



REGULATORY FRAMEWORK OF CHILDREN ADVERTISING IN INDIA

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Abstract

Marketers are considerably interested in demarking children as an independent and growing market. In India a population of more than 375 Million children constitute a vast market for various kinds of products. The tremendous potential of this market needs to be actualised with proper strategic formulation. Therefore, the marketers are heavily promoting on various media to reach out and influence the consumption behaviour of children. Whereas, the growing influence of advertisers on children is becoming a big concern for parents, child advocates and scholars. Parents can't be with their child all the time, so this necessitates exploring the advertising literacy in children and their sensibility and readability for an able decision making. Ethically, the task is a collective responsibility of parents, government and advertisers so that the tender minds are hearts be protected from undue influence. Hence, this paper discussed about the advertising literacy, government laws prevailing in India with regards to child advertising, various programs run by big industries for advertising's affects awareness in India and implications for child advertising literacy in India.

Keywords: *Children, Advertising, Regulations, Laws.*

Introduction

There are enough reasons for marketer to show an interest in how to persuade children and what children think about advertising. First, India has the largest child population in world. According to 2011 India census there are 375 million people under the age bracket of 0-14 years. It makes India a lucrative market with youngest population, who will become brand maker in future. Second, there are 197 million homes in India who has their personal TV set, and one in every 4 viewers of TV, comes under the age group of 2 to 14 years (BARC yearbook 2018). TV is a rich medium to connect with this niche and nascent segment of market. Third, Spending power of average Indian's also increased, as India's per capita income as of on march 2019 (\$ 2041.091) stood 6 times higher than what it was in the year 1991, and so the children's spending power increased. Various studies (Wimalasiri,2004; Ying Fan, Yixuan Li,2009; Dr. T. N. Murty et al. 2013) revealed that children influenced many household decisions. And through this tender age they learnt the consumerism.

Children are an important kind of market influencer, and these influencers are heavily influenced by advertising (John R. Rossiter ,1977; Boush, 1994). So, advertiser took advantage of every inch of situation as they rapidly adopting new advertising venues such as child specific channels which are growing at a faster rate in India, games, and Various YouTubers who promote the specific products. Today's TV channels are flooded with media content and advertising, as 9% of total broadcasted hours to all channels in India is catered to advertising (BARC, 2018).

Increasing amount of criticism for the advertiser's tactics for whom children form a substantial market, now, would appear for a need of exemplary socially responsible behaviour by these organisations. So, this becomes the subject of extensive concern and debate, and gained much attention from parents, scholars and child advocate. The primary concern is that, children are vulnerable and until they reach adolescence are more susceptible to the influence of advertising (kunkel et. al, 2004).



The long-held reasoning behind this notion is that children's advertising related skills (advertising literacy) has yet not fully developed (Rozendaal, 2011). To do so, first of all, child need be able to differentiate between advertising and other media content (like; programming, news, web content etc.). Second, children should understand that advertisers tried to influence their purchase behaviour (Selling intent). Third, they have to be aware that advertiser influences this behaviour by changing their attitudes and cognition about the ad (persuasive intent). Fourth, children must understand the specific ways through which advertiser persuade them to buy the product (kunkel, 2004; rozendaal, 2011). Often this advertising related knowledge and understanding referred as advertising literacy (young, 1990, Rozendaal, 2011). "And it is assumed that this advertising literacy determine children's susceptibility to advertising effects" (Robertson & Rossiter, 1974; Gunter, Oates & Blades, 2005; Rozendaal, 2011). So detailed insight into the development of children's advertising literacy with thorough academic research is the need of the hour." It is generally assumed that, children's who are more conscious and able to take advertising critically are less susceptible to advertising effects" (Bandyopadhyay, 2001).

The concept of children advertising literacy

Children advertising research heavily depends on the frameworks established by developmental psychologists. It would be helpful if there were a single and widely accepted theory of developmental psychology, which can give a straightforward answer to the questions about advertising related abilities. But such a framework doesn't exist currently. Most of the studies inspired by piaget's theory of cognitive development (1932), theory of information processing (Rodder, 1981), theory of mind or sometimes termed as "belief-desire psychology" (wellman, 1990), and the is most recent, the theory of mind paradigm (Moses & Baldwin, 2005). Three developmental phases can be distinguished by these theories, they are: Early childhood (from younger to five years of age), middle childhood (from 6 to 9 years) and late childhood (10 to 12 years old). During each phase, child developed socio- cognitive and information processing skill which positively affects the development of components of advertising literacy (Buijzen, 2010).

