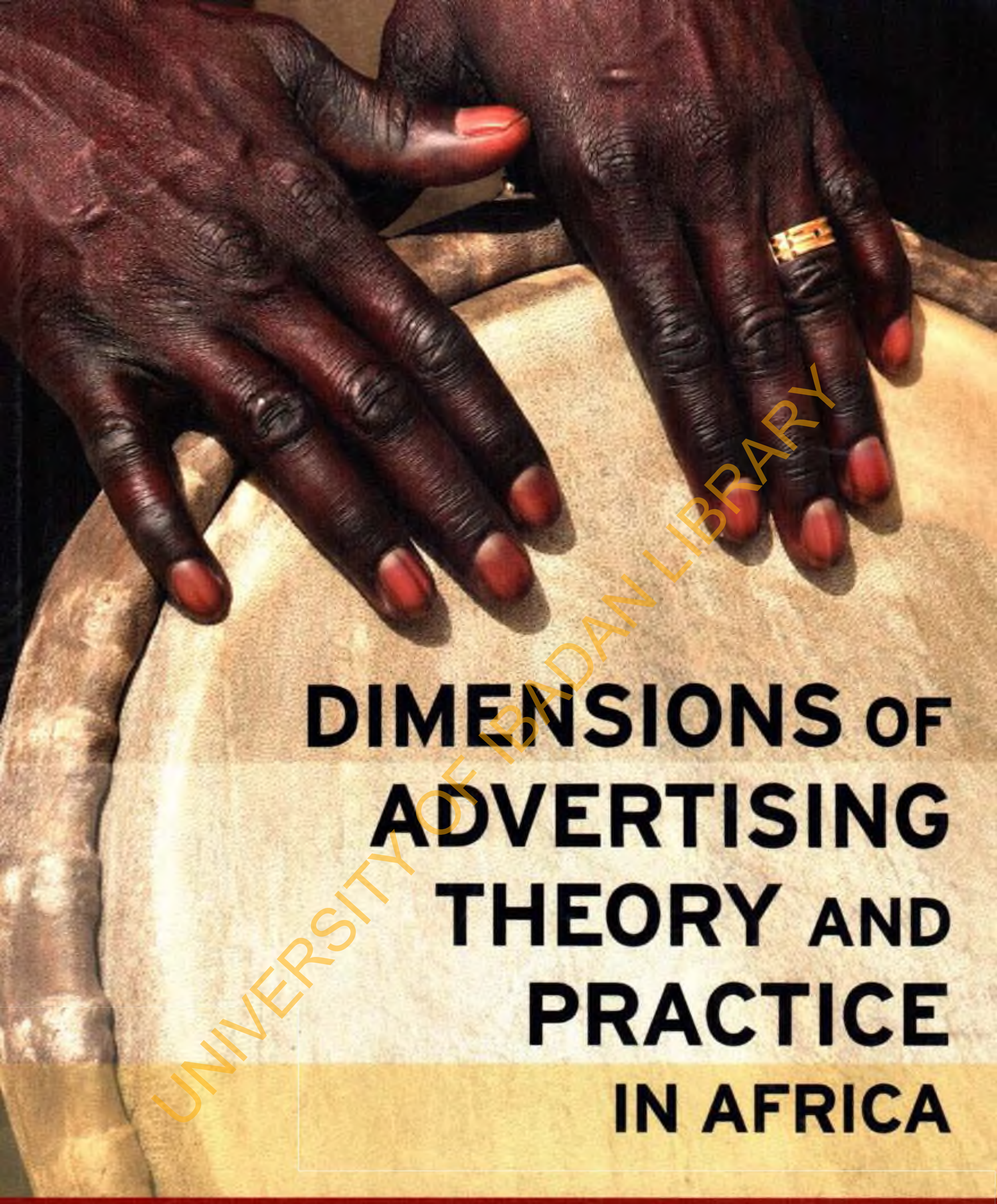

DIMENSIONS OF ADVERTISING THEORY AND PRACTICE IN AFRICA

Edited by Rotimi Williams Olatunji and Beatrice A. Laninhun

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CHAPTER 5

DECEPTION IN ADVERTISING: ETHICAL AND LEGAL IMPERATIVES

OLAYINKA EGBOKHARE

Introduction

The interface between advertising and culture is so strong that, over time, scholars have made many submissions on how one affects or is affected by the other. As Marshall McLuhan, a media visionary, postulated, "historians and archaeologists will discover that the advertisements of our times are the richest and most faithful daily reflections that any society ever made of its entire range of activities" (1964: 232). This view, expressed so many years ago, is of great relevance to my discussion here. My paper examines the interaction between advertising, culture and society with special attention to issues of puffery and deception. The questions to be answered include: what relationship exists between advertising and culture? Is advertising a shaper or a mirror of society? To what extent is the content of Nigerian advertising likely to have a negative impact on consumers? What constitutes puffery? Is puffery the same as deception? Why do advertising creatives employ puffery in developing their messages? What measures are put in place by regulatory bodies to combat puffery? Who and what are the regulatory mechanisms used to militate against deception and puffery?

Before we go further, however, we need to define culture. In the official *Nigerian Cultural Policy* (1997: 5), culture is defined as:

> the totality of a way of life evolved by a people in their attempt to meet the challenges of living in their environment, which gives order and meets their social, political, economic, aesthetic and religious norms and modes of organization, thus distinguishing people from their neighbours.

Thus, culture is an evolving experience amassed through an individual's quest to cope with environmental challenges, and it exists within a societal frame. Prosser (1978) presents culture as "the passing on of attitude, belief, thought and customs". Culture, therefore, serves as a form of control for members within a societal group or those who are brought up within it. For Hall (1973: 25–26), culture is a form of language, which though silent, speaks louder than words. He adds that it is a people's way of life, the sum total of their learned behaviour patterns, attitudes and material things.

