales team and be beneficial to recruiting, investor communications, internal training, and just about every other area of your business, too.

Every time I do a keynote presentation, I have people come up to me and say “John, we just can't do this stuff! There's too much red tape with other departments.”



My response? Companies that put up barriers between departments will fail in the long run. Leading companies are built on departments that work together. Creating engaging content isn't just a marketing concern. Great content can fuel other parts of the company, resulting in better talent, lower costs, and improved relationships with investors.

4. Understanding how your customers communicate is vital.

Technology has evolved tremendously over the last several years. Recently, my 4-year-old daughter picked up my old Timex watch. After playing with it for a few minutes, she discovered that the face of the watch lit up when she pushed a button on the side. She grew excited and told the watch: “Call Grandma Hall!” Needless to say, my mother's face did not appear on my aged Timex, which disappointed her greatly. You can watch the video here.

Customers aren't unlike my daughter. They expect that companies will communicate with them in the ways they like. That's why it's so important for marketers to be aware of their customers' communication preferences.

Experts out there are making some big predictions about how customers will operate in the future. Some analysts say they think close to 50 percent of all searches will be made through voice search by 2020. I'm not sure how accurate predictions like this really are, but I do know that my daughters and the generations that will come after them are growing up in a world where smartwatches and smart speakers are the norm.

5. Helpfulness and authenticity will combat relationships lost through tech and automation.

There's no stopping marketing automation and technology. These advances help marketers scale more effectively, make better decisions, and save money. However, these advances sometimes come at the expense of the relationships those same marketers have typically built with members of their audience.

Although automation might cover basic tasks, it's important to do your best to add a personal touch or offer direct help when possible. I was recently speaking to some contacts at a consulting company that had done an amazing job scaling marketing communication, but they still made a rule to visit their clients in person once every year to see how they could be helpful or improve the relationship and get to know the people better. They said that when they do this, the clients stay longer and spend more money.

These are just five trends to look out for as you think ahead for the end of this year and into the next. Remember, there's not a single “right way” to build a marketing strategy, but these five tips can help you achieve any marketing goal. ▶



7

Tricks Advertisers Use To Manipulate You Into Spending More Money



TODAY'S CONSUMERS MUST be more vigilant than ever in the face of clever, and even deceptive, marketing tactics. Of course, there are consumer protection laws intended to discourage misleading advertising, but if no consumer actually files a lawsuit, ads often go unchallenged. For larger corporations that can certainly afford the occasional lawsuit, the payoff is often well worth the risk of running an ad that toes the line. Retailers and salespeople have countless tricks up their sleeves as well, such as the instant markdown, creating a false sense of urgency or scarcity, and decoy pricing.

Between the in-store tricks and sneaky advertising tactics, consumers are struggling to navigate an increasingly aggressive environment. There are subtle ways that advertisements influence consumers, even at the subliminal level. Many ads are designed to fool you, and sometimes it's painfully obvious.

Despite increased regulatory efforts, advertising remains an influential industry whose power frequently goes unchecked. Although many clever ads are totally above board, consumers would be wise to continue to question what they see, hear, and read. Here are seven ways advertisers succeed in fooling consumers.

1. Anthropomorphism

One way that advertisers get our attention is by giving human qualities to non-human objects or beings. Marc Andrews points out that the typeface in the Heineken logo slyly suggests the “e”s are smiling because of the way they are slanted. Though you may not consciously notice it, this small detail can alter brand perception. The World Wildlife Fund also makes use of anthropomorphism, frequently giving animals human characteristics in its advertising to make viewers feel an emotional closeness or empathy with the animal.



2. Social proof

The popularity of consumer review sites and apps is evidence of just how much value today's consumers place

on customer feedback. Brands know this, and they now use Facebook “likes” and other forms of social approval to advertise their products. Marc Andrews, one of the authors of *Hidden Persuasion*, explains that even a claim such as “The majority of people prefer Wonder Bread” can have great influence on human behavior. When companies use social proof in this way, consumers are likely to change their perception quickly, often before it occurs to them to check the claim for legitimacy.



3. Acknowledging resistance

Transparency, or the illusion of transparency, is one way that brands attempt to use consumer resistance to their advantage. As Andrews points out, consumers don't like to be told what to do or what to buy. Some claim advertisers effectively use anti-consumerism or anti-advertising sentiments and turn them against consumers to sell them products. This advertisement for the Hans Brinker Budget Hotel beats the consumer to the punch simply by acknowledging its shortcomings as a low-end lodging option.



4. Reverse psychology

Taking advantage of reverse psychology, a technique largely tied in with acknowledging resistance, involves persuading someone to do what you want by pretending not to want it or by pretending to want something else. The principle is closely related to reactance theory, or the idea that people who feel their control is being taken away will take it back through defiance. For example, Patagonia's cheeky full-page New York Times ad that declared “Don't buy this jacket” helped launch its common threads initiative to reduce the company's carbon footprint and encourage consumers to do the same. In this way,

out of the box

7 TRICKS ADVERTISERS USE TO MANIPULATE YOU INTO SPENDING MORE MONEY



Patagonia used the ad to sell itself as a brand, and that brand is indeed, still in the business of selling jackets.

5. Suggested sex appeal

Matthijs van Leeuwen, another author behind Hidden Persuasion, claims the most prevalent social influence technique advertisers use is sex appeal. Whether it's an ad for men's cologne or a diet product, the suggestion that a product will better your chances of having sex subtly creates a favorable association with that product in consumers' brains, even if they are unaware of it. Ranging from the symbolic to the overt, sexual suggestiveness in advertising goes back to ads for saloons in the 19th century.



6. Misleading visuals

An infographic from FinancesOnline shows just how different an advertisement can be from reality, from fast food to hotels to products directly marketed to children. Techniques for presenting food can include spraying



grapes with hairspray to create an illusion of freshness, using mashed potatoes in place of ice cream, and coloring hamburgers with brown shoe polish. Photoshopping

models, a practice that has become standard, may not seem particularly dangerous, but the American Medical Association claims this practice seriously threatens the health of adolescents.

7. Online and in-store tracking

Many Internet users are now familiar with retargeting and other online advertising techniques in which consumers' personal data is gathered in order to study audience demographics or serve ads specifically tailored to individual consumers. These tracking methods, which often require that consumers opt-out rather than opt-in, also extend to the physical world. Some retailers have taken gleaning customer data to a new level by 'tracking shoppers eye movements or spying on them with cameras hidden in mannequins.



The Best Advertisement Examples (And What Made Them Successful)

Nike: Just Do It.

Did you know that, once upon a time, Nike's product catered almost exclusively to marathon runners? Then, a fitness craze emerged -- and the folks in Nike's marketing department knew they needed to take advantage of it to surpass their main competitor, Reebok. (At the time, Reebok was selling more shoes than Nike). And so, in the late 1980s, Nike created the "Just Do It." campaign. It was a hit.

In 1988, Nike sales were at \$800 million; by 1998, sales exceeded \$9.2 billion. "Just Do It." was short and



sweet, yet encapsulated everything people felt when they were exercising -- and people still feel that feeling today. Don't want to run five miles? Just Do It. Don't want to walk up four flights of stairs? Just Do It. It's a slogan we can all relate to: the drive to push ourselves beyond our limits.

The Lesson

When you're trying to decide the best way to present your brand, ask yourself: What problem are you solving for your customers? What solution does your product or service provide? By hitting on that core issue in all of your messaging, you'll connect with consumers on an emotional level that is hard to ignore.

Coke: Share a Coke

Big brands are often hard-pressed to do something ground-breaking when they're already so big. So, what did Coca-Cola do to appeal to the masses? They appealed to individuals -- by putting their names on each bottle.

The Share a Coke campaign began in Australia in 2011, when Coca-Cola personalized each bottle with the 150 most popular names in the country. Since then, the U.S. has followed suit, printing first names across the front of its bottles and cans in Coke's branded font. You can even order custom bottles on Coke's website to request things like nicknames and college logos.

