# Ethical Aspects in Advertising: Indian Perspective

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# ABSTRACT

Advertising is the paid, persuasive, impersonal form of marketing communication from an identified sponsor disseminated through channels of mass communication to promote the adoption of goods, services or ideas. In today's changing market economy, advertising play a powerful and constructive role for any company to compete and survive. On the contrary, they also play a negative role in hurting the sentiments of an individual or the society. Hence, it is important that advertising professionals observe high ethical standards with regard to truthfulness, human dignity and social responsibilities. Advertising, using media as its vehicle, is a powerful force shaping attitudes and behavior in modern society. At times it goes beyond the traditional role of 'fair and truthful' information and portraits obscene, undesirable and unethical scenes giving a detrimental result especially on the young population of the society. Keeping this in view, this paper attempts to focuses on ethical conflicts in advertising arising out of exaggerated claims, false promises, stereotyping, puffery, surrogate advertising, misinforming the buyers and other forms of unethical advertising, thus breaches the laws of ethics and ethical code.

Keywords: Advertising, Ethics, Advertising Ethics, Misleading claims, Unethical advertising

# INTRODUCTION

Advertising is a form of communication used to persuade target audience (viewers, readers or listeners) to take some action with respect to products, ideas, or services. Advertising messages are usually paid by sponsors and viewed via various traditional media, including mass media such as newspaper, magazines, television commercial, radio advertisement, outdoor advertising or direct mail, or new forms of interactive media such as websites, email messages, through mobile applications and text messages. In our day to day lives, we always face situations where we have to take decisions, and decide what is right and wrong. We are always faced with the debate of what is moral or immoral, ethical or unethical and according to the perception of each individual, the right decision from their point of view is made. The proper definition of "Morals"; are the beliefs that people hold against what is considered right or wrong. Morals direct people as they make decisions in their personal and professional lives. Another term that always accompanies Morals is Ethics; these are the principles that serve as guidelines for both individuals and organizations, they help create boundaries regarding what is acceptable and what is not, since these behaviors are related to moral feelings about right and wrong.( Clow&Baack,2007) Over the years advertising and marketing communication messages have created a lot of debatable ethical issues, due to the public belief, that advertisements nowadays deeply affect the way people perceive themselves and the world surrounding them, including crucial actions and behaviors.(Folev1999). For these reasons, Moral issues in marketing are important, given the fact that marketing is expected to identify, predict and satisfy customer requirements profitably (Carrigan et al, 2005). Due to the difficult equation between both ends of the marketer's responsibility, some actions (like certain Ads), have led to the creation of new laws and regulations regarding the world of advertising. (Clow&Baack,2007). In order to have a better understanding of the situation, we need to further explore the world of advertisements, the appeals used, the targeted decision making components and the effects of Ads on the targeted consumer as a whole. There are two main components advertisers aim to effect; the affective component, where affective message strategies are applied by invoking feelings and trying to match them with the product or service offered in an effort to increase the likeability of the product, and also the cognitive components, where the Ad focuses on the attributes and benefits of the product, encouraging the consumer to buy it (Clow & Baack, 2007). Such components are affected by the leverage points in an Ad; these

are the features in the Ad that helps the consumer transfer the advertised message into personal value (Clow & Baack, 2007). In order to achieve that, over the years, advertisers have attempted a wide variety of advertising approaches, there are seven main ones; fear, humor, sex, music, rationality, emotions and scarcity. Advertisers use one or combine several of these appeals to ensure that their targeted audiences receive their message (Clow & Baack, 2007). However, nowadays, two main appeals are being used extensively sometimes combined with others, but most of the time they are strong enough to be used solely. These are; sex appeal, which is the use of sexual content in advertisements and emotional appeal; which is the process of trying to affect the viewer's feelings with the Ad presented, in an attempt to link the positive feelings generated to the product advertised. (Clow & Baack, 2007). Although these two appeals are very popular, yet popularity does not come cheap. Marketing and advertising both reflect and shape cultural values and norms, they are one of the strongest forces that shape our world today, and for these reasons the popularity of these 2 appeals are quit concerning (Fam&Grohs2007).

