

ETHICS IN ADVERTISING LAW

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1. Introduction

The said presentation aims at the presentation of current and crucial issues and legal framework related to ethics in advertising law, so that it arises awareness and proposals for drastic solutions.

As we all know, advertisement constitutes a commercial practice, aiming at promoting, selling or distributing a product or service to the consumers. Another definition may be found in the Greek Code of Ethics of radio-and television advertisements, under which an advertisement is formed as a radio or television message, which is transmitted by means of payment for political, social, commercial or for any other reason whatsoever.

The main area of interest for advertisers is to increase their sales, gain more and more customers and increase the demand for the product by presenting a well decorated and colorful advertisement. Therefore, advertisers usually claim that their product is the best, having unique qualities than the competitors, is more cost effective and more beneficial. But most of these advertisements are found to be false, misleading customers and unethical. So, under which criteria can advertisements be found false or unethical?

Ethics means a set of moral principles which govern a person's behavior or how the activity is conducted. And advertising means a mode of communication between a seller and a buyer. Thus, under the term advertising ethics we mean the subdivision of applied ethics dealing with the specific ethical principles and standards of advertising, including the internet as well. Or, ethics in advertising mean a set of well defined principles which govern the ways of communication taking place between the seller and the buyer. Ethics in advertising are directly related to the purpose of advertising and the nature of advertising. Sometimes exaggerating the advertisement becomes necessary to prove the benefit of the product. For example a sanitary napkin advertisement which shows that when the napkin was dropped in a river by some girls, the napkin soaked whole water of the river. Thus, the purpose of advertising was only to inform women about the product quality. Obviously, every woman knows that this cannot practically happen but the advertisement was accepted. This example doesn't show that the advertisement was unethical.

Furthermore, advertisers have to deal with a crucial matter, namely the compatibility and the proof of advertisement content, since the violation of local laws and regulations in connection with advertising may become very expensive. Laws and regulations may differ from country to country, thus each country may have a different unfair competition law, copyright law, data protection law or/and different regulations, governing the media and advertising sector. Advertisements, that are addressed to the consumers of a particular country, shall comply with the legal framework of the said country. Therefore, the compliance check of advertisements with each local legal framework is a very demanding task and must be conducted only by lawyers and legal advisors, specialized in the local media and advertising law.

Below, please let me present you the legal framework and the basic principles governing the content and publishing of advertisements in Greece.

2. Laws governing content and publishing of advertisements

2.1 The basic principles governing advertising in Greece are based on the Consumer Protection Law and the Greek Advertising and Communication Code. The Greek Advertising and Communication Code was drafted by the Association of Advertising Companies in Greece and by various radio-and television channels and actually forms a self-commitment product, a so-called "genuine Code of Ethics" for advertisers and advertising companies. The said Code sets the rules of business ethics and moral conduct, that must be followed by the advertisements. Furthermore, less detailed principles and rules are to be found in the Code of Ethics for radio and television advertisements, imposed on the advertising companies by the National Radio-and Television Council. Moreover, the provisions of the Code of Journalism Ethics are also applicable to advertisements transmitted on

radio and/or television. Law 2863/2000 on the establishment of the National Council of Radio and Television provides that an independent authority, called the Council of Communication Control (*Simvoulío Elehóu Epikinonías*), has the exclusive authority to control the content of advertisements.

2.2 Constitutional sources

Even if there is no explicit reference to advertisement law in the Greek Constitution, advertising law is relevant to article 5 and article 14 of the Greek Constitution. Article 5 provides the right of personal freedom and participation in social, economic and politic affairs, as well as on the right of protection of human health, whereas article 14 provides the right of the freedom of the press and the right of the freedom of expression.

2.3 Codified sources

There is no primary law that governs advertising law. However, advertisements that have a degree of originality are protected as an audiovisual work according to the provisions of the Copyright Law. Advertisements that have acquired a distinctive character may also be protected under article 13 of the Unfair Competition Law. Additionally, article 1 of the same Unfair Competition Law and the provisions of the Greek Advertising and Communication Code are applicable to advertising. In particular, article 1 of the Unfair Competition Law is a general clause that prohibits unfair practices contrary to good faith and established business morals, and with an intent to compete with a business rival. Further, the terms regarding the broadcasting of advertising spots were first regulated under article 5 of Presidential Decree 100/2000, which implemented Directive 97/36/EC on the coordination of television broadcasting activities. Nowadays, the provisions of Presidential Decree 109/2010, implementing Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive), are in force.