It was a breaking story across the marketing and advertising industry. Many consumers were enchanted by it, while others were confused by it -- why make a temporary item so personal? Pepsi even released counter-ads shortly after the campaign launched.

Nonetheless, Coke received immediate attention for it.

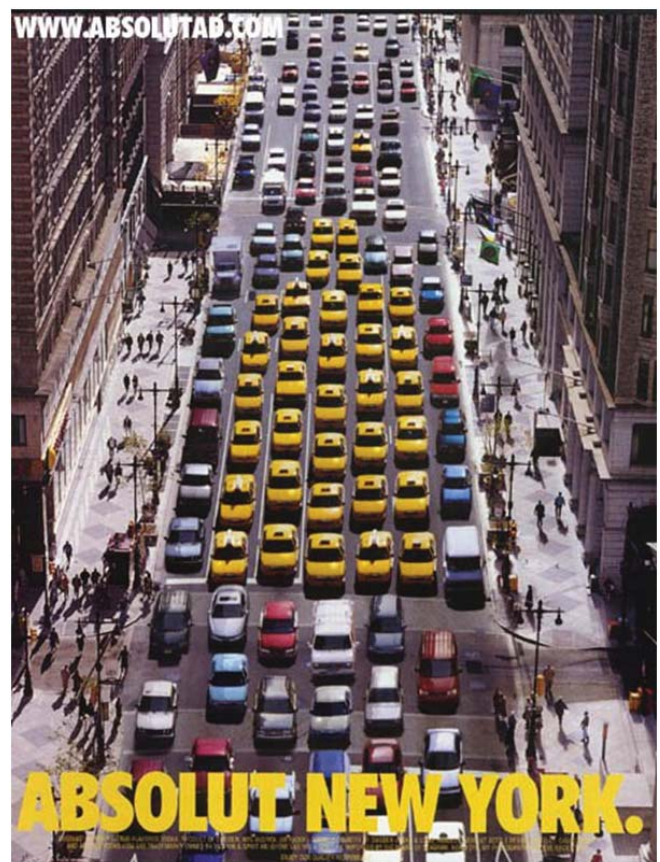
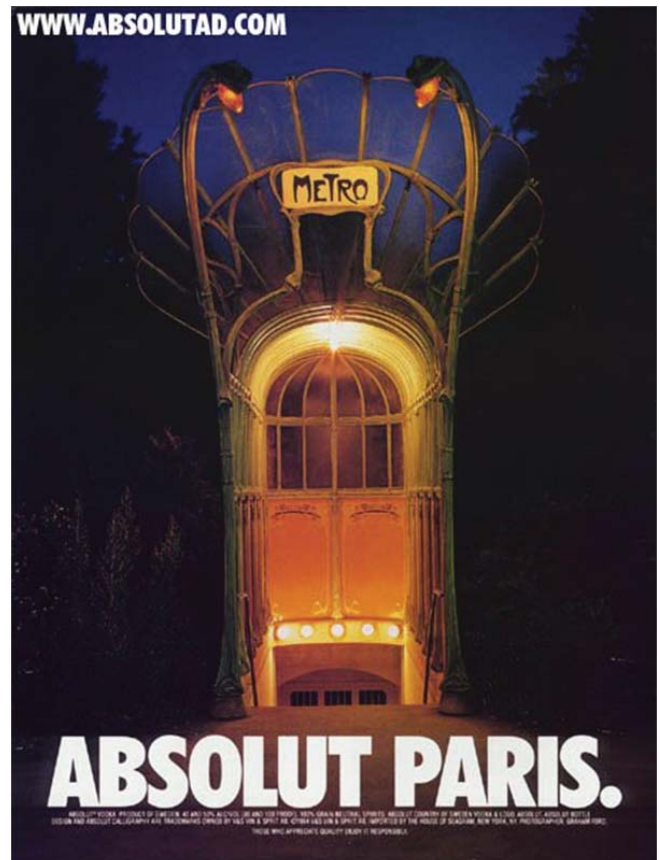


The Lesson

Coke fans are regular buyers, and the company leaned into that sense of individual ownership with full force. Wondering what name you'll get out of the vending machine was a fun thrill in and of itself -- even if it isn't yours, it encourages you to "share a Coke" with whomever's name is on the front.

Absolut Vodka: The Absolut Bottle

Despite having no distinct shape, Absolut made its bottle the most recognizable bottle in the world. Its campaign,



out of the box

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which featured print ads showing bottles "in the wild," was so successful that they didn't stop running it for 25 years. It's the longest uninterrupted ad campaign ever and comprises over 1,500 separate ads. I guess if it ain't broke, don't fix it.

When the campaign started, Absolut had a measly 2.5% of the vodka market. When it ended in the late 2000s, Absolut was importing 4.5 million cases per year, or half of all imported vodka in the U.S.

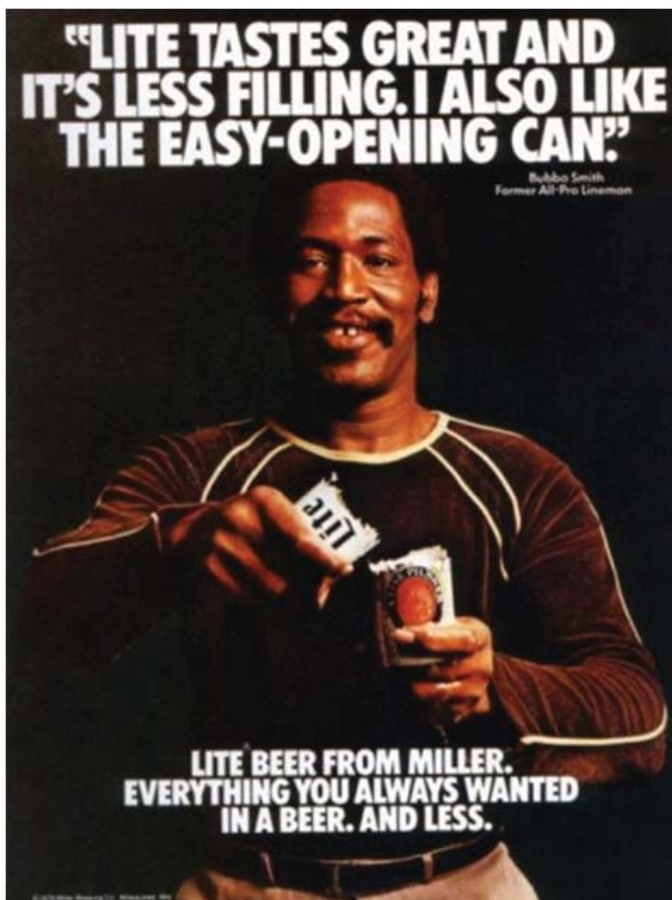
The Lesson

No matter how boring your product looks, it doesn't mean you can't tell your story in an interesting way. Let me repeat: Absolut created 1500 ads of one bottle. Be determined and differentiate your product in the same way.

Miller Lite: Great Taste, Less Filling

Think it's easy to create a whole new market for your product? The Miller Brewing Company (now MillerCoors) did just that with the light beer market -- and dominated it. The goal of the "Great Taste, Less Filling" campaign was getting "real men" to drink light beer, but they were battling the common misconception that light beer can never actually taste good.

Taking the debate head-on, Miller featured masculine models drinking their light beer and declaring it great tasting.



The Lesson

For decades after this campaign aired, Miller Lite dominated the light beer market it had essentially created. What's the lesson marketers can learn? Strive to be different. If people tell you there isn't room for a product, create your own category so you can quickly become the leader.

Volkswagen: Think Small



Many marketing and advertising professionals like to call Volkswagen's "Think Small" campaign the gold standard. Created in 1960 by a legendary advertising group at Doyle Dane & Bernbach (DDB), the campaign set out to answer one question: How do you change peoples' perceptions not only about a product, but also about an entire group of people?