A close look at the content of most advertisements suggests that what advertising does is to scrutinise a society and speak to it using selected symbols with which people can identify, language which they can understand and values which they can emulate. Ayeni (1999) emphasises that advertising which ignores the taste and culture of its target audience is sure to fail. The importance of culture to advertising is brought to the fore in the Nigerian code of advertising practice. The first article (2.3.1) of the code states that "all advertisement in Nigeria shall be legal, decent, honest, truthful and respectful and mindful of Nigeria's culture".

The effect of advertising on people's cultural value systems is an on-going controversy. Kleppner (1983) observes that one of the oldest and most prevalent criticisms of advertising concerns its effect on people's social values and general lifestyles. An irate analyst, cited by Kleppner (1983: 571), argues that:

> The possible outcome of TV advertisement is the encouragement of unsafe behaviour, confused assessment of products, promotion of parent-child conflict [and] modeling of hazardous behaviours (drug abuse and reinforcement of selfishness).

This argument almost succeeds in passing off advertising as an all-evil phenomenon which sets out to ruin the consumer. However, the analyst then admits that advertising "also encourages consumers' skills." Similarly, Alan During (cited in *Awake!* August 1998: 8) condemns advertisements as "hedonistic images . . . [which] idealize consumption as the route to personal fulfillment and affirm technological progress as the motivating force of destiny" but admits that these traits are simply representative of the present age. In other words, advertising is a picture of society. Douglas, cited in Wilson (1995: 257), takes the debate a step further by declaring that "you can tell the ideas of a nation by its advertisements". Wilson, nevertheless, sees advertising as capable of shaping as well as simply reflecting people's values and lifestyles (1995: 270):

> Advertising is an important element of our culture because it [both] reflects and attempts to change our lifestyle. New cultural trends and fashion are first transmitted to the mass culture through advertising . . . . Advertising helps us to determine our social identity, it defines our sex roles and it shapes our attitudes

> on health, success and lifestyle . . . We are taught not so much by logic and dialogue as we are by advertising images.

There is an emphasis here on what advertising accomplishes in the consumer by way of creating new cultures. Cross (1996: 2) also believes that "the discourse of advertising has in effect re-created culture".