In advertising literature, advertising research practitioners spoke about advertising literacy as: consumers awareness about spectrum of different kind of ads, their ability to describe various production techniques, sensitivity about the advertising message and the jargon of the industry (O'Donohoe, 1995). Further Ritson and Elliott (1995) defined an advertising literate consumer to be those who can read the advertising content, co-create and think for many possible meanings of a given advertisement. But in context of children, advertising literacy generally defined as the conceptual knowledge of advertising. After went through the child literature seven advertising literacy components identified; 1). Ad recognition- able to make a fair difference between advertising and media content; (2) Awareness of advertising sources- basic understanding of who pays for advertising messages; (3) understanding of intended audience- understanding of targeted and segmented audience; (4) understanding selling intent of advertiser- that advertiser try to sell out their product; (5) understanding persuasive intent- understanding that advertiser make an attempt to influence consumer by changing their state of mind, attitude and cognition about the ad and product; (6) understanding of advertiser's persuasive tactics- having understanding that advertiser used specific strategies to enhance their demands for the particular product; (7) understanding advertising biasness- being aware about the mischief between advertised and actual product. (Rozendaal, 2011).

The further perspective is offered by Rozendaal et. al (2011), by adding two more dimensions in their study, as named of, **attitudinal advertising literacy** and **advertising literacy performance**. On the other hand, Bartholomew and O 'Donhoue (2003) suggested children's advertising literacy in three role- Ad



master (when understand ad intent and meaning), Ad controller (When show control over ad by started avoiding certain ads) and Ad critics (When critically evaluate the advertisements).

Evidence regarding age and children advertising literacy

The major issue struck with advertising literacy is about the consensus, as there's no concord existed in literature with regards to its definition and age at which a child become fully advertising literate. There are ample of empirical studies regarding the age and various components of advertising literacy. Young(1990) found eight years old in his study advertising literate because they are rational about the advertising message. Whereas, Buckingham (1993) identified the seven to twelve years old as advertising literate as they understanding ad intent and target audience, along with this they developed a critical thinking about nature and content of advertisement. Rozendaal (2011) in her study make a comparison between eight to 12 years old children with adults (18-30 years old) and found that 10-12 years old Ad recognition level is comparable to adult level but their level of understanding selling and persuasive intent is not reached up to adult level even at the age of 12 years. Rozendaal et. al (2011) in another study found that understanding advertiser's persuasive tactics increased with the age of 8 to 12 years but reached an adult like level around the age of 10 years.

Government policies regarding children advertising in India

"Commercial speech is a part of freedom of speech and expressions guaranteed under article 19(1)(a) of the constitution"- The Supreme Court of India.

In an environment where market is flooded with the 76.7 Million advertisements by 11,837 advertisers with 18,729 brands of 512 categories (BARC,2018), chances are extremely high to exaggerate and misinterpret the facts and products which ultimately affect the impressionable minds. A sound legal system with defined boundaries of advertisement is the need of the hour, as several countries test the water and enacted comprehensive laws that control the advertising. In the UK, there's an advertising standard authority which lays down the standard for all kind of media, committee of advertising practice (CAP) & The broadcast committee of advertising practices (BCAP) and office of communication. And many counties in Europe are on the lines of UK and stringent their laws about child advertising. As for the US, The Federal trade commission is the ultimate authority to protect the America's consumers and specifically child consumers.

But when we turned towards India, the field of advertising management has the absence of comprehensive statutory mechanism as there's no central statutory agency and faced multiplicity of laws, which contradicted to each other. The Indian advertising market regulated and controlled by a voluntary self-regulated council which is non statutory and named as Advertising standard council of India (ASCI), Whose sole objective is to promote responsible advertising and enhance public trust and confidence in advertisements. A survey done by FICCI with the top tier officials of advertising managements (like: advertising agencies, advertisers, govt, marketing institute etc.) revealed that only 31% respondents believed that the ASCI framework is enough to check upon the advertisements and performing adequately. While 56% believed that framework is inadequate and ineffective (pleaders solution).

Advertising standard council of India (ASCI): Code of Regulations related to child advertising

ASCI code closely works with, The Young Persons (Harmful Publications) Act, 1956, which prohibits any publication tend to corrupt a young person (under 18 years) by inciting or encouraging him/her to act of violence or cruelty or in any manner. According to ASCI code those Advertisements which are



related to minors, shall not contain anything which might result with physical, mental or moral harm or which exploits their vulnerability. For example,

- Features minors in tobacco or alcohol-based products.
- Features minors playing with any inflammable or explosive substance, gun, knives or mechanical or electrical appliances.
- Feature personalities from the field of sports, cinema or music for products which, by law, cannot purchase by minors.
- Show dangerous and hazardous act which encourage minors to copy them and ultimately could cause harm or injury to them.
- Encourage minors to enter in strange places or to converse with strangers for freebies, gifts, coupon and wrappers etc.