See, Americans always had a propensity to buy big American cars -- and even 15 years after WWII ended, most Americans were still not buying small German cars. So what did this Volkswagen advertisement do? It played right into the audience's expectations. You think I'm small? Yeah, I am. They never tried to be something they were not.

The Lesson

That's the most important takeaway from this campaign: Don't try to sell your company, product, or service as something it's not. Consumers recognize and appreciate honesty.

Dos Equis: The Most Interesting Man in the World

You know who he is. He smokes Cuban cigars, is always surrounded by beautiful women, and -- most importantly -- he drinks Dos Equis beer.

A key component of a strong campaign for an indulgent vice -- like beer, desserts, or luxury items -- is to make it cool. And when it comes to The Most Interesting Man in the World, he's one of the coolest commercial guys there is.

And at the end of every commercial, he says: "I don't always drink beer, but when I do, I prefer Dos Equis. Stay thirsty my friends."



The Lesson

The hilarious hyperbole employed in this campaign makes it memorable the next time viewers head out to buy some beer. And even though Dos Equis recently replaced The Most Interesting Man with a new actor, he is forever immortalized in meme culture and in liquor stores due to this short, sweet, and memorable tagline -- and the cool dude vibe it makes viewers harken back to.

California Milk Processor Board: Got Milk?

Thanks to the California Milk Processor Board's "Got Milk?" campaign, milk sales in California rose 7% in just one year. But the impact ran across state borders, and to



this day, you still can't escape the millions of "Got [Fill-in-the-Blank]?" parodies.

Note, though, that the ad didn't target people who weren't drinking milk; it instead focused on the consumers who already were.

The Lesson

It's not always about getting a brand new audience to use your products or services -- sometimes, it's about getting your current audience to appreciate and use your product more often. Turn your audience into advocates, and use marketing and ad content to tell them why they should continue to enjoy the product or service you are already providing for them.

Clairol: Does She or Doesn't She?



The first time Clairol asked this question in 1957, the answer was 1 to 15 -- as in, only 1 in 15 people were using artificial hair color. Just 11 years later, the answer was 1 of 2, according to TIME Magazine. The campaign was apparently so successful that some states stopped requiring women to denote hair color on their driver's license. When your ad campaign starts changing things at the DMV, you know you've hit a nerve.

Clairol did the opposite of what most marketers would do: They didn't want every woman on the street running around saying they were using their product. They wanted women to understand that their product was so good that people wouldn't be able to tell if they were using it or not.

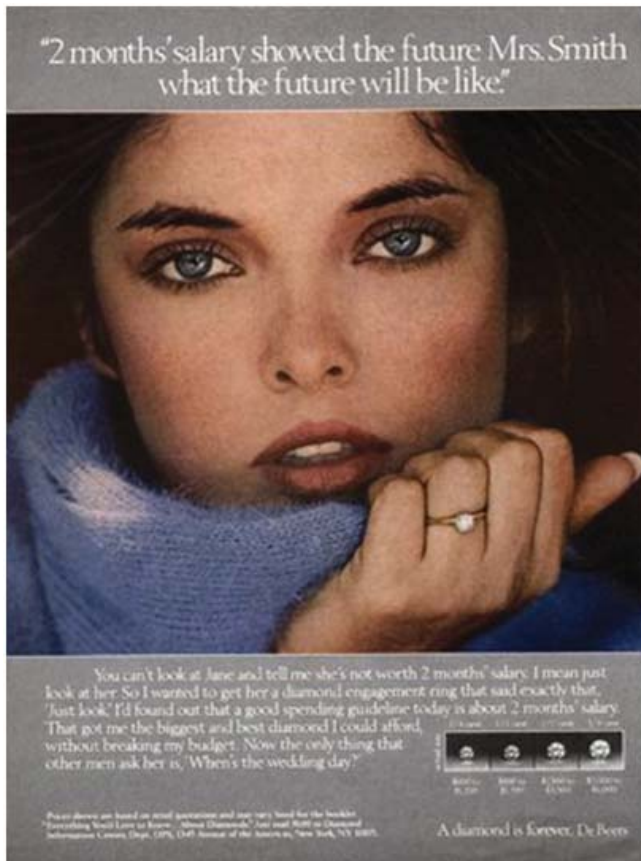
out of the box

\\ 7 TRICKS ADVERTISERS USE TO MANIPULATE YOU INTO SPENDING MORE MONEY

The Lesson

Sometimes, simply conveying how and why your product works is enough for consumers. Showing becomes more effective than telling.

De Beers: A Diamond is Forever



In 1999, AdAge declared De Beers' "A Diamond is Forever" the most memorable slogan of the twentieth century. But the campaign, which proposed (pun very much intended) the idea that no marriage would be complete without a diamond ring, wasn't just riding on the coattails of an existing industry. De Beers actually built the industry; it presented the idea that a diamond ring was a necessary luxury.

According to the New York Times, N.W. Ayer's game plan was to "create a situation where almost every person pledging marriage feels compelled to acquire a diamond engagement ring."

The Lesson

Advertising can make a relatively inexpensive product seem luxurious and essential.

Old Spice: The Man Your Man Could Smell Like

The very first part of Old Spice's "The Man Your Man Could Smell Like" campaign, created by Wieden + Kennedy and launched in February 2010, became a viral success practically overnight.



That video has over 51 million views as of this writing. Several months later, in June 2010, Old Spice followed up with a second commercial featuring the same actor, Isaiah Mustafa. Mustafa quickly became "Old Spice Guy," a nickname Wieden + Kennedy capitalized on with an interactive video campaign in which Mustafa responded to fans' comments on Facebook, Twitter, and other social media websites with short, personalized videos.

In about two days, the company had churned out 186 personalized, scripted, and quite funny video responses featuring Mustafa responding to fans online. According to Inc, these videos saw almost 11 million views, and Old Spice gained about 29,000 Facebook fans and 58,000 new Twitter followers.

"We were creating and sending miniature TV commercials back to individual consumers that were personalized, and we were doing it on a rapid-fire basis," Jason Bagley, creative director at Wieden + Kennedy and a writer for the campaign, told Inc. "No one expects to ask a question and then be responded to. I think that's where we broke through."

The Lesson

If you find your campaign's gained momentum with your fans and followers, do everything you can to keep them engaged while keeping your messaging true to your brand's voice and image.

16. Wendy's: Where's the Beef?



Is it enough to say this campaign was successful because it featured a giant hamburger bun and a cute set of old ladies? No? I didn't think so.

Wendy's took a more gutsy approach in this advertising campaign: It targeted its competitors. The simple phrase "Where's the beef?" was used to point out the lack of beef in competitors' burgers -- and it quickly became a catchphrase that encapsulated all that was missing in their audience's lives.

While you can't predict when a catchphrase will catch on and when it won't, Wendy's (wisely) didn't over-promote their hit phrase. The campaign only ran for a year, and allowed it to gently run its course.

The Lesson

Be careful with your campaigns' success and failures. Just because you find something that works doesn't mean you should keep doing it over and over to the point it's played out. Allow your company to change and grow, and you may find that you can have even greater success in the future by trying something new.

Procter & Gamble: Thank You, Mom

Procter & Gamble (P&G) has launched some of the best ads we've ever seen from the consumer goods industry.

That's because P&G identified the story behind the story of Olympic athletes -- the stories of the supportive moms who pushed these world-class athletes throughout their entire lives leading up to that crowning moment. And yes, they probably had to do a lot of laundry and cleanup along the way -- presumably using P&G products.

The Lesson

Make your audience cry (just kidding). The season or time period of your ad is important. But even if you run an ad during the Olympic Games, like P&G did, make sure it has longevity, and a message that can influence people no matter when or where they see it.