Looking at some of the specific effects of advertising, Fowles (1996), citing Hoggart (1968), asserts that advertising exploits people's weaknesses through language. He argues that advertising makes consumer craves things they neither need nor can afford. Stuart (cited in Danna, 1992), one of the most vocal critics of advertising during the great depression of the 1930s, traced the ill effects of advertising to the technological innovations which made possible the production of goods at a rate faster than people's purchasing power could match. For Stuart, this situation led directly to the commercialisation and trivialisation of human emotions and frailties in advertising. In other words, advertising exploits applied psychology and promotes envy, vanity and sexuality in order to sell industrial technologies and superfluity of goods. Stuart further accused advertising of robbing people of their appreciation of non-material, aesthetic, intellectual and moral things. In place of this, advertising has stimulated a relentless hunger for material possessions. In a collection of articles edited by Danna (1992:25); Stuart's influential critique is summarised as follows:

> Advertising creates a dream world: smiling faces, shining teeth, school girl complexions, cornless feet, perfect fitting union suits. . . odourless breath, regularised bowels, punctureless tyres, perfect busts.

In the view of such critics, the effect of advertising is a generally destructive force in the lives of consumers, especially low-income earners. It is inevitable, therefore, that advertising messages are shrouded in language that hides the truth from consumers.

Taking a more neutral stance, Bovee and Arens (1995: 9–10) argue that advertising has five main functions:

- To identify products and differentiate them from others.
- To communicate and inform people about new products.
- To induce consumers to try new products and to suggest re-use.
- To stimulate the distribution of a new product.
- To build brand loyalty.

Thus, what advertising does is to set an agenda and to battle for the mind of the consumer. Dominick (1990) notes that that this agenda-setting is influenced by factors such as "a person's interest in the information, his age, as well as his educational and political involvement". In the same vein, Grossberg (1998: 348) argues that factors such as individual differences, media differences, issues differences and salience constrain the media's power to set the agenda. Watson and Hill (1993:110) go further to observe that, through the agenda-setting models, advertising enables audiences to "not only learn about public issues and other matters … [but] also learn how much importance to attach to an issue or not from the emphasis the mass media place upon it". McCombs and Shaw (1997) cited in Griffin (2003) argue "the media may not only tell us what to think about, they also may tell us how and what to think about it, and perhaps even what to do about it. This portends that the media "has great potential to colour [or] distort an entire cultural worldview by presenting images of the world suited to the agenda of the media". This chapter is concerned with the extent to which advertising is capable of setting the cultural agenda in a society.

Cultural Norms Theory

Closely related to the agenda-setting theory is the cultural norms theory, which argues that "human behaviour is in large part governed by cultural norms with respect to given topics or situations" (Burgoon and Ruffner 1978: 342). These cultural norms are established and influenced by a range of factors, and the media are just one of these factors. Thus, McQuail (1987: 34) asks, "are the media changing something, preventing something or reinforcing and reaffirming something?" In other words do the media, including the advertising industry create cultural norms or merely reinforce existing norms? Similarly, Burgoon and Ruffner (1978: 336) ask: "Do these mass media serve to educate us about reality, or do they serve as substitutes for reality and for utilizing our own cognitive and interpretive abilities?"

Such questions become relevant when one reviews the numerous conflicting claims about the influence of the media. As MacNamara (1996: 20) observes:

> The media are … blamed for almost every social ill known in our society. The media have been said to cause crime, violence, teenage delinquency, promiscuity, and racial strife and drug taking. But in fact, little proof or evidence is available to substantiate these claims.

While discussing media and behaviour, Grossberg, Wartella and Whitney (1998) reiterated the views expressed in a landmark study on the media by Joseph Klapper, *The Effect of Mass Communication* (1960), which destroyed many of the myths concerning the power of the media and shattered many widely-held assumptions. From extensive research, Klapper concluded that "[m]ass communication was more likely to reinforce existing opinions than to change them, and more likely to produce modifications than conversions" (1960).

Not everyone agrees with Klapper, but his findings point out the danger of generalising about the media's power to change opinions or create new opinions. Modern mass communication studies as well as research findings in psychology reveal that "consumers draw their opinions from a range of sources, and media are but one influence" (MacNamara 1996: 20). Nevertheless, many analysts share McQuail's view (1987) that the mass media, through selective presentations and the emphasis of certain themes, create impressions among their audiences which structure or define common cultural norms concerning the emphasised topics in specific ways. (Burgoon and Ruffner 1978, Folarin 2005). In other words, the mass media have the potential to influence behaviour not only by reinforcing cultural patterns and norms but also by modifying existing norms or even creating new ones. As Burgoon and Ruffner (1978: 342) argue, the mass media breeds "cultural-level expectations that form the basis of cultural predictions", and Anderson (1997: 26–7) asserts that "there is a good deal of evidence to suggest that media contribute in various ways to shaping [a] particular cultural climate". In a more specific analysis, Trenholm (1994: 275) notes that, when one observes what characters do in TV dramas, one internalises behavioural norms:

By viewing films, we learn about our culture's history and by reading magazines, newspapers and books, we confront questions of value. Media personalities act as role models for us.