3. Products and services banned from advertising

Advertising of products and/or services that are themselves illegal is prohibited. However, neither the Consumer Protection Law nor the Greek Advertising and Communication Code introduces any provisions regarding products and services banned from advertising. Only specific legislation regarding food and beverages, medicines, and cosmetics as well as the above Presidential Decree 109/2010 include restrictions or prohibitions related to some products and services. In particular:

3.1 Alcoholic Beverages to Minors

As per Presidential Decree 109/2010 a total ban applies to advertisement of alcoholic beverages to minors. Furthermore, advertisements of alcoholic beverages are permitted only when specific criteria are met. A separate reference to these criteria will follow.

3.2 Cigarette & Tobacco Products

Ronald Reagan once appeared in an advertisement making reference to the health benefits of a cigarette brand. Times have changed since then. Now the space in which tobacco can be promoted in any form is growing more restricted every day worldwide. In Greece there is a total ban on radio- and television advertisements of cigarette & tobacco products, as these are directly responsible for cancer and other severe health issues.

3.3 Prescribed Medical Products

Medical products that require a doctor's prescription are banned from advertising. Exceptionally, medical visitors are allowed to advertise medical products and medicines to doctors and offer them free samples. According to the National Organization for Medicines, medical products that have not yet received its approval must be neither advertised in the medical press nor promoted in scientific conferences.

3.4 Religion

Religious advertising is totally banned in order to secure the freedom of religion.

3.5 War Toys / Firearms

Advertising of war toys is forbidden in order to protect children and minors. Firearms are totally banned from advertising. The sole exception refers to the advertisement of hunting guns.

4. Regulations related to product & service advertising

Below follows a short presentation of various categories of products and services, that subject to special regulations.

4.1 Alcohol (Beer, Wine, and Spirits)

According to the Presidential Decree 109/2010 and the Code of Ethics of radio and television advertisements, advertisement of alcohol (beer, wine, and spirits) is permitted provided the following criteria are met. In particular, television advertisements of alcoholic beverages must not:

- be aimed specifically at minors or, in particular, depict minors consuming these beverages;
- link the consumption of alcohol to enhanced physical performance or to driving;
- create the impression that the consumption of alcohol contributes towards social or sexual success;
- claim that alcohol has therapeutic qualities or that it is a stimulant, a sedative or a means of resolving personal conflicts;
- encourage immoderate consumption of alcohol or present abstinence or moderation in a negative light;
- place emphasis on high alcoholic content as being a positive quality of the beverages.

4.2 Food

The Greek Food and Beverages Code places restrictions on advertisement of food.

According to the main restrictions food advertisements may not:

- imply that a food product has certain properties, when in fact it does not
- imply that a food product is suitable for the prevention of diseases
- imply that a food product of a specific producer has more nutritional properties than products of other producers
- contain the word "protein" as part of its trade name (however, certain exceptions to this restriction apply)
- use the toponym of a product of a certain place, unless the said toponym has prevailed as a specific brand of the said product, e.g halval Farsalon
- urge minors to consume an excess of foods and beverages that contain particular ingredients and substances such as fat, saturated fat, trans-fatty acids, salt/sodium, and sugars.

Furthermore, food advertisements may contain the characterization "with low calories" when the food has at least 30 percent fewer calories than the original product. Moreover, when a product is being advertised as "diet product", then it has to make a certain reference to the diet type, for which the said is being recommended.

4.3 Gaming

Gambling is defined as a game in which the winner is chosen by chance (not skill). The advertising of gambling activities is banned. However, advertisements that promote sales with games of chance and induce the consumer to participate in games of chance are fair and legal, unless they promise easy gain and/or allow the participation in a contest only after purchase of a certain product. All aspects of the procedure and conduct of games of chance and lotteries are regulated by the Gaming Control Committee.

4.4 Legal Services

The former restrictions related to advertisement of legal services were abolished in 2011. Therefore, attorneys at law and law firms are allowed to advertise their legal services either online or with banners, brochures, or other print media. However, no reference to client names may be made.

4.5 Nutritional Supplements

Nutritional supplements are subject to the same restrictions as food (see above).

4.6 Pharmaceuticals

Under this category falls the advertisement of over-the-counter (non-prescription) medical products, which is regulated by decisions of the National Organization for Medicines "EOF". In particular, an advertisement for non-prescription medications is legal when it includes at least the following three pieces of information:

- (a) the trade name of the medical product
- (b) the necessary information regarding the use, indication, limitations of use, the dosing and the main side effects
- (c) advice to read the enclosed instructions carefully.