Emotional and nostalgia marketing are powerful tactics to get people to make buying choices, so if there's a bigger, more universal story behind your product or story, tap into it -- and showcase it front-and-center.



Indian Ads That Made A Mark

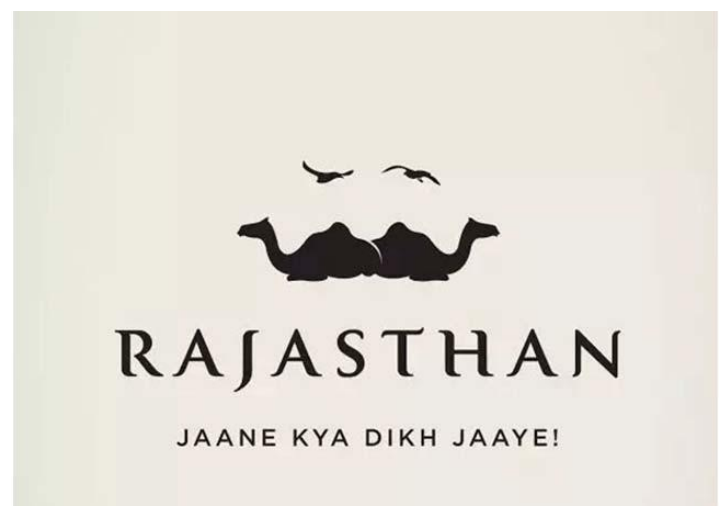
1. TIDE : This one stands out.



2. Nissan's clever utilization of the ad space.



3. From camels to the moustache, see it however you want. This Rajasthan tourism ad captures the essence of the state.



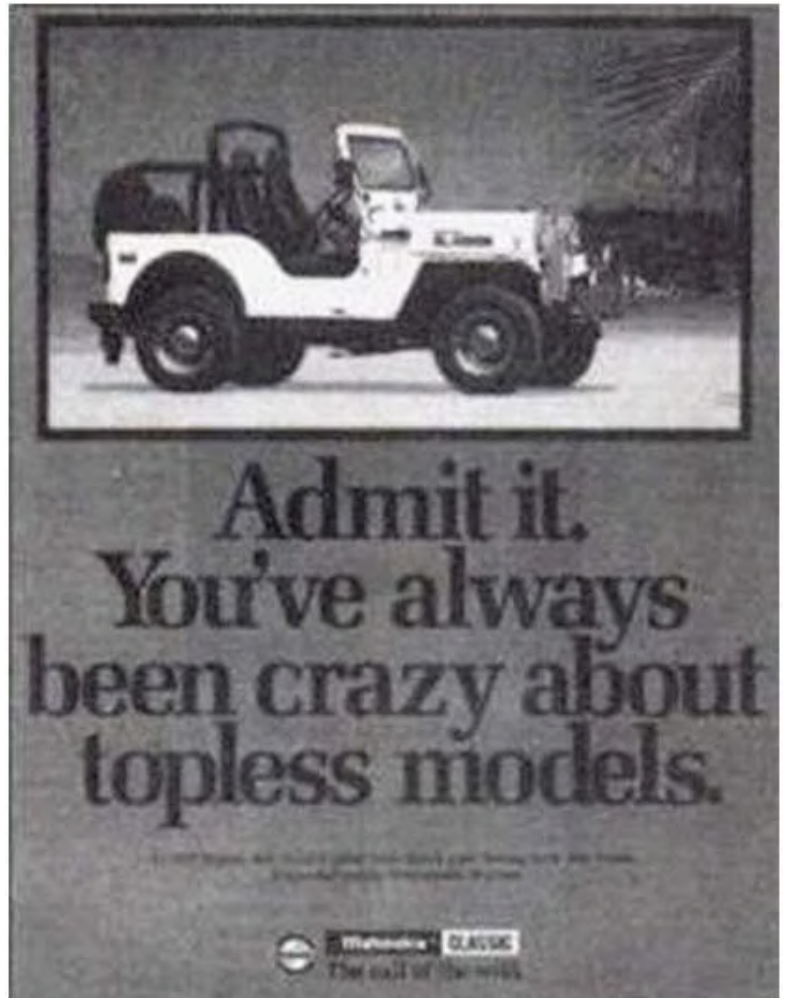
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7 TRICKS ADVERTISERS USE TO MANIPULATE YOU INTO SPENDING MORE MONEY

4. Imagine if people followed this.



6. No one's contesting this.



5. This ad couldn't have blended in better.



7. Fevicol's ads stay with you.





Advertising Standard Council of India (ASCI)

IN INDIA, AS in several advanced economies, there is only one body for Self-Regulation in Advertising – the ASCI, which is concerned with safeguarding the interests of consumers whilst monitoring/guiding the commercial communications of Practitioners in Advertising on behalf of advertisers, for advertisements carried by the Media, in their endeavours to influence buying decisions of the Consuming Public.

The Advertising Standards Council of India (ASCI) established in 1985 is a voluntary self-regulatory council, registered as a not-for-profit Company under section 25 of the Indian Cos. Act with the objective of ensuring that all advertising should be legal, decent, honest and truthful along with a sense of social responsibility to the consumer and to the rules of fair competition.

The sponsors of the ASCI, who are its principal members, are firms of considerable repute within industries in India, which comprise of advertisers, media, and advertising agencies and other professional or ancillary services connected with advertising practice. The ASCI is not a Government body, nor does it formulate rules for the public or for the relevant industries.

It has adopted a Code for Self-Regulation in Advertising.

It is a commitment to honest advertising and to fair competition in the market-place. It stands for the protection of the legitimate interests of consumers and all concerned with advertising – advertisers, media, advertising agencies and others who help in the creation or placement of advertisements. As the Code becomes increasingly accepted and observed pro-actively, three things will begin to happen.

- i. Fewer false, misleading claims
- ii. Fewer unfair advertisements
- iii. Increasing respectability

This only means more freedom for an agency to practise their craft or carry on their business effectively. As a member of ASCI, one can mould the course of Self-Regulation and participate in the protection of healthy, effective advertising. One can have a say, through the Board of Governors, in the further development of the Code and future appointments to the Consumer Complaints Council (CCC). Membership of the ASCI (open only to Firms) entitles one to appoint nominee to discharge one's function as a member, including standing for election to the Board of Governors and voting at general meetings.

ASCI encourages the public to complain against advertisements which they consider to be false, misleading, offensive or unfair. All of these complaints are evaluated by an independent Consumer Complaints Council (CCC).

Objectives of ASCI

The main objects to be pursued by the Company on its incorporation are:

To monitor administer and promote standards of advertising practices in India with a view to.

- i. Ensuring the truthfulness and honesty of representations and claims made through advertising and safeguarding against misleading advertising.
- ii. Ensuring that Advertising is not offensive to generally accepted norms and standards of public decency.
- iii. Safeguarding against the indiscriminate use of advertising for the promotion of products or services, which are generally regarded as hazardous to society or to individuals or which are unacceptable to society as a whole.
- iv. Ensuring that advertisements observe fairness in competition and the canons of generally accepted competitive behaviour.
- v. To codify adopt and from time to time modify the code of advertising practices in India and implement, administer and promote and publicize such a code.
- vi. To provide facilities and machinery in the form of one or more Consumer Complaints Councils having such composition and with such powers as may be prescribed from time to time to examine complaints against advertisements in terms of the Code of Advertising practices and report thereon.
- vii. To give wide publicity to the Code and seek adherence to it of as many as possible of those engaged in advertising.
- viii. To print and publish pamphlets, leaflets, circulars or other literature or material that may be considered desirable for the promotion of or carrying out of the objects of the Company and disseminate it through any medium of communication.



Consumer Complaints Council

The Board of Governors shall appoint Consumer Complaints Council, the number of members of which shall not be more than twenty one. Out of these 21 members, 12 are from civil society and nine from advertising practitioners. The CCC decides upon the complaints within a period of 4 to 6 weeks.