# INDIAN ADVERTISING INDUSTRY

The Indian Media & Advertising industry suffered the after-effects of demonetization and introduction of the Goods & Services Tax (GST), severely stunting the growth of advertising expenditure (Adex) in 2017. Upsetting projected growth rate of 13.5% for 2017, the industry actually grew by only 7.4%, with traditional media showing just 4% growth. In 2018 against estimated growth of 12.03%, the market has actually grown by 14.6%, crossing the Rs 60,000 crore marks. Advertising expenditure expected to grow for 2019 is equally bullish at 16.4% growth. But may be more about 2019 later.

After two dull years in 2016 and 2017, this bullishness will come as refreshing news to media owners and it's probably a sign that India Incorporated is reaping the benefits of both demonetizations and GST. One can indeed see growth in prosperity, amongst the middle or the consuming class, though the farm sector seems to be under some stress. **The last time industry has seen such high growth** was **in 2014 (16.5%)** and **2015 (17.6%)**, three years after low growth in 2011 (9.6%), 2012 (5.2%) and 2013 (11.3%).

In absolute terms, Adex has grown from Rs 53,138 crore to Rs 60,908 crore in 2018, an addition of Rs 7,769 crore, the highest addition in one year of the last decade. Also, the growth rate of 14.6% achieved in 2018 is almost double the growth rate achieved in 2017.

Rs. Crore	2014	2015	2016	2017	2018	CAGR
TV Advertisement	14158	17261	18831	19650	23432	13.55
% Change	14 %	22 %	9 %	4 %	19.2 %	
Share of AdEx	38	39	38	37	38	
Print Advertisement	15274	16935	18151	18640	19457	6.35
% Change	16 %	11 %	7 %	3 %	4.4 %	
Share of AdEx	41	38	37	35	32	
Radio Advertisement	1285	1545	1749	1875	2144	13.56
% Change	17 %	20 %	13 %	7 %	14.3 %	
Share of AdEx	3	4	4	4	4	
Digital Advertisement	3970	5120	7315	9303	11705	31.2

Table 1: Growth of Indian Advertising	Industry 2014 -2018
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% Change	30 %	29 %	43 %	27 %	25.8 %	
Share of AdEx	11	12	15	18	19	
Out of Home Advertisement	2333	2665	2910	3085	3365	9.53
% Change	15	14 %	9 %	6 %	9.1 %	
Share of AdEx	6	6	6	6	6	
Cinema Advertisement	385	465	523	586	805	20.6
% Change	11 %	21 %	12 %	12 %	37.4 %	
Share of AdEx	1	1.06	1.06	1.10	1.32	
Total Advertising Market	37405	43991	49480	53138	59531	13.03
% Change	16.5 %	17.6 %	12.5 %	7.4 %	14.6 %	

Source: Pitch Madison Advertising Report 2019

# Table 2: Profiles of major media types

Medium	Advantages	Limitations		
Newspaper	Flexibility, timeliness, good local market coverage, broad acceptability, high believability	Short life, poor reproduction quality, small pass – along audience		
Television	Good mass market coverage, low cost per exposure, combines sight, sound and motion, appealing to senses	High absolute costs, high clutter, fleeting exposure, less audience selectivity		
Direct Mail	High audience selectivity, flexibility, no ad competition within the same medium, allows personalization	Relatively high cost per exposure, 'junk mail' image		
Radio	Good local acceptance, high geographic and demographic selectivity, low cost	Audio only, fleeting exposure, low attention (the half-heard" medium), fragmented audiences		
Magazines	High and demographic selectivity, credibility and prestige, high-quality reproduction, long life and good pass-along readership	Long ad purchase lead time, high cost, no guarantee of position		
Outdoor	Flexibility, high repeat exposure, low cost, low message competition, good positional selectivity	Little audience selectivity, creative limitations		
Online	High selectivity, low cost, immediacy, interactive capabilities	Small, demographically skewed audience, relatively low impact, audience controls exposure		

