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Extended Abstract

# Importance of Ethical Principles in Advertising and Board of Advertisement's Function as a Method of Administrative Control<sup>\*</sup>

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## Abstract

Advertising, which plays an important role in the promotion of products and services, as well as in the purchase decisions made by a target audience, aims to draw attention to a brand or organization or to address a particular thought at the same time it convinces people to act a certain way of their own accord. Advertisement aims to change the target audience's views and habits and to also ensure they adopt a certain opinion or attitude through the message it gives. Advertisers can sometimes sponsor ads that are not in accordance with ethical principles and that are incompatible with the values of integrity and honesty; they can advocate while also sheltering these improper behaviors behind a variety of excuses. This article, in examining how important ethical principles (which advertisers can sometimes ignore) are for the advertising industry and profession, emphasizes the importance for the development of the advertising industry to advertise while abiding by ethical principles. Ads that are carried out in accordance with ethical principles increase trust in the brand and their message's credibility. Monitoring ads that don't comply with ethical principles or the law carries importance in terms of protecting society and individuals. In this article, the method of executive control is examined in detail from these methods of control, and the Board of Advertising's function within this control mechanism is discussed.

## Keywords

Advertising • Ethical principles • Administrative controls • Advertising law • Board of Advertising

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Advertisement in the new millennium plays a very important role in the promotion of products and services produced by the industry of culture; thus, it occupies a large part of individuals' daily lives. Brands and businesses, in conveying to consumers through advertisement the most comprehensive information about their products and services, also benefit again from the, if it may be said, magical world of advertising in order to convince their audiences to carry out their purchases. The advertising sector is fed by creativity, makes a difference while protecting originality, and fulfills the task of convincing the masses while also laying claim to their independence. The elements of creativity, originality, and independence, which are very important capital of the sector, become more significant when supported and surrounded by the rule of law and by ethical principles. This is because advertisements and advertisers are expected to have a sense of social responsibility, to respect the public's rights, and to comply with the principles of honesty and integrity. The boundaries of the ethical principles of advertising have been drawn by the International Chamber of Commerce Code on Advertising Practice; ads that are made in accordance with these guidelines are accepted as ads that are appropriate to ethical values and have a sense of responsibility.

Although there are many scientific publications regarding the technical aspects of the advertising profession in the literature, only a limited number of publications have addressed the ethical dimensions of advertisement. Advertising ethics and the importance of moral values in advertising are mostly discussed in brief in books on advertising. In this regard, *Advertising Ethics in Turkey: Problems and Solutions* fills this gap as a recently published book that features a comprehensive scientific study. This article, therefore, aims to draw attention to the ethical dimension (which has been mostly unmentioned) that remains in the background, yet is an important factor. Furthermore, the structure and resolutions of the Board of Advertisement, as a method of administrative control that exhibits significance because it is closely concerned with both the sector and society, deserve an examination and discussion.

The Board of Advertisement was established by law with the purpose of auditing advertisements through the method of administration and is a control mechanism that has the power of sanction. While supervising, the Board of Advertisement looks at compliance with the principles of public morality, accuracy, and honesty; it aims to protect against social violence, abuse, and other adverse conditions.

This article discusses why ethical principles are important for ads and advertisers; it investigates how to respond to the need for the Board of Advertising to control this while putting emphasis on advertisement's sense of control. In order to detect how the function is viewed in the administration of the Board of Advertising, this article discusses one decision that has been made by the Board.

### **The Concept of Advertising**

Advertisement can be defined as the entirety of efforts to introduce a product or service to the public, who will certainly pay the cost of the product or service by buying space and time from mass media (Elden, Ulukök, & Yeygel, 2005, p. 62). The scope of advertisement consists of the act of introducing and adopting people, institutions, goods, and services to the public. When considered from the perspective of marketing, advertising is presented to the target audience through non-personal methods in the exchange of ideas, institutions, goods, and services for a certain fee that is paid to the advertising medium (Okay, 2009, p. 6). Advertisement aims to convince people to perform a particular behavior of their own accord; address a particular thought; or draw attention to a product, service, idea, or organization. Advertisement conveys the information that it wants to give the target audience and also a message by drawing their attention; it precedes the change of opinion and habit, ensuring they adopt a particular view or attitude (Gülsoy, 1999, p. 9). Advertising has two main goal; sales and communication (Kocabaş & Elden, 2009. p. 77).