The Consumer Complaints Council shall examine and investigate the complaints received from the consumers

and the general public, including the members of the Company, regarding any breach of the Code of Conduct and/or advertising ethics and recommend the action to be taken in that regards.

Power of the Consumer Complaints Council

- i. Each Council shall be entitled to receive complaints from the Board of Governors, the Consumers, the general public and members of the Company.
- ii. Each Council shall enquire, investigate and decide upon the complaints received by it within the framework of the Code of Conduct adopted by the Company.
- iii. All the decisions of each Council shall be by simple majority, in writing and may specify the action to be taken in respect of the offending advertisement.

ASCI propagates its Code and a sense of responsibility for its observance amongst advertisers, advertising agencies and others connected with the

creation of advertisements, and the media.

ASCI encourages the public to complain against advertisements with which they may be unhappy for any reason and ensures that each complaint receives a prompt and objective consideration by an impartial committee Consumer Complaints Council (CCC) which takes into account the view point of the advertiser, and an appropriate decision is communicated to all concerned. ASCI endeavours

to achieve compliance with its decisions through reasoned persuasion and the power of public opinion.

The Role and Functioning of the ASCI & its Consumer Complaints Council (CCC) in dealing with complaints received from consumers and industry, against ads which are considered as false, misleading, indecent, illegal, leading to unsafe practices, or unfair to competition, and consequently in contravention of the ASCI code for self-regulation in advertising.

If an ad is to be reviewed for its likely impact on the sensibilities of individual viewers of TV, or readers of press publications, it is required to convey to the advertiser concerned, the substantial issues raised in the complaint, in the exact context of the specific ad, as conveyed by the perception of the complainant, and to elicit the appropriate response by way of comments from the advertiser.

Only then will the CCC of the ASCI, be in a position to deliberate meaningfully on the issues involved, and to arrive at a fair and objective conclusion, which would stand the scrutiny of all concerned with the right to freedom of expression, and the freedom of consumers to choose the products /services made available to them in the marketplace.

For this it is required to have a clearly readable copy or clipping of the ad under complaint, with full particulars of name and date of publication, or a printout of an ad or promotion on a website or in case of a T.V. Commercial (TVC), the channel, date and time or programme of airing, and a description of the contents of the TVC, along with a hard copy of the complete complaint preferably signed by the complainant.

The ASCI receives and processes complaints against ads, from a cross section of consumers, the general public and Industry, in the interests of all those who rely on advertising as a commercial communication, and this covers individuals, practitioners in advertising, advertiser firms, media, ad agencies, and ancillary services connected with advertising. As a policy ASCI does not disclose the identity of the complainant to the advertiser.

In the case of complaints which were upheld by the CCC during the past year, over 80% of such ads have been withdrawn or modified appropriately by the advertisers or ad agencies involved, and the concerned media have also confirmed that they would not carry such offending ads/TVC.

The Advertising Standards Council of India (ASCI) became more powerful after a Government notification in The Gazette of India: Extraordinary {Part II – sec. 3(i)}, on 2 August 2006 by which TV commercials must abide by the Advertising Standards Council of India (ASCI) code. ASCI has now sought the support of the associations concerned such as Indian Broadcasting Foundation (IBF) to persuade TV channels to adhere to ASCI's code as well as implement the decisions of its CCC in this regard. Many of the advertisers/channels have confirmed in writing to have forthwith complied with the decisions of CCC, either by withdrawing or modifying appropriately the subject advertisements.

The code brings into its purview all those advertisers, advertising agencies, media or such other individuals who commission, create, place or publish any advertisement or assist in the creation or publishing of any advertisement which is in contravention of this Code and applies to advertisements read, heard or viewed in India even if they originate or are published abroad so long as they are directed to consumers in India or are exposed to significant number of consumers in India.

The Code is divided into IV chapters and the onset of it defines "advertisement", "product", "consumer", "advertiser", "advertising agency", "media", etc. The Code not only includes all form of paid- for communication, addressed to the Public or a section of it but does not exempt even those form of communication which is carried free-of-charge for any reason in the normal course which is recognized as an advertisement by the general public. Hence, advertisers or advertising agency or media or any such related person cannot defend himself/itself from the purview of the Code on the ground that he/it was not indulged in a communication for commercial promotion of any product and the communication was meant only for general reference.

ASCI and its reach on Pharmaceutical/ Allied health care Industry

ASCI has upheld innumerable complaints in the category of Pharmaceuticals companies and Healthcare sector held for violation of the Code.

In an advertisement of the pain relief ointment Volini, Ranbaxy Laboratories Ltd. claimed as "99% doctors have used Volini to relieve their pain" and "Volini No.1 doctors' prescribed pain reliever since last 12 years".



Dabur India Ltd's Dabur Chyawanprash print ad claimed that "Dabur Chyawanprash provides 3 times more immunity", "Helps improve the ability to fight illness by 3 times", "ONLY Dabur Chyawanprash provides immunity".



In the above matters, the advertiser was not able to substantiate the claim with necessary support and data and the ad were considered as contravention of the Code.

The National Advertising Monitoring Service (NAMS)

In order to maintain a track on misleading advertisements which harm the interests of consumers, ASCI announced an initiatives of a mechanism called National Advertising Monitoring Service (NAMS) which will work in partnership with TAM Media Research and will identify advertisements which are in potential violation of Chapter 1 of ASCI Code and will monitor ads in the sectors covering Auto, Banking, Financial Services & Insurance, FMCG (including F&B), Consumer Durables, Educational Institutions, Health Care Products & Services, Telecom and Real Estate sectors. The scope of work will cover the tracking of more than 30 newspapers (all editions) which contribute to over 80 per cent of national newspaper readership and all TV channels in all Indian languages. The mechanism will work on three-fold steps initiating from tracking advertisements that is seen as being potentially violating Chapter 1 of ASCI Code which will then be forwarded to ASCI on a weekly basis, post which ASCI would process them according to its normal complaint procedure involving its Consumer Complaints Council (CCC) for adjudication.

Keeping in view the initiatives undertaken by ASCI in the recent past and irrespective of the fact that the Code introduced by ASCI is voluntary in nature, the advertisers ought to give regard to such Code at the time of publishing their advertisements since if any advertiser fails to comply with the CCC decision in writing on a complaint upheld against a Press Ad, the ASCI has option to inform the Press Council of India and Ministry of Information & Broadcasting about the print Ad contravening the ASCI Code and such action may dent the reputation of the concerned advertiser. ▶

Be the Power or Be the Puppet

You have the right to
honest, safe, decent
and fair advertisements.

If you let go off
your rights
you may find yourself
to be a puppet to
misleading claims.

**Spot objectionable ad?
Complain to ASCI
through**



7710012345



ASCI



HONESTY



DECENCY



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FAIRNESS

So you can trust advertising

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Department of Consumer Affairs

Ministry of Consumer Affairs, Food & Public Distribution
Government of India

Grievances Against Misleading Advertisements (GAMA)

The Department of Consumer Affairs (DoCA) is one of the two Departments under the Ministry of Consumer Affairs, Food & Public Distribution. The mandate of the Department is consumer advocacy. In its endeavour to address the problem of misleading advertisements, the Department of Consumer Affairs has launched this portal for registering online complaints for Grievances Against Misleading Advertisements (GAMA).

Tackling Unfair Trade Practices and Misleading Advertisements requires mobilization of all agencies viz. State Governments, Voluntary Consumer Organizations (VCOs), Advertisement Standards Council of India (ASCI), Indian Institute of Public Administration (IIPA) and various Regulators of the Central Government.

The focus will be on Six Key Sectors viz. Food & Agriculture, Health, Education, Real Estate, Transport and Financial Services. Regulators for each of these sectors will be key partners in the success of the effort to prevent the problem.

AYUSH renews their MoU with ASCI for a second term.