# **REVIEW OF LITERATURE**

Ethics can be defined as "a set of prescriptive rules, principles, values, and virtues of character that inform and guide interpersonal and intrapersonal conduct". The ethicality of advertising may be determined by the extent to which it harms consumers and they can be defined as (1) violation of autonomy by control or manipulation, (2) invasion of privacy, and (3) the violation of the right to know. Ethics is one of the branches of philosophy. These ethical issues include women exploitation, subliminal perception, Advertising to children, deceptive advertising, and other issues which can lead to moral deterioration of the society.

(Boddewyn, 1985) defined that the Governments did impose restrictions and rules in the marketing industry, but advertisers still find ways to use unethical advertising without tampering with legal issues. Firms need to decrease their ethical violations in advertising. Firms have to be more aware of ethical issues and put more effort in becoming more respectful to their consumers. Firms should monitor and police the extent of ethical violations deemed plausible for business, and they can let the market be aware of the manner in which they control their advertising ethics stature as a signal of their endeavor toward action and commitment of their corporate social responsibility perspective.

When we study unethical advertisements and how they affect how consumers feel about the company's brand and product, the most important to first study ethics in advertising. It is important to understand how consumers judge or understand advertisements so advertisers can approach the creation of an advertisement with an idea of how it will be received by the customer. Consumer's judge advertisements based of three main principles of idealism, pragmatism, and relativism (Dean 2005). Idealism emphasizes universal statements of right and wrong; not the consequences of the actions or the function of time, place, or culture. In this case, most will view a concept in an advertisement as right or most will view the concept as wrong, there is not much of a gray area. Relativism, on the other hand, is not based on universal rules but is indeed based on the time, place, and culture of the audience who is viewing the advertisement. An advertisement in this case may be acceptable to one culture but extremely offensive in another based off of the beliefs and norms of the people in that culture. Pragmatism is based off of the belief that the advertisement results in the greatest good for the greatest number of people. It is valuable for companies to think of how individuals may arrive at an ethical judgment about an advertisement based off of these principles, but it also a good idea to have standards of ethics to evaluate advertisements as well.

In today's competitive market most advertisers and media recognize the importance of maintaining consumer trust and confidence which is very important to gain. The circle of self-regulation in advertising is widening day by day. Even the code of ethics drawn up by the Advertising Standards Council of India (ASCI) has not had much impact. They do not provide solutions to every ethical dilemma.

As we all know advertisements are presented to large audience throughout the world through various means called advertising media. There is several types of media ranging from banner and balloons to online and mobile advertising internet advertising etc. Different types of messages may require different media (Kazmi, S.H.H. & Satish K. Batra, 2006).

Nageshwara Rao.S.B. (1987) in his study on "The code of ethics in advertising", suggested that the advertising should make the life of the consumer easier, more comfortable and pleasant. Thus, he emphasizes on ethics and honesty in advertising.

Anandsen Gupta (2002) in his research on "Ethics in advertising" stated that the success of advertising depends on public confidence and no practice should be permitted to resort to immorality and indecency. Advertisers should fulfill their obligations towards the society.

Madhusudhan .N. Pandya (2005) has concluded in his study on "Advertising" that ethical advertising is mostly influenced by values, opinions and judgments.

(Dr. Githui Donatus Mathenge,2013) defined that It is very difficult to identify what is or not ethical conduct in integrated marketing communicating as it varies from country to

country. Ethical values as situation specific and time oriented. Nevertheless everyone both in business, marketing and specifically in advertising and marketing communications must have an ethical base that applies to conduct in the business world and in personal life morals.

(Dr.N.A. Anbarasan and Dr. K. Pongiannan, 2012) conclude that Honesty, integrity and quality are the important features of ethical advertising. These features create value to all the stakeholders of the advertising media. Now-a-days only ethical based advertisements are highly welcomed by all the audience. Ethicality in advertising improves the quality of the advertisements in any media and enhances the brand image for the advertised product. Thus, it can be concluded that strictly adhering to ethical values in advertisements will increase the market share for the advertised product.