Cultural norms theory, therefore, emphasises that the consumer's mind is not an uncultivated ground in which advertising can plant whatever it wishes. Advertising messages are built around ideas, ideals and beliefs that already exist in the consumer's mind. Dominick (1990: 519) sums up this view as follows:

> The media play a significant role in socialization. Sometimes this role is easy to detect; sometimes it is indirect and harder to see; at still other times, it is apparently slight. The mass media more or less mirror the society. In so doing, the media reflect the norms and values that society considers valuable and worthy of promulgation. In the normal course of disseminating information, the media transmit cues that reinforce values and behaviours considered acceptable by society.

Hence, the advertiser needs to work with ideas and concepts with which the consumer is already familiar. In other words, the advertiser needs to identify the existing patterns in a culture and then create adverts that are in consonance with consumers' beliefs and convictions.

For those who believe that the media shape society, the main concern is what view of life the media projects. One can then ask, if the advertising messages are full of puffery and deception, what interpretation will the consumers give these messages? What effect will these messages have on the consumer? Next, I review the topic of deception and puffery in advertising. First, we look at what constitutes deception and then examine the nature of puffery with a view to establishing how these two practices operate in advertising.

Deceptive Advertising

Before we assume that deception is a problem associated with advertising alone, Ford (1996) reminds us that "deception is present in many areas of human endeavour". As Nyberg (1993) observes, deception is essential to the normal operations of business, law, government and entertainment. While this is in no way a justification for deception, it suggests that the desire to deceive is born out of practical needs.

In advertising, deception involves the following elements as detailed by Wright (2000: 189–91):

- A representation, omission or practice likely to cause a substantial segment of potential customers to have a false belief about the advertiser's or a competitor's product.
- The deception is material – it is likely to influence the purchasing decision such that consumers are likely to have chosen differently if there had not been the deception.
- Someone has been or is likely to be injured as a result of the deception. The party harmed is usually a business that has lost sales to the advertiser or by a lessening of the goodwill associated with its products.

Aaker (1982: 40) lists the types of advertising deception as follows:

- False or misleading statements or exaggerations visual or verbal.
- Testimonials which do not reflect the real choice of a competent witness.
- Price claims which are misleading.
- Comparisons which unfairly disparage competitive product or service statements.
- Suggestions or pictures offensive to public decency.
- Claims insufficiently supported or which distort the true meaning or practicable application of statements made by professional or scientific authority.

To further clarify what is termed as deception in advertising, the US Federal Trade Commission (FTC) in 1984 (Mowen 1995: 825–8) held that an advertisement may be deemed deceptive if it has the capacity to deceive a measurable segment of the public and if consumers stand to lose a large amount of money or could incur physical injury as a result of the deception. Where an advertiser maintains that information in an advert constitutes an objective claim and is not deceptive, the FTC requires that "a standard of comparison exists against which the claim may be compared to determine if it is deceptive or not". Take, for example, the claim in a Polygrip commercial that denture wearers who did not use the product could not eat corn on the cob or apples without fear of their dentures loosening. It is easy to detect if this message is deceptive or not because the product can be tested and the claim verified before the commercial is aired. The same goes for all the adverts on detergents that claim to remove stains. One wash will prove or disprove the claims.

Deception, in general, means making a false statement which one believes is false to another person whom one has reason to think will believe the statement to be true (Bok 1988: 53 cited in Ayantayo 2005: 5). Thus, if an advertising message contains an innocent lie, half-truth and outright lie, deception has occurred. However, deception is often related to intent. We may want to ask whether the advertiser intentionally or deliberately deceived, but the FTC states that "whether or not the advertiser actually intended to deceive consumers is considered irrelevant". In other words, the advertising agency cannot escape sanctions for airing a deceptive message by simply saying they had no intention to deceive.

Advertising shapes consumers wants in such a way that consumers prefer products that are advertised. To many, the fact that an item appeared in an advert lends credibility or prestige to that product. This effect is enhanced if celebrity endorsers are used. Hence, advertisers manage consumer preferences through the medium of advertising. In several cases, consumers are buying advertising claims, not products.