L to R: **Dr. Rachna Paliwal**, Research Officer, Ministry of AYUSH; **Dr. Dinesh Chand Katoch**, Advisor (Ayurveda), Ministry of AYUSH; **Sheila Tirkey**, Under Secretary, Ministry of AYUSH; **Shweta Purandare**, Secretary General, ASCI; **Vinod Berry**, Chief Administrative Officer, ASCI; **Dr. Pradeep Dua**, Research Officer, Ministry of AYUSH;

Department of Consumer Affairs (DoCA) and ASCI's partnership under an MoU continues for a fourth successive year.



L to R: **S. Chakraborty**, S.O. - DoCA; **G.C. Rout**, D.S. - DoCA; **Shweta Purandare**, Secretary General - ASCI; **Amit Mehta**, J.S. - DoCA; **Vinod Berry**, Chief Administrative Officer - ASCI

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INDIAN HEALTHCARE ADVERTISING

No More Playing Second Fiddle



From communicating to doctors and now engaging with consumers, Indian health advertising agencies have come a long way, bringing highest accolades for the country at international awards. What makes this segment standout?

FROM FREELANCERS CREATING

mere designs for health brand managers to exclusive professionals doing life-changing creativity and purposeful advertising, healthcare advertising agencies have evolved and are no more considered poor cousins of their mainline counterparts. The Indian healthcare creative agencies have in fact become the face of the nation's creative industry.

The creative work coming out of India for healthcare, wellness and pharmacy brands is making the global advertising fraternity standup and notice. The Indian agencies are no more playing second fiddle to the west.

Some great work has been showcased by Indians at the world's biggest advertising festival, Cannes Lions, in the recent past. This year, TBWA\India fetched Health Grand Prix for Good for 'Blink to Speak'. Last year, McCann Health won a Grand Prix for Good in the Pharma category for 'Immunity Charm' along with other Lions at the festival. The campaign also won at other international festivals. In 2016, Medulla Communications, an independent healthcare agency, was named the healthcare agency of the year.

Experts feel as the healthcare industry has evolved in India to become a global force, so has the advertising for the sector. The reason they say that the creative work in the sector is path-breaking is because healthcare ads require a lot of emotional appeal and that's where India-based agencies ace.

Healthcare has become one of India's largest sectors both in terms of revenue and employment. During 2018-22, the market is expected to record a CAGR of 16.28 per cent. The total industry size is expected to touch \$372 billion by 2022.

Given the massive size of business, several agencies have already launched their separate set-ups to take care of clients in the sector.

Daleep Manhas, Senior Vice-President and Country Head, McCann Health, said, "Like any



other new idea or practice, healthcare advertising in India took time to grow roots. I think healthcare advertising is at a vantage point today. It is coming of age, where the best of creative and business minds are coming together to change its communication principles in fundamental ways. I believe that it is an exciting time to be in this industry because from this point it is only going to get better."

The whole healthcare marketing environment has changed with the advent of epharma and newer devices. The way communication is designed in the health category has also evolved due to the advent of digital, which gave rise to channels like Medinfi, Docplexus and 1mg, which are more niche and talking to doctors and consumers through digital platforms.



Rana Bawa, President, Healthcare and PR, Ogilvy India, said, "Earlier, consumer healthcare advertising was driven by Chyavanprash. Now OTC (over-the-counter) brands have raised themselves. A lot of pharma players are investing massively in OTC advertising. So when the brands moved focus from doctors to consumers, obviously they brought in a whole lot of changes and that meant agencies also evolved."

Agencies launching healthcare wings to cater rising demand

Given the high flow of business in the segment, several agencies have launched specialised set-ups for creative work.

McCann Worldgroup was the first network agency to launch its own healthcare set-up, McCann Health, in India, followed by Ogilvy, FCB, Mudra and others who opened their own healthcare wings.

"It was imperative because a large chunk of the market such as pharmaceutical companies, medical devices makers and health products manufacturers were left behind due to a focus on consumer products' advertising and advertising agencies catering to its needs," said Manhas.

Before that, it was majorly freelance work that was happening and a few independent agencies among which Sorento could sail through and finally got acquired by Havas last year.

Sangeeta Barde, Havas Life Sorento, said, "It was a very exciting and challenging journey to run Sorento independently. We started at a time when very few organisations existed; there were more of freelance operators, small mom and pop shops. Despite being independent, we ran it very professionally."

A few years ago, Praful Akali, the former Ranbaxy and Pfizer marketer, launched his own independent health agency set up to cater to the gap existing in the healthcare advertising system. He said, "I figured out that the mainline creatives were not getting healthcare and the healthcare people were just not getting mainline. While healthcare advertising people were calling themselves healthcare advertising agencies, the work they were doing was typically a design work."

"Healthcare is a very high involvement category and the marketing funnel is much longer where you need to move the consumer through the entire leg of the journey step by step. Mainline agencies were not getting this. Therefore, I thought of starting my own agency," added Akali.

High regulations and lack of talent make healthcare advertising challenging

One needs a good mix of talent that understands the medical science along with creativity and it's not easy to find this mix.

Sudhakar Gayakwad, Vice-President, FCB Health, said, "Healthcare needs people with special skill sets, which includes a unique combination of pharma healthcare and marketing. Therefore, talent is difficult to come by."

Barde said, "One needs a passion for healthcare, especially for healthcare writers and designers. Moreover, health understanding is necessary for healthcare planners, strategists and servicing."

A lot of people aspire to join the creative industry, but not many aspire to join a health advertising agency. Bawa said, "It is still not very easy to attract the best of talent. We haven't reached that level where people seamlessly say that they want to join healthcare advertising but it is growing. The challenge of talent has somewhat got mitigated because of the fact that people have got the opportunity to do some great work. This will foster the growth of people joining health advertising."

Explaining why young talent do not find healthcare agencies lucrative enough to join, Manhas said, "Because most of the work happens in the regulatory category – people are wary of joining, as work doesn't often go out in the world. Finding people who have domain understanding as well as an understanding of communications is a big challenge we face. The value of strategic thinking is not appreciated because healthcare work is thought to be fact-led and hence doesn't need strategic thinking."

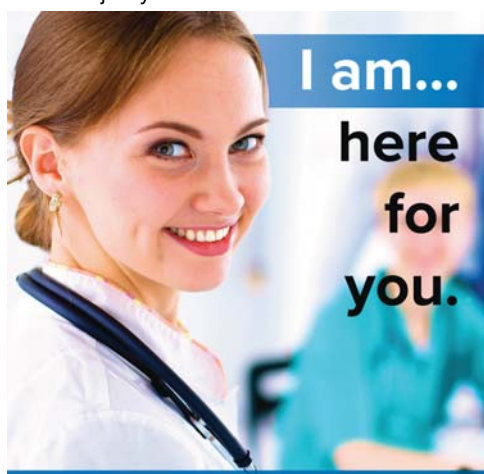
Brands not spending enough money on agency partners

Though the industry is growing annually at 16%, advertising and

marketing spends haven't increased at the same pace. The healthcare agencies are paid less in comparison to the mainline ones. But with the advent of digital, things have started looking a little better in the kind of storytelling and creativity we are seeing in these times.

Bawa said, "Pharma doesn't recognise the value of communication in their marketing mix or pharma has not been able to leverage the value of communication in their marketing mix. It is still very dependent on relationship and reps."

Pointing out the reasons for brands not spending much money on their agency partners, Barde said, "A majority of the healthcare brands still



depend on their field force to generate prescriptions/sales and hence major investment goes there. Additionally, investment in scientific content development is also high and hence the actual spending on health creative partners is lower."

Giving a very logical rationale behind not much investments in pharma and health advertising, Manhas said, "Pharma can't advertise on mass media, and hence, the work produced is more for company-doctor interactions. The project fees and retainers are also less. Most of the pharma companies work with local vendors and not with network agencies, hence, benchmarking concerning retainers is very different."