Research in advertising ethics covers all the functions of promotion. Advertising is one of the most integral parts of a business entity. Organizations all around the world spend billions of dollars every year to promote their products and advertising is one of the tools to promote their product globally.

# WHAT IS ETHICS

Ethics means "Good Conduct" or "Conduct which is right in view of the society and the time period". By common consent, various modes of behavior and conduct are viewed as "good" or "bad".

In other word, we can say that Ethics are the guideline principles and values that govern the actions, behavior and decisions of an individual or group. Ethics is a choice between good and bad or between right and wrong. It is governed by a set of principles of morality at a given time and at a given place and in a given society.

# ETHICS IN BUSINESS

According to International Ethical Business Registry "There has been a considerable increase in the ethical expectations of business and profession over the past few years. Clients, employees and customers are intentionally attempting to find out those who define the basic rules of their working on a day to day basis."

Following are the reasons that explain why there is a need of Ethics in business

- It defines accepted or acceptable behaviors;
- It helps in promoting high standards of practice;
- It provides a standard for members for the self evaluation;
- It establishes a framework for professional behavior and responsibilities;
- It acts as vehicle for occupational identity;

It is a mark of occupational maturity;" (Life Skills Coaches Association of BC, ethics web, 2015)

#### ETHICS IN ADVERTISING

Advertising would be considered ethical if, it -

- Should not mislead the consumer
- What it promises must be there in the performance of products
- Ad should not be indecent and obscene

• As advertising is also a social process, it must honor the norms of social behavior, and should not offend our moral sense

• It has the set guidelines ASCI (Advertising Standards Council of India) regulates the advertising in India

Some more ethics and standards to be followed in advertisements are -

• Permission will not be granted where objects are completely or largely religious or political in nature. Advertisements cannot be directed towards any religious or political end, or to gain mileage of any form.

• Any goods or services that are advertised should not have any defect or deficiencies of any form declared in the Consumer Protection Act 1986.

• Products should not be portrayed in a way that misleads the public to infer that the item has some special, miraculous or a super natural quality, which is anyways difficult to prove.

• Picture and the audible matter of the advertisement video should not be excessively 'loud'.

• Advertisement should not endanger the safety of children or produce any sort of perversion or interest that prompts them to adopt or imitate unhealthy practices.

• Any type of offensive, indecent, suggestive, vulgar, repulsive themes and/or treatment must be avoided under all circumstances.

• Good creative advertisement will always attract people's attention, but they should have meaningful visual content. One shouldn't have an attitude to play with people's sentiments and emotions.

# ETHICAL ISSUES IN ADVERTISING

Advertising is a highly visible business activity and any lapse in ethical standards can often be risky for the company. Some of the common examples of ethical issues in advertising are given below:

- Surrogate Advertising
- Vulgarity / Obscenity used to gain consumers' attention
- Misleading information and deception
- Puffery
- Stereotypes
- Comparative advertising
- Use of children in advertisement
- Unverified claims
- Racial issues

# HOW ETHICAL ISSUES ARISE IN ADVERTISING

The world of advertising has come a long way from mission to profession to industry. Some people describe it as false, untrue, misleading and obscene. Today Advertising Industry has been facing a lot of criticism as the advertisement which is being telecasted does not follow the norms of ethics. Advertisements should be socially, culturally and morally ethical. Advertisements appearing on television and radio have to be approved by Doordarshan and AIR authorities. Similarly, advertisements in newspapers and magazines and on outdoor sites are also regulated by guidelines. In today's competitive market, it is free for all it's just the matter of money or how much one is ready to spend, thus advertisers sometime follows the unethical practices to fight or became superior then its competition. For many years, the advertising industry has practiced, promoted voluntary self regulation. Most advertisers and media recognize the importance of maintaining consumer trust and confidence. The circle of self-regulation in advertising is expanding day by day. Even the code of ethics drawn up by the Advertising Standards Council of India (ASCI) has not had much impact. Thus they do not provide solution for every unethical practice.