The American Marketing Association's definition of advertising, meanwhile, is as follows: "Advertising is the placement of messages and announcements to the tools of mass media by purchasing time and space to entice companies, non-profit organizations, public institutions, and individuals for the purpose of informing and/or persuading the members or viewers that form a specific target market about products, services, organizations, or thoughts" (Elden, 2009, p. 136). In this definition, two main features of advertising draw the attention: to inform and to persuade. Advertisement primarily involves informing consumers about a product. In particular, advertisement plays a strategic role in informing consumers about a product that has been put on the market for the first time. Persuasion is also another key feature of advertising. Consumers need to be convinced to able to decide to buy something. In order to convince, it is essential to obtain enough information and find the answer to the questions that are on one's mind. Advertisement plays a facilitating role in consumer decisions in the complex and arduous process of persuasion. No matter how believable or reliable a product is, no matter how robust, high quality, or affordable it is, the message of advertising is easy to the extent that persuasion also occurs (Özkan, 2014b, p. 38).

### **Social Effects of Advertising**

Advertisement has a significant effect on society, characterized by sending a message to the public aimed at convincing a target audience. Advertising must use this power on society with a sense of responsibility; it must act in accordance with ethical values and the principles of law. Irresponsible behaviors related to the message and rhetoric of advertising can cause attitudes that oversee the general morality of society

to perceive ads negatively; this undoubtedly damages the brand and overshadows the prestige and reputation of the brand in the eyes of the consumer (Özkan, Tandoğmuş, & Doğan, 2015, p. 4). Ads closely affect the lives of individuals in society in four important ways (Kavas, 1988, p. 69; Özkan, 2014b, p. 147):

**Power of persuasive advertising.** Firstly, accurate information needs to be transferred to convince the target audience. Through information, consumer and target audiences form a conviction about a product. However, there is a need in the creative aspect of advertising to turn that conviction into a decision to purchase. Advertising performs a strategic function in turning information passed to the consumer into the decision to buy.

**Conformity of advertising to the principles of honesty:** Ads must convey true and accurate information when transferring information to the target audience, because the slightest insecurity that is created in the target audience will injure both the product and company's image and reputation. Conveying information that hides something from the consumer or isn't true is definitely not proper behavior.

**Aesthetic and visual dimension of advertising.** Society closely follows the visual presentation of the message that ads give. Mankind has always trended towards the aesthetic and the beautiful. Ads that are visually attractive and aesthetic carry value in terms of persuasion. As much as they can be truthfully used, aesthetics and visual elements also realize positive social effects.

**Relationship of advertising with value judgments and lifestyle.** Social values and cultural assets are the main elements of advertisement communications. The more the message of advertisement hosts elements that are generally accepted in society, the more its influence increases. Ads also offer a way of life to society; at the same time the message is given that people who have the products and brands that an ad shows will also have that lifestyle.

### **Importance of Ethics Principles in Advertising**

Ethics, which analyzes the rules and values of morality as an indicator of ideals and abstractions, is the art of specifying what is proper and decent (Dedeoğlu, 2004). The concept of ethics (which defines what is good or bad and what is true or false) seeks the good, the beautiful, and the true through the principles it forms. Mass media has the power to direct and influence society. For this reason, mass media needs to act with a sense of absolute responsibility and behave appropriately within the limits of the law. The same thing is valid for advertisements that give messages and try to persuade society. Advertising messages are no different from a report or commentary printed in the newspaper or from a program broadcast on television. The

responsibility and understanding of publishing within the legal limits in accordance with the ethical values that are expected from mass media are also similarly expected from advertisers. When ethics in the advertising industry is spoken of, first to come to the fore is the personal ethics of advertising, then come the concepts of organizational ethics and professional ethics (Özkan, 2014b, p. 151).

