

DECEPTIVE ADVERTISING: THEORY AND PRACTICE

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The article provides the definition of deceptive advertising and gives examples of unethical marketing practices. It contains references to European legislation in this regard. The authors stipulate that unfair advertising of goods and services can undermine the trust in the product and do harm to its prestige apart from causing material damage to the customer. Practical tips on how to mitigate the negative publicity of deceptive advertising are supplied.

Key words: deceptive advertising of goods and services; legal regulation of advertising; mitigating negative publicity.

Deceptive marketing involves false or misleading sales activities and information aimed at luring, coercing, seducing, persuading, or enticing both potential and existing consumers of a product to patronize a trader, sellers or manufacturers of a product. It can be perpetrated through personal selling, advertising, labeling packaging, catalog, and deceptive telemarketing. However, in the industrial countries of the world, and even in some developing countries, deceptive marketing activities are criminal offenses under the Competition Act. Also, the Act governs various deceptive marketing practices, such as misleading ordinary price claims, sending deceptive prize notices by mail or e-mail and misleading advertising [1].

Customers are day after day affected by advertising and marketing. They should be conscious that their buying behavior can be manipulated with unethical advertising methods. They have to be aware of the way companies present and advertise their products or services [1].

The European regulations on misleading advertising are laid down in Directive 2006/114/EU on misleading and comparative advertising. In Article 2 of the Directive, misleading advertising is considered to be «any advertising that, in any way, including its presentation, misleads or may mislead the people it addresses or affects and that, due to its misleading nature, may affect their economic behaviour or, for these reasons, harms or is capable of harming a competitor». This directive prohibits such activities [2].

During the existence of advertising messages, people regularly noticed the dishonesty of some advertising campaigns. Advertisers exaggerated the merits of their products in order to attract more attention from potential customers. Such actions are quite understandable: everyone wants one's products to be bought more than those of their competitors. An unreliable advertisement is

an advertisement that gives incorrect information about a product and misleads customers. Such advertising is also found in the modern world. It became even more aggressive. Many advertisers not only provide incorrect information about the product, but also try to belittle competitors.

There exist the following types of unethical advertising:

- advertising of prohibited products;
- advertising of a lower-quality product under the name of a high-quality product;
- advertising of products with trademarks similar to popular brands;
- advertising of goods without licenses and quality certificates;
- advertising of expired goods;
- distortion of data on the composition or configuration of the product;
- advertising of products with invalid certificates;
- advertising of goods with the exaggeration of their characteristics.

In our opinion, it is most often possible to encounter misleading advertising on social networks. Today, social networks have a strong impact on a person. Looking at «real» photos, reading «real» reviews, buyers want to purchase some product and achieve the same effect. However, does the effect always coincide with what the seller claims? How can we be deceived and misled? We would like to look at the products of popular bloggers, what can go wrong.

Many people are familiar with the marathons of desires by Elena Bli-novskaya. She teaches us: don't be afraid of your desires, and the universe will make them come true! That's exactly what happens to her. And the fulfillment of these desires is paid for by her students and buyers. If we consider Ms Bli-novskaya's marathon in detail, we can notice the following: the proposal does not contain clear formulations concerning the content of the course. She defines the purpose of the course as «providing consumers with comprehensive, systematized information in order to improve their skills and knowledge in various areas of life». And then, your wishes will begin to come true and life will noticeably improve.

Is it possible to hold such a seller accountable if the buyer hasn't received the declared effect? The answer is: it is impossible. Obviously, the goal of her marathons is vaguely formulated and it does not oblige the author of the course to adhere to certain boundaries. Moreover, it does not allow the student to terminate the contract due to poor-quality provision of services and return the invested funds. Lawyers pay attention: according to the contract, the service in this case is «actions that are aimed at making efforts, but not at achieving a certain result». Regina Todorenko also sells the «secrets» of fulfilling cherished desires. Victoria Bonya teaches how to be a goddess, and, again, to make dreams come true. The famous blogger Huseyn Hasanov practices millionaire thinking with his students. Yana Rudkovskaya sells the marathon «I am super»,

which is very much like the ones mentioned above. Thus, training and marathons like that are designed to ensure that people, looking at the life of successful bloggers, will be the same after the marathons. However, all these products only tell obvious facts. After all, everyone knows that everything in our life mostly depends on ourselves.

Body marathons are no less popular today. Sellers, in particular, popular bloggers guarantee a perfect body in a short period of time. Millionaire blogger Goar Avetisyan recently announced the launch of sales of her weight loss course «The Goar Method». The make-up artist, who herself recently became 64 kilograms less, assures that the one who buys and passes her course will be thin, healthy and energetic. The blogger insists: she developed the course based on personal experience by trial and error. At the same time, Avetisyan promises that the course will help fans find a dream body without stress, diets and grueling workouts. But here's the bad luck: the blogger broadcast the whole way from 135 to 71 kilograms on social networks, and it was thorny. All her numerous followers saw how she torments herself with hunger and sports and eventually goes under the surgeon's knife. Now subscribers are perplexed: how will Goar help them lose weight «without exhausting diets and workouts» if she has been suffering for so long? Followers are also outraged by the fact that a big role in the current figure of Avetisyan was played by an expensive surgical intervention, which is not included in the package of the «Goar Method» at 3450 roubles [3].

Now we want to notify you about how you can avoid this negative publicity. It is not a panacea, but it is worth thinking about. Here are our top tips to help you avoid the most common mistakes [4].

Don't omit key information. All relevant information, including significant conditions to an offer, should be made clear in the ad itself. These should be stated close, or clearly linked, to the main offer. Unfair advertising of goods and services can undermine the trust in the product and do harm to its prestige apart from causing material damage to the customer.

Don't exaggerate the capability or performance of a product. Advertising is all about presenting a product in the best possible light, but don't overrate in a way that's likely to mislead.

Ensure any qualifications are clear. Qualifying text (small print or footnotes) can be used to clarify a claim in an ad, but don't use it to hide important information or in a way that misleadingly contradicts the headline claim.

Have the evidence to back up your claims. Remember that you should hold adequate evidence to support all objective claims or those that are capable of objective substantiation, bearing in mind the impression consumers are likely to take from the ad. For example, for some health, beauty or slimming claims robust clinical trials may be required.

In conclusion, we want to say that the possibilities of advertising today are enormous. It can be both positive and negative. Unfortunately, people are often misled because of their ignorance, lack of self-confidence, low self-esteem, etc. In such a way things can get even worse. Today we have to be really mindful of ourselves, of what we perceive and consume. It is very easy to get lost in the huge amount of unnecessary information and then get confused about what to do next.

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