Puffery in Advertising

It has been observed that some forms of deception are acceptable in advertising, while others are illegal. The challenge is to identify the complex boundary between legal and illegal deception. However, if some forms of deception are illegal in advertising, there are no laws against puffery. A closer look at what puffery will throw more light on why this is an acceptable practice in advertising.

Advertisers have a desire to make their products appear as the best possible option. Therefore, it is not unexpected that most advertising agencies employ puffery to showcase the merits of their product. Puffing and 'weasel words' are generally not considered deceptive in the eyes of the law. It is assumed that most reasonable consumers know a seller will exaggerate (Wright 2000: 188). Puffery refers to advertising statements which are not illegal but cannot be proven to be true. Puffery can also involve saying something that is technically true but misleading by virtue of what is omitted or left out.

By legal definition, puffery is advertising or other sales representation which praises the item to be sold with subjective opinions, superlatives or exaggerations, vaguely and generally, stating no specific facts. Thus, puffery can be termed falsity without deception, including advertising messages that avoid the facts. Hoffman (2006: 206)) states that "puffery as a legal term refers to promotional statements and claims that express subjective rather than objective views such that no reasonable person would take literally." Thus, puffery is generally not considered deceptive advertising because "it is so exaggerated that no reasonable consumer would take the claims literally". The term "reasonable consumer" is repeated so often in definitions of puffery that one may be tempted to think it cannot be misunderstood. For instance, what demographic and psychographic variables qualify one as reasonable? How reasonable are the following: an impressionistic child? A non-critical adult? An individual whose knowledge of figurative language is minimal?

While it is not uncommon for an advertisement to exaggerate product features in order to elicit consumer attention, how can we be certain the consumer will not take this as a fact? As Hoffman (2006) points out, the consumer has to be "reasonable" to know the message is just puffery, but what happens to the consumer who is unreasonable enough to believe anything is possible, especially in this age of advanced technology when we are repeatedly told that nothing is impossible? For example, can a consumer be blamed for believing the TV commercials from Bank PHB that state, "One day cars will run on water", where the car drives its owner to work and carries on a conversation with him. A consumer may well believe it is possible to use computer engineering to manipulate a car. What is indisputable is that, ultimately, puffery, as well as outright deception, affects trust in advertising.

Looking at the language of advertising, Wilmhurst and Mackay (1999: 233) observe that "[a]dvertising language is a manipulative, distorted and loaded language. Its primary aims are to attract our attention, catch our imagination and then dispose us favourably towards the product or service on offer. Thus, advertising routinely uses superlatives (best, most, greatest etc.) without substantiation. While citing Herschel and Nelson (1998: 36), Hoffman (2006) adds that puffery should only be about "maximising" an image; it should not expand into lying. Most adverts can be said to include puffery; advertisers usually try to portray their products as "best", "ideal", "of greatest value to the consumer", "best value for money", "no other like it", "the No. 1 choice" and so on. This is why puffery is not prosecutable; it is deemed to be harmless exaggeration or colourful hype. It entails bluffing, puffing, exaggeration, humour and overstatement. Thus, even though the claims are unsubstantiated, they are thought to be harmless banter or sales gimmicks. However, the concerns that arise are about the possible harmful effects of puffery on children or other vulnerable people who may not detect the humour, the pun or the exaggeration and may want to try out what they see in commercials. So if an ad is manipulative but not entirely untruthful, is it ethical?

There is a critical principle that marketers should never lie to consumers, because deception subverts trust (Mowen 1995: 361). Good advertising, therefore, is truthful, not misleading or deceptive, and is in good taste.

Wright (2000: 189) observes that "sixty per cent of newspaper space may be filled with advertising but that advertising does not command sixty per cent of the reader's attention". However, this works in two ways. Consumers may ignore advertising messages because they know that they come with barrages of puffery and even deception at times. On the other hand, could ad agencies be going overboard to employ puffery and sometimes outright deception, all in a bid to catch consumers' attention? Mowen (1995: 361) points out the truth effect which states that, if something is repeated often enough, people will begin to believe it. Considering the fact that advertising messages are often repeated, especially TV commercials, which have the most impact, is it not possible that even "reasonable people" may start to believe weasel words, puffery and deceptive advertising messages if they hear them often enough?