The source of personal ethics is primarily formed through an individual's own conscience. The positive and negative effects of advertised messages that are presented to society must be determined individually for the structure of the society where each advertiser is found (Yeygel, 2007, p. 357). Organizational ethics includes the principles that allow the same type of behaviors to be placed on those who are active in a legal framework and that indicate some social responsibilities that organizations are assumed to fulfill while performing the services they bring to a community (Yeygel, 2007, p. 358). Professional ethics is the set of principles that a particular professional group creates, maintains, and complies with regarding the profession. It limits personal tendencies, expects certain patterns of behavior from the ones who perform the profession, and regulates competition within the profession (Aydın, 2002, p. 4).

Through the existence of ads that deceive and mislead consumers, public critiques on the content of ads have made the creation of ethical principles mandatory. Ethical principles have formed ad suppliers, advertisers, and media representatives together. The demands of associations and foundations that represent the consumer have been taken into account in determining ethical principles. The International Advertising Practice Guidelines (IAPG) that determined the International Chamber of Commerce (ICC), which is internationally accepted as the basic text on the subject of ethics principles in advertising, was issued in 1937. The IAPG have also been adopted in Turkey (Çelik, 2013, p. 156). The ethics principles in the IAPG cover important issues in advertising such as compliance with morals; accuracy; honesty; social responsibility; the protection of children and youth; respect for individual rights and health; environmental awareness; and consumer protection (Özkan, 2014a, p. 5). When looking at the contents of the basic ethics principles located in the IAPG, protection of the individual and society are observed to have been given priority (Özkan, 2014b, p. 190). The IAPG shows sensitivity on the topic of ads that are prepared and published in accordance with the values of ethics; they emphasize the importance of advertisements that are prepared with an awareness of social responsibility and that protect the individual.

### **Main Sources of Advertising Law**

In Turkey, the sources of advertising law show the variability of advertising regulations that have been collected in different texts. Relevant provisions of the Commercial Code that apply to unfair acts of competition that were perpetrated through ads, together with those that were not directly associated with ads, form

the classic and oldest source of advertising law. Legal regulations regarding ads are situated in two main sources of the legislation: Consumer Law Legislation and the Legislation of Radio and Television Law (İnal & Baysal, 2008, p. 10).

Commercial advertising and unfair commercial practices are discussed in Section 6 of Law no. 6502 on the protection of consumers (*Tüketicinin Korunması Hakkında Kanun*, 2013), one of the main sources of advertising law. Arrangements made regarding commercial ads are listed in detail in Article 61 of this same law. When looking at the content of the article, the principles of “compliance with the law, public morality, accuracy, and fairness” are observed to come to the fore among the general principles to be followed in ads. Also, ads that promote violence; endanger life or property; abuse children, the elderly, or the disabled; deceive or mislead; imply; or disrupt public health are observed to be illegal.

Article 63 of the Law on Consumer Protection also regulated the establishment of an Advertising Board that works under the Customs and Trade Ministry; the Board's wide powers are recognized by this law (T.C. Gümrük ve Ticaret Bakanlığı, 2014a).

The second main source of advertising law is Articles 9 through 13 of Law no. 6112, regarding the Establishment and Broadcasting of Radios and Televisions. Also, Regulations on the Principles and Procedures of Radio and Television, published by the Radio and Television Supreme Council (RTÜK), was established by this law, which includes provisions relating to ads and regulations on how to implement articles related to this law.

### **Phenomenon of Advertising Control and the Advertising Board**

Ads are controlled judicially in the following four ways: administrative control, private litigation, prosecution, and self-regulation (Avşar & Elden, 2004, p. 85; İnal & Baysal, 2008, p. 10). The method of administrative control of ads and the Board of Advertisement's practices that operate this control mechanism are discussed within the scope of this article.