# WAYS OF UNETHICAL ADVERTISEMENTS

There are several types of advertisement which leaded to unethical advertisement

# Surrogate advertising

Surrogate advertising is advertising which involves a brand or product message inside an advertisement which is telecasted for another brand or product. Surrogate advertising came into existence after the Government took initiative to ban advertisements of products that are injurious to health or body. After implementation of it the major companies of liquor &

tobacco were badly affected so they found other ways of advertise their products. They have found an alternative path of advertising which helped them to keep on reminding the people of their liquor/tobacco brands: they have introduced various other products with the same brand name in their product line.

The advertisements for such new products are called or placed under the category of "Surrogate Advertisements". The main objective of this type of advertisement is to compensate the losses arising out of the ban on advertisements of one particular product (i.e. liquor). The companies always say that the order of the government is being implemented and advertisements of liquor are banned, but the objective of the Government imposing the ban is not fulfilled. It's a new weapon of Proxy War. (Mary McMahon, 2015)

#### Analysis of some Surrogate advertisements

**Tuborg** promotes its product, Tuborg Zero, because it is not an alcoholic product. In doing so, it associates its brand with enjoyment using the tagline "Open for Fun". The party visuals further establish the "youth oriented" image of the brand.

**McDowell's** No. 1 Soda, which plays on the themes of friendship and brotherhood. While the content of this advertisement is admirable for its sensitivity towards the differently abled, it also masterfully manipulates its viewers into associating the brand name with true friendship or *yaari*. The tagline "Celebrate Responsibly" points towards the fact that it's not really soda that's for sale here.

**Bacardi**: Many can recall the Bacardi ads of yore with the famous Bacardi Music! Again, it was not the beverage brand that was being promoted. The direct promotion was for the Bacardi Soda and the Music CDs, but indirectly, a brand name for Bacardi was built

#### **Puffery**

Puffery is an exaggerated statements made by the companies for the purpose of attracting buyers to a particular product or service. Puffery advertisement is basically used by the business in order to rise up the image of their product. Statements made in puffery are usually of subjective opinions rather than objective representations of facts. It is assumed that puffery act as an opinion for the consumers that cannot be verified. A sensible person would not take puffery literally. The difference between puffery and factual representations is the degree of specify their claim towards the product. Puffery contains broad, general claims, as in the motto "The Best burger in the West", No one can prove the burger is really the best, but no one can prove it is not (Ken LaMance , 2014)

#### Analysis of some Puffery Advertisements

**Red Bull:** The famous energy drink Red bull shows in advertisement that after drinking it gives you wings i.e. Red bull gives you wings but we actually knows that it does not grows wings on your back after drinking it

**Axe Deodorant:** Axe deodorant (chocolate fragrant) ad which shows that after spraying it that person's whole body turns to chocolate which is practically not at all possible.

#### **Unverified claims**

These are those kind of advertisement in which the company who is advertising its particular product makes a false statement or commitment about its product. The unverified claims are generally seen in energy drinks which commit to increase your stamina, foods that increase your child brain or a breakfast that makes you fit. But as the consumer use them, they see that there stamina is still the same, there child is just as regular as he was, and there figure hasn't changed an inch. Advertisements like these convey information that's false, scientifically wrong and misleading. (Roshani Dhamala, 2014)

#### Analysis of some Unverified Claims

**Kellogg's Special K:** Kellogg's special k claims that after having it as your breakfast one will became slim and trim but there is no scientific prove for it. Thus it's a wrong or misleading statement committed by the Kellogg's company.

**Horlicks:** Horlicks claims that it makes your boy taller, stronger and sharper but practically a boy cannot be taller, stronger and sharper just by drinking milk with mixed with this product horlicks.