He said, "Only a handful of pharma companies understand the value an advertising agency can bring on board as compared to a local sweatshop. Opening up of

marketing excellence departments in many pharma companies is a boon for us and has helped us get a foot in the door."

Back then, a whole lot of brand marketers were taken from the pharmaceutical background and have always looked upon science as their need and they talked the language of doctors, which tend to become boring for the consumers most of the times. Bawa said, "Not people only from pharma as the background, but MBAs and graduates from premium institutes are coming on board, who have read brand building and are, therefore, increasingly giving more space to agencies."

He said, "Agencies have to assert themselves that after spending so much of time, we know the game and listen to us and derive value rather than instruct us. There is a mass improvement on that axis also."

Making an important point, Akali said that it is important for healthcare brand marketers and creative agencies to understand the need to work with healthcare consumer specialists than approaching mainline advertising agencies for communicating with the consumers. He said, "Traditionally, health care agencies have been able to make a dent in the pharma space, but not in the consumer space. Biggest brands like Apollo are still working with the consumer advertising agencies and not the healthcare advertising agencies as there is a sense that consumer healthcare advertising is best managed by consumer advertising agencies and they don't need healthcare specialists for that. Consumer healthcare advertising requires specialists and no one was getting it, which is why I set up Medulla."

Gayakwad thinks that just like the mainline agencies have an organisation like Ad club to support them, the healthcare creative agencies should also come together to form an organisation. "The organisation can help manage industry remuneration and pitches. If we all come together, we might contribute to the talent pool and some courses going forward." ▶

Strife Between The Advertising Industry And The Fastidious Indian Consumer

"Advertising is legalized lying"

– H.G Wells

ADVERTISING INDUSTRY IS

the second fastest growing industry, both in Asia and in India. Over the time, it has evolved from being a small scale business into a large scale industry. There is no doubt that advertising is now a

key player in global trade and commerce, hence there have been speculations regarding the ambit of advertising and where it tips the line to be unfair trade practice. The exposure and frolicking reach of advertisements in all its varied forms i.e. Print, Television and Digital was unprecedented to many. The purpose of this article is to put forth the expanse and global impact of advertising in the current scenario, its potential growth in the coming times and the consumer's perception of the same.

Global Sketch on Advertising

It would be factually appropriate and correct to state that advertising is now a billion dollar industry. Consumer trust in advertising mirrors to a certain extent the amount of money invested in different advertising mediums, every second person says they trust TV ads and e-mails they signed up for. Television has been the most relevant medium for advertising despite the advent of digital video providers like Netflix. Despite the fact that television industry has undergone a sea change over the last few



years and it continues to maintain its importance in the field of advertising. Surprisingly, other types of online advertisements (which include the much hyped ads on social media) score much lower, with

only one in every three consumers trusting online video or display ads. One reason for it can be that Television is the most powerful means to send a message and the audience it reaches is wider than digital media. Statistics depict that the advertising industry spending worldwide is growing at lightening speed. In 2009, the expenditure worldwide was roughly 350 billion US dollars, which was expected to rise to 500 Billion US Dollars in 2017 and sky rocket to a whopping 600 Billion US Dollars by 2019. The statistics further display that the growth rate of advertising spending from 2013 to 2017 has grown by 4.4 % but there will be a lull in it by .2% in 2019.

Statistics also display that in 2015, personal recommendations were the most trusted form of advertising with 83% of respondents stating that they somewhat or completely trusted recommendations they got from friends and acquaintances. In 2015, 66% of the respondents claimed to rely on Consumer opinions posted online for products and services establishing it as another significant medium for advertising.

Advertising & Marketing in India

Keeping in view the Digital India dream of P.M. Modi, the Indian Government has extended tremendous support to the advertising and marketing industry. The government has announced initiatives to push digitization in rural areas which will connect more people on the internet. The mammoth rise of advertising expenditure is likely to have a significant impact on the financial sector, resulting in change of policies by the Reserve Bank of India (RBI) which could result in a more favorable work environment for multinational companies investing in marketing and advertising. Also, proposed licenses for new banks and better market sentiments render the advertising and marketing industry fertile.

Print contributes a significant portion to the total advertising revenue, accounting for almost 41.2 per cent, whereas TV contributes 38.2 per cent, and digital contributes 11 per cent of the total revenue. Outdoor, Radio and Cinema make up the balance 10 per cent. India's digital advertisement market is expected to grow at a compound annual growth rate (CAGR) of 33.5 per cent to cross the Rs 25,500 crore (US\$ 3.8 billion) mark by 2020.

The Internet's share in total advertising revenue is anticipated to grow twofold from Eight per cent in 2013 to 16 percent in 2018. Online advertising, which was estimated at Rs 2,900 crore (US\$ 435 million) in 2013, could jump threefold to Rs 10,000 crore (US\$ 1.5 billion) in five years, increasing at a compound annual rate of 28 per cent.

Judicial stance on Advertisement

On perusal of the data provided above, it's observed that the Multi National Companies around the globe are making humongous investments for advertising and marketing. Subsequently, the National Consumer Redressal Commission and the State Consumer Forums have seen a rise in cases pertaining to puffery and hyperbole in advertisements.

In Colgate Palmolive Company & Anr V/s Hindustan Unilever Ltd reported at 206(2014) DLT 329, the Hon'ble High Court of Delhi held, that a certain amount of disparagement is implicit and as long as the advertisement is limited only to puffing, there can be no actionable claim against it. Also the law laid down by the

Hon'ble Delhi High Court in Dabur India Ltd. V/s Colortek Meghalaya Pvt. Ltd. and Godrej Sara-Lee reported at 167(2010) DLT 278, that, what the courts need to consider in such cases is whether the impugned advertisement is "by and large truthful" and that an advertiser must be given enough room to play around in the grey areas in the advertisement brought out by it and that the plaintiff ought not to be hypersensitive.

Further, in Marico Ltd. V/s Adani Wilmar Ltd reported at CS (OS) Nos. 246 and 319 of 2013, It was held that in determining meaning of an advertisement, the Court has to take into account fact that the public expects a certain amount of hyperbole in advertising and test to be applied by the reasonable man would take claim being made as one made seriously. In this courts opinion comparative advertising is legal and permissible as it is in interest of vigorous competition and public enlightenment. Moreover failure to point out a competitor's advantage is not necessarily dishonest.⁵

A notable judgment reported in McDonalds Hamburgers Ltd. Burger king (UK) Ltd. [1987] F.S.R 112 warned that, advertisements are not to be read as if they were some testamentary provisions in a will or a clause in some agreement with every word being carefully considered and the words as a whole being compared.

Lastly in Monopolies and Restrictive Trade Practices Commission observed in McDowell and Co. Ltd V/s Unknown reported at 7 February 1997, that an element of humor or hyperbole contained in advertisement cannot be held to be a misrepresentation but its just a matter of "puffing up".

Conclusion

On scrutiny of the statistics provided above, it would be safe to say, that the colossal expenditure in advertising has a significant impact on a global platform and this is anticipated to rise in the near future. The consistent growth of the advertising industry has made the Indian Consumer more aware and knowledgeable of various market trends. If India's digital advertisement market is expected to cross the US \$3.8 Billion mark by 2020, one can imagine the ascend in consumer complaints our forums will experience. Further, the perceptiveness of the Indian and Foreign Courts exhibits its acknowledgement and true understanding of the Advertising Industry. As observed, the precedent does not state that advertisements are to be liberated and succored but instead appreciates the varied traits of an advertisement.

Can an advertisement be rigid and inexpressive in its representation? It cannot. The essence of an advertisement is in its humour and hyperbole, along with puffery being a necessary and accepted element for any advertisement. The primary characteristic of an advertisement is its creativity. Creativity which does not entail false information or false projection of goods and services but rather fuels the purpose of being eye-catching for the Consumer. Lamentably, the nature of an Indian consumer has become scrupulous and finicky. ▶



The Consumer Protection Bill, 2018



Consumer Affairs Minister **Ram Vilas Paswan** introduces a new Consumer Protection Bill in the Lok Sabha on Jan. 5, 2018

RESTORING CONSUMER SOVEREIGNTY



The Consumer Protection Authority can impose a penalty extending to Rs 10 lakh, and a further penalty of up to Rs 50 lakh for every subsequent contravention.