The Board of Advertisement, which was established under the Ministry of Customs and Trade due to Article 63 in the Law on Consumer Protection, has the authority “to determine the principles to be followed in commercial advertising, to make arrangements to protect consumers against unfair commercial practices, to conduct audits within the framework of these issues, to investigate when necessary, to have them stopped in accordance with the audit results, to use necessary correction methods, and to punish through administrative fines, or if deemed necessary, bring it to a halt” (İnal & Baysal, 2008, p. 80).

Fitting the Board of Advertisement with extensive powers and appointing the Chairman of the Board by the Ministry also bring the debate together. The most

important discussion on this issue is the claim that political power can negatively guide the advertising sector in several ways through the board.

### **Example of a Decision from the Advertising Board**

An example of a board decision will be examined to understand better the duties of the Board of Advertising. What follows is one of the 238 decisions made during a board meeting on July 14, 2015. These decisions were published on the Customs and Trade Ministry's website ([www.gtb.gov.tr](http://www.gtb.gov.tr)) (Gümrük ve Ticaret Bakanlığı, 2014b) and are available to the public.

**File No:** 2015/12

**Complainant:** Vodafone Telecommunications A.Ş.

**Complainant's Ad:** "Vodafone Supernet Phoneless ADSL" banner ads

**Ad Publishing Date:** January-April 2015

**Publishing Channels:** TV, Newspaper, Internet

**Observations:** In ads published in various media, "No Internet at home? Nope. I kept saying they said connect a home phone. How's there no internet at home? How amazing, be brave, buddy, the internet thing you said, how slow. What's becoming slow, come on, let's go; let's get on our horse and grab our sword. (...) During this period, a home without internet appears (taaaa). Vodaphone Supernet phoneless ADSL comes home. Homes are catching the times. Vodaphone, only 49.90 per month with no extra charge, giving you unlimited internet at home. It's so easy to bring in the internet at home in the New Year." These words were found to be given.

**Evaluation/Decision:** subject of the review in the ads, "No internet at home? Nope. I kept saying they said to connect a home phone. How's there no internet at home. How amazing, be brave, buddy. The internet thing you said, how slow. What's becoming slow, come on, let's go, let's get on our horse and grab our sword. (...) During this period, a home without internet appears (taaaa). Vodaphone Supernet phoneless ADSL comes home. Homes are catching the times. Vodaphone Supernet phoneless ADSL comes home. Homes are catching the times. Vodaphone, only 49.90 per month with no extra charge, giving you unlimited internet at home. It's so easy to bring in the internet at home in the New Year." This statement gives the impression to consumers that a home phone connection is necessary in order for the company that offered internet service to be able to provide internet service. However, as of 12/3/2010, customers who want to receive internet service were offered a bare DSL service; customers were not required to get a home phone along with internet service; this reason was not reflected factually in the cited ads.

Therefore, which of the ad's words misled customers and which ones constitute a violation of the principles of fair competition in this situation:

- in the period of reflection of the examination of the subject of the ad, in force are Articles 5a, 5e, 7a, 7c, and 21 of the Principles Related to the Commercial Advertising and Notices and the Regulation on the Implementation of Principles.
- Articles 5, 7, and 32 of the Commercial Advertising and Unfair Commercial Practices, 1/10/2015 and enacted while printed in no. 29,232 of the Official Gazette.
- Contrary to the provisions of Article 61 in Law about Consumer Protection no. 6502

Accordingly, in regard to Vodafone Telecommunications, Inc., who provided the advertisement, in accordance with Articles 77 and 12 of Law no. 63, the *punishment of halting the ad* has been decreed.”

As was seen, the Board of Advertisement evaluated by itself the reference that was made in the field of communication services, and they concluded that the ad, which had been posted on television, in newspapers, and on Internet channels, had misled customers; they concluded that it was contrary to the principles of fair competition. Using the authority given to them by the law, they had the ad suspended.