#### <u>Woman stereotype</u>

Television remains of the most predominant mediums that promote stereotypical about the gender roles with the help of advertisement. "Media has become an important source of creating stereotypes because they are sometimes the only source of information we have about other groups and they often represent a distorted view of those groups". NO matter what type of life a women lives, the society will create some sort of stereotype about the women's. Generally the entire household product such as soap, washing powder etc. mainly uses women in order to advertise it which generate or add to the stereotype in the society about the women's that they are limited within the boundaries of their house only.

**Detergent powder:** The famous washing powders like Rin, Tide, Fena, wheel etc always uses a women in order to promote their brand as well as their product.

#### **Comparative advertising**

According to academic literature, "Comparative ads are those ads which involves directly or indirectly naming competitors in an ad and comparing one or more attributes in an advertising medium."

Comparative advertising, as the name suggests, is advertising where a party (the advertiser) advertises his goods or services by comparing them with the goods or services of another party. Such other party is usually his competitor and is often the market leader in the particular trade. The comparison is made with a view towards increasing the sales of the advertiser. This is typically done by either suggesting that the advertiser's product is of the same or a superior quality to that of the compared product or by denigrating the quality of the compared product. The more blatant form of comparative advertising refers to the product by name and this is generally known as comparative brand advertising. (Smriti Chand, 2015)

#### Analysis of some comparative advertisements

One of the famous controversial comparative advertisements was Rin and Tide Natural where in the ad of Rin it directly showed the competitor product Tide and committed that it is a better and superior washing powder then that.

Another controversial comparative advertisement was colgate and pepsodent where pepsodent claimed directly that pepsodent now better than colgate strong teeth delivers 130% germ attack power.

#### Use of children in advertisement

Nowadays market is very highly influenced with children's entering into advertisement. Marketers are using children in their commercial advertisements to push their sales. This is done because Indian children are allowed to watch each & every advertisement in the television, so marketers are taking advantages of it. As in the present time there is a rapid increase of use of children in advertisement. This leads to influence our Indian culture as well as Indian children's to push their parent for particular products. Some of the advertisements are very relevant to children where marketers should use children to promote their products in the market otherwise they can't. For instance, ads of Horlicks, Johnson & Johnson etc. But apart from this there are many commercial ads where marketers use children even the products are not for children like, Super Nirma, Surf Excel etc. which is irrelevant for marketing point of view. These types of ads are basically to win emotion of the customers. Using children in advertisements particularly in India where

many people can't afford the products but children force them to buy those products which affect their economic levels, so marketers should go for children advertisement for their relevant products only.

# Analysis of some children advertisements

**McDonalds:** McDonalds is advertising the McAloo Tikki burger and Fries in what has become a popular and controversial advertising campaign in India. The Boyfriend/Girlfriend television commercial at the centre of the campaign features two young children sitting on a bench. The girl asks the boy if he would consider them boyfriend and girlfriend. He refuses the proposal, saying that girlfriends demand too much. He changes his mind when she says that she'd be satisfied with a McAloo Tikki Burger.

**IDBI Bank:** IDBI bank uses children in order to show their friendship which will be continued by the bank also. The concept of this advertisement was quite unique but it was not at all necessary to use small children in it as a true friendship is followed by adult also. They were just used to win the emotions of the customers.

#### CONCLUSION

The Indian advertising industry is growing at an average rate of 13 percent in last 5 years and expected to grow more over the previous rate in future. Advertising play an important role in influencing target audience towards a product and service. For some people it is an important source of getting information while other describes it as an untrue, misleading and obscene. Advertisements are an important source of information for customers. Advertisements specifically television and digital advertising are influencing, entertaining, convincing, and impactful and on the other hand create some confusion among the customer while choosing the product brand. Advertising Industry has been facing a lot of criticism in the recent times as the advertising practices have not always been ethical. In today's competitive market, advertisers are sometimes following the unethical practices to fight the competition. Despite laws are existing to control truthfulness and ethical aspects of advertising but it can be said that implementation of the laws controlling advertisement is not properly done. The lack of implementation of the laws is leading to more and more unethical and obscene advertisements. Hence, it is an urgent need for proper implementation of the laws in our country.

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