Moreover, advertisements must not exaggerate or deceive. Thus, phrases that impute a miraculous character to the medical product are not allowed. However, as drug companies don't advertise their cheapest products. They promote the big moneymakers and their benefits and of course reveal any significant risks or side effects.

4.7 Political Advertising

Political advertising is mainly regulated by decisions and regulations of the National Council of Radio and Television, according to which political advertisements must be fully separated from the main television or radio program. Thus, an oral (in radio) or audiovisual (in television) statement must be made prior to the transmission of the political advertisement. Political advertisements may not be broadcasted the day before and the day of the election. Political candidates are banned from advertising, whereas political parties are advertised without any cost. As far as the permitted time is concerned, advertisements of political parties in the national television and radio channels may be transmitted from 6pm to 1am and in the local television and radio channels from 7am to 1am.

4.8 Sex (Adult) Services

Print publications of an erotic nature are allowed. However, radio and television advertisements that promote sexual services may not be broadcasted between 6am and 1am.

4.9 Toys

In order to protect children, advertisements (including advertisements for toys) must not urge children to pressure their parents or third persons to buy the advertised products for them. Furthermore, there is a total ban of advertising of toys on television between 7am and 10pm, as it serves the preventive protection of children from unfair and misleading advertisements. Moreover, and as stated above, according to the Code of Ethics of radio and television advertisements advertising of war toys is totally forbidden.

4.10 Free Gifts/Samples

A common way of marketing and advertising, especially in the publishing sector, is the granting of "free" gifts and/or samples, such as cosmetics or DVDs/CDs. In general, this kind of advertisement is legal. However, when a quantitative disproportion between the main product and the "free" gift or sample exists, or when the "free" gift is offered only after the purchase of a certain product, then this type of advertisement is unfair. Furthermore, the delivery of non-ordered products along with payment request is considered to be unfair, as it creates psychological pressure to the recipient to buy the delivered products. As far as the package of the "free" gifts/samples is concerned, this has to comply with the basic safety standards.

4.11 Pyramid Sales

"Pyramid" sales are considered to be unfair marketing practices, as they take advantage of the trust and inexperience of the consumers and because of their misleading character, as profits to each "generation" of new participants are spread more thinly.

5. Regulations related to advertising methodology - relevant control authority in Greece

5.1 Presidential Decree 109/2010 sets rules regarding the broadcasting of television spots. In particular, the proportion of television advertising spots and teleshopping spots within a given clock hour shall not exceed 20%. Moreover, television advertising and teleshopping shall be clearly identified as such by optical and acoustic means and shall be kept quite distinct from other parts of the program.

5.2 The basic principles of advertising

According to the Greek Advertising Code, the principles that should govern advertisements are said to be legality, honesty, and the truth of content. Furthermore, advertisements should be ruled by objectivity, honesty, and impartiality of information and should refrain from defamation and exploitation of someone's reputation. Each advertisement must be created by a spirit of social responsibility and must comply with the principles of fair competition. On the other hand, advertisements shall not violate the trust of the consumer towards the advertising function.

Moreover, the Code of Ethics of Radio and Television Advertisements makes explicit reference to the general principles. In particular, advertisements must be legal, decent, and honest. Thus, the radio and television channels shall not broadcast the following categories of advertisements:

- advertisements, that disrespect the human dignity
- advertisements, that introduce discriminations based on race, sex, religion or citizenship
- advertisements, that insult religious- or political beliefs
- advertisements, that encourage behaviour ways, detrimental to health, security or environment
- advertisements, that - for no reason whatsoever - take advantage the consumer's fear or their superstitions
- advertisements, that include facts, who may directly or indirectly lead to violent actions
- advertisements, that pander national issues, sacred texts, thenational cultural and spiritual heritage, religious beliefs etc.

The above principles are also to be found in an article, recently issued by Vetican, according to which advertisements should follow three moral principles: Truthfulness, Social Responsibility and Upholding Human Dignity.

A few words about **the principle of truth**: How does this principle is functioned in the advertising daily practise? Generally, big companies never lie as they have to prove their points to various advertising regulating bodies. Truth is always said but not completely.