But lacuna exist too in the ASCI code, as, has restrictions neither on the use of children in advertisement nor on the toy's advertisements. Every broadcasted 2nd or 3rd advertisement has a child artist. Not only children brands but communication, car, shopping sites and other FMCG products too use children in their advertisements.

Apart from ASCI code there are various laws regulated child advertising, although these laws are not defined for child advertising, but can be correlated and protected the rights of child consumer also, they are:

- Young persons (Harmful publication) Act, 1956
- Food safety and standard Act, 2006
- Indecent representation of women (Prohibition) Act, 1956
- consumer protection Act, 1986
- Infant milk substitute, feeding bottles and infant foods (Regulation of production, supply and distribution) Act, 1992
- Standard quality of service (duration of advertisements in television channels) Regulations, 2012
- Cigarettes and other tobacco products (Prohibition of advertisement and regulation of trade and commerce, production, supply and distribution) Act, 2003
- The drugs and magical remedies (Objectionable advertisements) Act, 1954
- Arms Act, 1959

Can having a long list of acts protect these innocents (children) from the advertisements unintended effects?

The saddest part is that mostly Acts are not amended since a decade or two, and can't comply itself with the current market scenario (like; online marketing platforms). Mostly acts are ill defined and left a space of escape for guilty. Also, there is plethora of agencies, Act and rules worked for different media mediums. For example; Billboard advertising is regulated by jurisdictional municipal corporations, Whereas, Digital media advertising should comply with ASCI, the Indian penal code and the Information technology Act, 2000. On the other side there's no competent authority for email advertising (Spam) or direct mail advertising. Newspaper and periodical advertising are also regulated by a handful of Acts like: Press council of India, Act 1978, ASCI code and Norms for journalist conduct. All advertisements on Radio and Doordarsan should follow the code issued by Director general of each Doordarsan and also worked with the ASCI code.



Television advertising is mandated with the cable television network Rules, 1994 and compulsorily acts accordance with ASCI code. So much codes, Rules and agencies make bewilderment at the shift of government policies.

Indeed, the question must be asked; *is it just govt who think about the consumer's awareness and health, these giant industries have no responsibilities?*

Commercially sponsored advertising literacy programmes in India: does India needs such interventions.

The interaction between media and consumer is undoubtedly complex. Therefore, critics advised that the approaches adopted by educators and policy makers are overly simplistic (Buckingham, 2004) and can't understand the complex relationship that consumer have with their chosen media.

After visiting websites of the top 10 big market player in the FMCG sector in the Indian market, who paid a huge amount of money for advertising, not a single company work to aware children about responsible and ethical advertising practices taken by advertiser and conducted awareness campaigning on such an area of how to cope up with this advertised world, understand the persuasive tactics of advertiser and to become unbiased about the advertised product. Only a handful of companies run some programme related to health and self-esteem of girls like; PepsiCo India's **Get active** programme for school students to educate them for calorie intake and Hindustan uniliver's **self-esteem** program for girls. Along with this few NGO's such as: **Chetna** and **Marg** are also working in the field for providing nutritional and physical activity education to young people.

Table 1. Biggest Market Player in Indian FMCG Industry, their Well-Known Products/Brands and their Overall Spending on Advertising

Rank	Advertisers	Products name/ brands name	Approx. spends in Rs Crore
1	Hindustan Uniliver Limited	few famous brands of HUL are Dove, Lux, Lifebuoy, Pears, Hamam, Lyril, Rexona, Surf Excel, Wheel, Comfort, Clinic Plus, Sunsilk, Fair & Lovely, Pond's, Lakmè, Vaseline, Bru, Taj Mahal, Lipton, Brooke Bond, Cornetto, Kisan, Annapurna, Magnum, Close up, Pepsodent, and many more.	3100-3400
3	Procter & Gamble	Ariel, Ambipur, Duracell, Gillette, Head & Shoulders, Olay, Oral-B, Pampers,	700-850