Nevertheless, findings from studies suggest that consumers do not always react positively to persuasion tactics that have nothing to do with the product. As Walter and Ellis (1996, cited in Cross 1996: 91) point out, "[i]n the scripted and manipulated commercial, however fanciful, the scene must strike a responsive chord and play to the audience's system of needs and values, or it will not sell products". The advertising message needs to resonate with the consumer's needs. Thus, exaggeration, puffery and outright deception may not work on consumers unless the messages reflect their real needs or values. For instance, consumers may be told that a particular brand of toothpaste will make them "successful and important" or that a certain beverage is the "food drink of future champions". Now these claims are drawn from expressed human needs as postulated by Maslow in his hierarchy of needs (Bovee and Arens 1982). That puffery and deception rely on established human needs, therefore, is a further reason why regulatory bodies need to pay more attention to such elements in advertising messages.

In "Reading Television Texts: The Postmodern Language of Advertising", Cross (1996: 2) observes:

> Peeling verbal signs off their traditional associations in attention-getting word-play and fragmented syntax, advertising employs a kind of linguistic vandalism to create its spurious surface of language games appropriating words for use in a realm somewhere between truth and falsehood and motivating the signifiers to serve its own purposes- motivating the customer.

Here again, we are reminded that the aim of advertising is to motivate the consumer and that what we term deception or puffery arises out of the struggle for the mind of the consumer. Deception here is seen as a cross between truth and falsehood, but the art is so subtle it is often difficult to decipher which is which. As Cross points out, advertising plays word games, and these are often so clever that the advertiser may get away with anything; the message will be so well-scripted that the deception is hard to notice. Cross (1996) notes that advertising always disrupts language use:

> Language is coded and recoded in advertising to speak in its own marketplace tongues. Advertising has always played language games; its own special game is connotation, raising the stakes on words to enlarge their suggestiveness by shifting contexts (puns) or making new equations (metaphors) or changing their spelling (neologisms).

She further asserts that advertising moves language from the rational to the non-propositional level of the figural or the visual. Hence, we need to put rationality aside and just try to decode the message from the point of view of figurative usage.

Addressing Deceptive Advertising

To address the issue of deceptive advertising, we first need to ask who is liable for deceptive advertising. Many would be quick to say the advertiser, in other words, the company whose product is being advertised. But how culpable is the agency that produced the advert? The agency will be held liable if it willingly participated in the deception and knew (or reasonably should have known) that the advertising was deceptive. It is the responsibility of the ad agency to substantiate the claims that a company makes and not rely on the advertiser's brief alone. The agency is expected to conduct its own research and verify the claims made by the manufacturer.

Thus, advertising agencies have a major role to play in the campaign against deceptive advertising. Since the agency is liable for any accusation of deception in advertising, they must have a standard of what is right or wrong. An ethical advertising agency will guarantee that their advertisements will be honest and truthful as opposed to unscrupulous and misleading. They will ensure that they do not exploit the weak and the vulnerable. They will never lie to consumers. Some agencies now take a publicised ethical approach (mission statement), but, when agencies refuse to take the initiative to sanitise their business, punitive measures are put in place to check the activities of offenders. The penalties for engaging in deceptive advertising can take several forms:

- Cease and desist orders – the company might be asked to pull an ad and pay a fine if they violate the law again.
- Civil penalties – consumer redress which may take the form of refunds to customers who purchased the product.
- Corrective advertising – disclosures and other informational remedies which may involve purchasing additional airtime to correct the misinformation
- Bans and bonds – in severe cases of deception, a company may be required to leave the industry or post a bond before re-entering the industry.

The Advertising Standards Panel (ASP) of APCON (Advertising Practitioners Council of Nigeria) has the task of "protecting the public from deceitful and morally wrong advertisement". The panel is also charged with "ensuring that all advertisements conform to the prevailing laws of the Federation as well as the code of advertising ethics". Among other things, the panel ensures that adverts are decent, honest, and truthful and executed with a high sense of responsibility, as the basic principle of advertising demands. The panel's reach extends to all forms of advertising: print, broadcast, cinema, outdoor, labeling, packaging and internet advertising.