WHEN CONSUMER AFFAIRS Minister Ram Vilas Paswan introduced a new Consumer Protection Bill in the Lok Sabha on January 5, 2018, it might have sent a few shivers down manufacturers, traders, advertisers, and endorsers' spines in the country on an already cold January day. The Bill will replace the existing act of 1986, and is aimed at providing protection of interest for consumers.

Some of the highlights of the Bill were the consumer protection authority, product liability, and implications for advertisers and endorsers on misleading advertisements.

About misleading advertisements Chapter III, 21, of the Bill says :

21. (1) Where the Central Authority is satisfied after investigation that any advertisement is false or misleading and is prejudicial to the interest of any consumer or is in contravention of consumer rights, it may, by order, issue directions to the concerned trader or manufacturer or endorser or advertiser or publisher, as the case may be, to discontinue such advertisement or to modify the same in such manner and within such time as may be specified in that order.

Consumer Protection Authority

The bill looks at the creation of a central Consumer Protection Authority to address false or misleading advertisements. The Authority can impose a penalty extending to Rs 10 lakh, and a further penalty of up to Rs 50 lakh for every subsequent contravention.

A misleading advertisement could attract a two-year

imprisonment and a further term of five years for every subsequent violation.

Product Liability

The bill is tough on defective products. If a product has a manufacturing defect or a defect in the design or deviates from manufacturing specifications, both the manufacturer and seller could become liable. It also takes a strong stance on adulteration, and imposes both imprisonment and a fine for storing, selling or distributing or importing products that might have adulterants.

Celebrity endorsement

The bill has provided for a fine of up to Rs 50 lakh for celebrities appearing in misleading advertisements, which, of course, is unlikely to bother the top celebrities since it represents only a fraction of their earnings through endorsements.

Celebrities are not liable to a jail term under the bill and will also be protected by indemnity bonds that they sign with the brands. But the bill does put the onus on celebrities to verify the veracity of the claims regarding the product or service before endorsing the same. If they fail to do so, the celebrity may be prohibited from making an endorsement of any product or service for one year, extendable to three years for every subsequent contravention.

This is very similar to the obligation that Advertising Standards Council of India places on celebrities. The

ASCI code on celebrity endorsements notes that a "celebrity should do due diligence to ensure that all description, claims and comparisons made in the advertisements they appear in or endorse are capable of being objectively ascertained and capable of substantiation and should not mislead or appear deceptive."

What might have seemed to be harsh to them was that celebrities could face up to three years imprisonment for appearing in misleading advertisements. No doubt, agents of celebrities would seek clarification on what exactly is misleading advertising. The Advertising Standards Council of India, the self-regulatory body of the advertising industry, quickly responded on social media with an offer to advise celebrities if an ad is misleading.

Quite simply, misleading means giving the wrong idea or impression about something. In the case of products, if the claims made in advertising are not honest and truthful, it would mean an advertisement is misleading. Anyway, the new act is likely to put the brakes on blindly accepting every brand offer that meets the celebrity's standard fee.

The Bill clarified "misleading advertisements" in Chapter I (28) as under

(28) "misleading advertisement" in relation to any product or service, means an advertisement, which—

- (i) falsely describes such product or service; or
- (ii) gives a false guarantee to, or is likely to mislead the consumers as to the nature, substance, quantity or quality of such product or service; or
- (iii) conveys an express or implied representation which, if made by the manufacturer or seller or service provider thereof, would constitute an unfair trade practice; or

(iv) deliberately conceals important information;

Celebrities are also being careful about how brands affect their own brand equity. The Consumer Protection Act has made celebrities more accountable for the products they endorse over the last few years.

Equally, celebrities have become choosy about the products they endorse for other reasons as well. When Virat Kohli refused to endorse Pepsi last year, he was actually being careful about the repercussions on his own image. Today's celebrities are more watchful of social media, as it has a huge impact on their own personal image.

The Bill, in other words, is a welcome change for consumers in the country, because it looks at their interests more closely than before. And it brings India at par with the developed world on the protection of consumers in the country.

VIEWS FROM THE ADVERTISING FRATERNITY

The advertising fraternity welcomes the proposed Bill that will safeguard the interests of the consumer. "This Bill is also important for the Indian marketplace which has a bad reputation because brands over-promise and under-deliver," said Saurabh Uboweja, founder and CEO Brands of Desire. He added, "Consumers across the board are vulnerable to all kinds of malpractices as a result of which brands and non-brands/manufacturers have a predatory attitude and can get away with pretty much everything. This Bill will act as a tremendous deterrent for a lot of manufacturers when it comes not just to communication but more importantly adulteration of products."



While that is the general feeling among brands and agencies that create the communication for brands, the nuances of the implementation process need further clarity they say. What is misleading, and who defines 'misleading'?

Advertising not only informs but also entertains, pointed out Sudip Ghose, Senior Vice President, Sales and Marketing, VIP Industries. He expressed concern about creativity being curbed by this Bill. Ads tend to take some creative liberties and if they do not harm the consumer, they should be permissible. Therefore, Ghose said, "What is misleading to you may not be misleading to me. This is grey area right now; it has to be formalised. For that you need someone (ASCI) to define what we can do and what we cannot do. ASCI now needs to make very clear and explicit guidelines as to what is allowed and what is not."

The other hurdle with implementation and the concept of misleading is that there is no repository of information where consumers or celebrities can verify claims. "The fundamental requirement for the redressal mechanism to work is greater information," said Karan Kumar, Chief

The Consumer Protection Bill 2018 will also have the power to recall goods that are dangerous, hazardous or unsafe, to discontinue unfair or prejudicial practices, to penalise celebrity endorsers for misleading ads among others.



Marketing Officer, Fab India. He was of the opinion that the Indian marketplace needs an RTI/Wikipedia equivalent which consumers can look up to find information about products and services. "What is the one place where consumers can go and log a question? Many consumers now do that on social media. A lot of brands do respond, but what is the recourse for consumers when brands do not respond? How can the consumer verify that what a brand is claiming is genuine? Even the celebrity cannot verify the

same if the consumer cannot do so," he noted.

However, Kumar added that the new law and the punishment are both welcome. "I do not want the punishment to be watered down. But with a law and punishment like this, my only expectation is that the industry should put up a formal reservoir of knowledge on brands and products where consumers can verify claims. If that platform or network is not in place, none of this will work," he said. ■

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ascionline.org
Dentsu Aegis Network report 2018

DIGITAL BHARAT. DIGITAL AMWAY.

#ABRUKNANAHIHAI



50,00,000
NEFT transactions
processed to Amway Direct
Sellers in a year



Partnership with ITZ prepaid cards

Forged a partnership with
ITZ prepaid cards six years
ago to digitise cash
transactions



ATM

ATM enabled purchases

Bank ATMs enrolled
for Amway product
purchases



95% collections went digital

in November, including
3,00,000 active orders
processed via debit,
credit, ITZ pre-paid cards
& Net Banking

**NACH
PRODUCT**

NACH enabled product purchases

in the North-East



Mandatory KYC

Bank account and
Aadhaar KYC made
mandatory for
appointment as an
Amway Direct Seller



100% digital payments

100% of vendor and
employee payments
happen digitally

Amway India's state-of-the-art
manufacturing facility in Nilakottai, Tamil Nadu.



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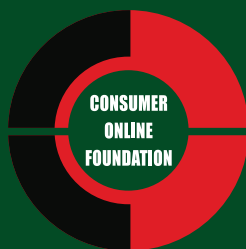
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Together WE CAN make a difference



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