		Pantene, Tide, Vicks, Whisper, Wella	
10	Godrej Group	Good Night, Ezee, Godrej Nupur, Cinthol, Hit, Godrej Expert, Godrej Air	550-650
15	ITC limited	Product range; Cigarettes, processed food (Kitchens of india, Aashirvaad, Sunfeast, Mint-O, Candyman, Bingo), lifestyle retailing and personal care etc.	400-500
21	Colgate palmolive	Some of their products are toothpaste, toothbrush, toothpowder, shower gel, skin care etc.	300-400
25	Marico Limited	Parachute Advanced, Saffola, Hair & Care, Nihar, Nihar Naturals, Livon, Set Wet, Mediker and Revive	250-350
30	Nestle	EveryDay, Nescafe, KitKat, Maggi, Milkmaid, Nestea, Munch	200-300
43	ParleAgro	Frooti, Appy Fizz, Hippo, Parle G, Bailey, etc.	150-250
46	Amul	milk, butter, cheese, ice cream, Dahi, ghee, milk powder, chocolates, etc.	100-200
49	Britannia Industries Limited	Make product in various range as Biscuits, Bread, Cakes, Rusk, and Dairy products including Cheese, Beverages, Milk and Yoghurt.	100-200

Sources: Pitch Madison Advertising Report 2019

Table 1, shows the top 10 FMCG companies in the Indian market on the basis of their annual spending on Advertising (display ads, social media ads, newspapers and magazines, outdoor advertising, radio and podcasts, direct mail, video ads, product placement, TV ads etc.), product reach to the consumers,



their rank for annual advertising sending and brand value. These companies spend millions of rupees as part of CSR on the vulnerable section of society and doing a commendable job by touching the life of millions of indigents.

Through marketing perspective, Children are future market, they develop brand loyalty at an early age (McNeal, 1992), and this loyalty will last up to their adulthood. This generates a win-win situation for the marketer, as, they have to portrayed the image of their product just once and it will be stayed in the consumers mind long last. Or they need to just pay more for the advertising and they get a brigade of more loyal customers. So, this becomes requisite for the advertiser to take some initiatives on their part and aware this niche market segment.

There are several successful media literacy interventions shaped in developed countries. Concerned children's advertisers (CCA) a Canadian non profit organisation worked to educate children to have the skills to become critical thinker, able to interpret and cope with the media message they exposed to. On the lines of CCA, the United Kingdom run a program of media smart and Willy Munch right program is running in New Zealand.

This becomes the need of the hour to educate children so they become aware and wise consumers in future.

Implication of Children advertising literacy education

Research shows that by the age of 9 or 10 nearly all children started making purchase on their own in several times a week (McNeal, 1992) and by the age of 12, they come out with all aspects of their consumer behaviour (Valkenburg, 2001). Although evidences are scant that how much pocket money a child get in India and how much they spend, but one thing is sure that child rearing pattern which was characterised by authority, obedience and respect (Torrance, 1998) is changed, and it can be seen in Indian society too. Now, a child plays a major part in family decision making. By increasing the parental income (per capita income rise 6 time in 2 decades) it becomes a status symbol to eat pizza and going to McDonald and drink colas, the dietary shift in Indian children is the true result advertising they exposed to daily.

Parent's mediation affects undesirable advertising effects (kunkal, 2001; smith & atkin, 2003 Valkenburg, 2004) purchase request (W.A. Donohue & Meyer, 1984) and even can increase the learning from the educational television programs (Huston & Wright, 1994; Salomon, 1979). However, in this fast pace marketing world, heavily loaded with advertising, this task is not only the parent's responsibility anymore as it is a collective responsibility of parents, marketer, advertiser and government.

Media educators needs to constantly counsel parents and to spend some part of CSR to educate children about the critical thinking they should carry about media message. Also, make them able to interpret, cope with and understand the advertising they exposed in their daily life.

Advertiser should self-regulate their advertising practices and must set a goal of responsible advertising. Children need to exposed to critical thinking and problem-solving orientation through media and information literacy (MIL). Media and information literacy (advertising literacy is a part of MIL) should become the part of the mass communication curricula. Focus will be given to school students as peers/



colleague also affects their media choices and MIL should be incorporated in school curricula by this change started from the early childhood.

Government must set up a statutory regulatory body with well-defined clauses and sections, on presenting children in advertising, ethical advertising, actions against false claims and misleading advertisements. In the absence of a statutory body various bodies act accordingly themselves and can't curb the false, misleading and mischievous advertisements.

Conclusion

Although children in India have not that much amount of money to spend as their western counterpart, but they are centre of universe in Indian family system. They pester parents to fulfil their demands and can pull their parents to visit a store. Ads affect their buying behaviour, attitude and create parent child conflict. Parents can't be with their child all the time, or they can't protect their children from the growing reach of advertisers, as advertiser using the every possible medium to reach children. At that time Advertising literacy through media and information literacy programs is the only way to lesser their susceptibility to the advertisement effects. Few interventions took place in the developed world on media literacy education but no such intervention happened in India. Hence more investigation on advertising literacy's effects on child susceptibility and what kind of programs and how these programs can build their critical thinking is imperative.

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