Regulations and negative incentives are the primary tools used to discourage deceptive ads. Whatever the description of the form of deception, whether misleading, falsifying or misrepresenting facts, deceptive advertising is dishonest and hurts both consumers and businesses. In fact, people sometimes wonder why firms would engage in false advertising. One suggestion is that "profit-maximizing firms may be willing to incur fines when the fine is less than the profit gained from false advertising".

Most purchasers and potential consumers learn about existing and new products and services from advertisements or from some other kind of commercial message. Therefore, advertising is one of the most closely scrutinised forms of public communication. It relies for its interpretation not only on the author but on the recipient. Therefore, the medium, the audience, the nature of the product, the context and the message must all be given equal evaluation when APCON makes a judgement about an ad's acceptability. As the apex advertising regulatory body in Nigeria, APCON has put in place a number of procedures and mechanism to ensure that Nigerian adverts are truthful, in good taste and respectful of Nigerian culture. Part 2, sub-section 3 of the code (2005: 6) states that all advertisements in Nigeria shall:

- be legal, decent, honest, truthful and respectful and mindful of Nigeria's culture.
- be prepared with a high sense of social responsibility and avoid misinformation or disinformation.
- always be in the interest of the consumer and the wider Nigerian society.
- conform to the principles of fair competition generally accepted in business and of fair comment expected in free human communication.
- enhance public confidence in advertising.

The other sections of the code, especially section 4, spell out in clear terms what the regulatory body expects in relations to claims, use of evidence or testimonials, wrong use of specialised terms, scientific terms, guarantee, warranty, hidden extras and other related issues. APCON places messages in the major media asking consumers to report any commercial they deem to be in bad taste. Before any advertising message from a producer goes on air, APCON's Advertising Standards Panel must have vetted the message and given it approval to run. ASP consists of the following organisations:

- Advertising Practitioners Council of Nigeria (APCON)
- Association of Advertising Agencies of Nigeria (AAAN)
- Newspaper Proprietors Association of Nigeria (NPAN)
- Consumer Protection Council (CPC)
- Outdoor Advertising Association of Nigeria (OAAN)
- National Agency for Foods, Drugs Administration and Control (NAFDAC)
- Advertisers Association of Nigeria (ADVAN)
- National Council of Women Societies (NCWS)
- Broadcasting Organisations of Nigeria (BON)
- Central Bank of Nigeria (CBN).

The organisations represented on this panel are expected to fully represent the interest of the different sectors of society. However, in instances where advertising messages escape the sledge-hammer of this panel, APCON still encourages consumers to report such adverts. One of APCON's fliers reads:

> Have you seen, read or heard an advertisement you consider inaccurate, makes false claims, exploits human misery, promotes unsafe practices, engages in unfair comparisons or is in bad taste? Take this step today: write to The Chairman, Advertising Standards Panel.

Other messages display phone numbers that can be called to report cases of false claims and related matters. A regulatory body's accessibility to consumers, speed of action, flexibility, degree of independence and scope have a great role to play in the campaign against deceptive advertising.

The Need for Media Literacy

Deceptive ads work best when consumers are uninformed. Some consumers interviewed during course of the research claim they do not watch or read advertisements at all, and if they do, the ads rarely 'penetrate' or connect with their consciousness, let alone transform their identity. However, the truth is we are all sometimes persuaded and seduced by advertising. Since this kind of persuasion is endemic to social life, the consumer needs to be schooled to filter deceptive messages out and fend off puffery. The consumer needs to know that some advertisers set out to defraud, offend or mislead the public.

Historian David Potter (cited by Fowles 1996) argues that the modern advertising industry is comparable to such long-standing institutions as the school and the church in the magnitude of its social influence. As a result of this influence, consumers must be constantly on guard and have a healthy skepticism for what is claimed by sellers. Since the aim of advertising is to influence choice, advertisers cannot be blamed for painting beautiful pictures of their products; the game is all about getting consumers' attention using the most captivating sales messages. Although it is not acceptable for advertisers to take advantage of the vulnerabilities of an uneducated or uninformed public, consumers have a responsibility to know the difference between reality and exaggeration.