As previously stated, the International Chamber of Commerce Code on Advertising Practice has stated that ads are required to comply with the principles of integrity and honesty and be willing to respect consumers' rights. Ads that mislead consumers, that deceive, and that bear elements which are contrary to the principles of honesty and integrity are not only a violation of law but are also contrary to ethical values. The Board of Advertisement monitored whether or not the ad had complied with ethical principles while checking its legality. Advertisements that deceive consumers and violate the conditions of competition are not only a violation of law, but they also exhibit unethical attitudes. The announcement to the public and raising of consumer awareness by the Board of Advertisement about organizations and brands that don't exercise due diligence on these sensitive issues and habitually breach legal and ethical values are important in terms of creating the necessary resistance to this kind of behavior. Consumers who sympathize towards and also choose the brands and institutions that are careful to take laws, ethics, and societal values into account are essential for reducing negative examples.

## Results

In the advertising sector, first advertisers' own sense of personal ethics, and later, their organizational and professional understanding of ethics stand out. As much as advertisers improve the strength and health of the personal ethics that they create in their own conscience, so can they perform their profession by depending on ethical values.



The understanding of organizational ethics that determines the relationship between an advertising agency and ad provider forms the main condition that can be performed in the advertising professions' principle framework of trust, transparency, and honesty. The strength of the trust-bond between these two factors will also appear in the ads that come out. The understanding of professional ethics expects that employees adhere to specific behavior patterns, excludes those that don't, and contributes to professional development. If the principles of professional ethics in the advertising sector can be healthily operated and successfully internalized, events that exceed legal limits can be minimized. If these events comply with the principles of professional ethics and at the same time remain within the legal framework, they will clearly be far removed from illegal practices. If the seriousness of the media's impact on society can influence the public, then advertising also has this same power. The message of advertising, which adheres to ethical principles, uses mass communication, and can even enter the capillaries of society through social media, carries great importance. If advertising messages carry elements that can adversely affect the community, the consequences can be more severe than predicted; ethical principles that are violated through too much greed for profit may lead to results that could harm society. These days, when a business concept that adheres to ethical principles excels, those who do not adhere to these principles are excluded (Özkan, 2014b, p. 153).

One condition that is expected and requested is to advertise in accordance with the legal rules of the advertising sector and with ethical values. When this is done, the mechanisms of control circuitry enter. From among the mechanisms of advertising control, the most important and most frequently used method in Turkey is administrative control. Administrative control, which is conducted by the Board of Advertisement as established by law, oversees that ads comply with morals, comply with the principles of straightforwardness and truth, and are socially responsible; it aims to protect society and individuals. The Board of Advertisement is based on principles that are specified in the International Chamber of Commerce Code on Advertising Practice in its audits and is not just the legal rules of advertisement. It also encourages preparations appropriate to ethical principles. When the Board of Advertisement is evaluated as a necessary institution from the perspective of its visible function, its control mechanism is found to be important in terms of protecting individuals and society against violence, abuse, hate speech, and more. However, the board's location close to the political power structure brings with it the anxiety that there may be some traces of political influence in its decisions. To eliminate these feelings, the structure of the Board should be rearranged and the number of its members who come from industry, academia, and civil society organizations should be increased.

The advertising sector can not be left unchecked, for it performs a function that affects society. However, instead of the control mechanism of administrative control,

strengthening the industry's self-regulating model of self-control will be the most accurate and reliable method for realizing this. The most important task in ensuring the independence of advertising communications is related to the advertising self-regulatory boards. The effective and healthy operation of these establishments will mitigate the legal control mechanisms over the advertising sector and will also provide an important contribution to the production of ads that are more appropriate to ethical values. It is necessary to help individuals who conform to the legal rules, emphasize ethical values, and move with social responsibility to internalize ethical principles while taking ownership of a brand.

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