Many consumers see control over the truthfulness of advertising as necessary, especially since children and other vulnerable people need special protection from the highly persuasive claims made by advertising. However, with advances in technology and the ever-increasing use of the Internet, all consumers remain prime targets for deceptive advertising practices. Consumers are also at risk of deceptive packaging, bait-and-switch sales promotion techniques and many misleading or fraudulent marketing practices. If we think the hullabaloo about deceptive advertising is uncalled-for, the findings from an earlier study conducted by this researcher disprove that view. In the study, selected consumers (450 respondents from Lagos and Ibadan) in southwestern Nigeria expressed their views on how advertising affects them. First, respondents were asked their view on whether television commercials brainwash people. Table 5.1 below presents their responses.

Table 5.1: Respondents' Views on Whether TVCs Brainwash Consumers

Response	Frequency	%	df	X^2	Sig
SA + A	237	57.4	1	9.01*	<.05
SD + D	176	42.5			
Total	413	100.0			

Key: SA - Strongly agree; A – Agree; SD – Strongly disagree; D – Disagree.

Two hundred and thirty-seven respondents (57.4 percent) believed TV commercials brainwash people. However, when asked whether TV commercials contribute good ideas to society, 94 percent respondents said yes. Next, the respondents were asked if watching TV commercials could affect their lifestyle and values as consumers. Over 78 percent said yes, 15.2 percent said yes, but only to a little extent, and a mere 6.4 percent did not believe that TV commercials influence consumers' lifestyle or values at all.

The next two questions asked to what extent TV commercials show real-life situations. About half the respondents (50.5 percent) agreed that TV commercials, to some extent, reflect the daily lives of Nigerians, while 31.3 percent said they reflected reality only a little. A mere 4.6 percent maintained that commercials do not reflect consumers' daily lives at all. As a follow-up to this question, consumers were asked if the situations depicted in commercials are true to life. Two questions were asked to confirm the reaction of the respondents and to detect cheaters. The first question was: "To what extent are TV commercials reflections of society?" Just over half (50.5 percent) of the sample said TV commercials to some extent reflect what happens in daily life. Almost a third (31.3 percent) said commercials are "to a great extent" a reflection of society. Just under 14 percent said they reflected society to a small extent, while less than 5 percent said commercials are to no extent a true reflection of society.

More than half of the sample (50.5 percent) felt that advertising is a reflection of the society to some extent but not to a great extent (31.3 percent). Only 13.6 percent felt advertising has little extent and 4.6 percent no extent. If TV commercials are truly reflections of society, one would think that they should not make use of situations that are not true-to-life. Yet 45.6 percent of respondents said commercials are "to a little extent" guilty of not making use of true-to-life situations, while 27.9 percent see some extent and over a quarter 26.4 percent see little or no extent.

The study also tried to find out the extent to which consumers compare the situations depicted in TV commercials with real-life situations. Almost half (48 percent) of respondents said they do this to some extent, while 29 percent individuals said they did this only to a little extent. One can conclude from this that a lot of the scenes depicted in TV commercials strike consumers as aspirational and do not always reflect situations that are true-to-life.

Having established the views of respondents on the relationship between TV commercials and real-life situations, the researcher enquired about the influence of commercials on consumers and the nature of the influence. First, the question was asked: do TV commercials influence you? An overwhelming majority (81.4 percent) said commercials sometimes influence them, and only 12 percent claimed they were not influenced. On the nature of influence, 45 percent said commercials influenced them positively. More than a quarter said the influence was both positive and negative, and only 8.4 percent said the influence was purely negative.

Conclusion

Advertising not only replicates the social fabric of our society but also has, in a large measure, assisted in its creation. The aim of advertising is to influence choices. In a bid to get the attention of the consumer, advertising uses puffery and deception. While puffery is usually treated as harmless exaggeration, deception is a prosecutable offence. A lot of the information learned by children is learned from TV with advertising as one of the major instructors. As one of the key institutions in the transmission of values to the larger society, advertising clearly plays a critical role in both reflecting and shaping culture.

Advertisers are very adept at addressing every group's insecurities and survival and self-esteem needs. Consumers pay attention to advertising messages, and regulatory bodies are concerned about ensuring that consumers are exposed to messages that are wholesome and devoid of unsupported claims and manipulated testimonials. Advertising can represent the best and worst of our culture. Advertising should not only be criticised for some of its deceptive content. It should be exploited as a medium of information dissemination because it can be used to teach and provide useful information, and it can actually enhance consumers' lives.

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