Below follow some very interestig remarks from an ad expert, Mr. Chris Moore from the well-known international advertising agency, Ogilvy & Mather:

" ...Telling the truth seems like a pretty basic ethical standard. Sometimes there's a difference between the pure truth and the useful truth. Like lawyers, advertiser's job is to put the consumers in the best light. I travel a lot and it used to make me crazy that the flights were always late. Now they're mostly on time and airline ads boast about how "We're #1 in on-time performance." Did they buy faster planes? No, they re-printed the schedules to show longer flight times. So the schedules lie about how much time you're in the air - but they tell the truth about how long it takes to get where you're going. If your destination is Disney World, you'll see helpful electronic signs that post waiting times for the rides. We trust these signs (and we trust the Disney brand) because

the line always moves a little faster than the sign says it will. 15% faster, to be exact. So the sign lies. But by lying, it builds trust. So we tell the truth - but not always the whole truth. We want to put our clients in the best light. McDonalds doesn't advertise the calorie count for Big Macs, but they make it easy to find out. Most people don't want to know. On the other hand, drug makers have to spell out side-effects because the information can mean life or death.

How much of the truth we owe to others is an ethical question. For a company trying to sell something, a TV commercial is like having a job interview with millions of people all at once. The ad wants to make a good first impression, and really, really doesn't want to make people mad. But different people react differently. Truly Ethical living, with a capital E, requires more than honesty, fairness, decency, and even right action. It requires owning 100% of the responsibility for any consequences of what we do, intended or not".

5.3 Advertising to Children

5.3.1 The mental health and the well-being of minors is safeguarded by law. As per the Greek Advertising and Communication Code product advertisements shall not take advantage of the children's lack of experience and advertisements, which, because of their nature, may put the mental health or the moral growth of minors/children in danger are banned. Up to a certain age, children do not filter advertising, especially when the message is overblown and the same advert is repeated again and again. Children tend to accept all messages as truthful and can thus be persuaded to become compulsive consumers. This effect becomes stronger the more disadvantaged a child's socio-economic background.

Presidential Decree 109/2010 as well as Law 2251/1994 set criteria for advertisements directed at children/minors.

In particular, advertisements may not:

- directly urge them to buy a product or service by taking advantage their inexperience and credulity. In this way, minors are urged to conduct transactions who are either not reasonable or have a negative economic impact on them
- directly urge them to persuade their parents or third persons to buy the advertised products and/or services for them
- take advantage of children's trust in parents, teachers, or third persons (as children are considered to be inexperienced consumers, they may be easily fooled or deceived, especially when advertisements use persons well respected by them)
- raise unreasonable fear in children by presenting ordinary situations as dangerous
- encourage the excessive consumption of food and/or beverages that contain substances such as fat, saturated fat, trans-fatty acids, salt/sodium, and sugars.

5.3.2 Children as sellers of the advertised products: Children are the major sellers of the advertised products. They have the power to convince the buyers. But when advertisers use children in their advertisements, they should not show them alone doing work on their own like brushing teeth, playing with toys, or use infants holding their own milk bottles, as everyone knows that no one will leave their kids unattended while doing all these activities. So showing parents also involved in all activities or things being advertised will be more logical. However, this opinion was not welcome in the past and thus we can find nowadays old advertisements, that would be considered inappropriate today, e.g the "start shaving yourself at a young age".



5.3.3 Up to the age of five, children are incapable of understanding the difference between scheduled programmes and advertising; even after that age, they still do not recognise advertising's persuasive role. This skill only develops around the age of eight and even then, not in all children. However, this still does not mean that they are able to recognise messages as one-sided, emphasising the positive aspects of the product in question and ignoring the more negative ones. Considering the fact that the perception of advertising varies from one age-group to another, it is essential to prepare children for their future role as consumers by focusing on media literacy and empowerment from the earliest age. This does not, however, solve the immediate problem of the overblown, repeated nature of advertisements, nor can it reach all children, especially those from more disadvantaged socio-economic backgrounds and those most affected by the harmful effects of advertising.

5.4 Celebrity Endorsement

The Greek Advertising Code requires permission for use of a celebrity's or public person's name or image only when its use may create the impression of personal praise or plaudit. Under other circumstances, there are no restrictions on use of a celebrity's name or image, as the public's right to information supersedes the right of public figures to privacy. However, in case of infringement of copyright law restrictions, depicting celebrities in advertisements may trigger some intellectual property law issues.

5.5 The Comparative Advertising

Comparative advertising is described as “any advertising which explicitly or by implication identifies a competitor, or goods or services offered by a competitor.” Comparative advertising may be permitted under the conditions listed under Article 9 of the Consumer Protection Law, as modified by Law 3587/2007, since they have a positive impact on the consumers. In particular, comparative advertising is permitted:

- when it is not deceptive
- when it does not discredit or derogate the trademarks, trade names, other distinguishing marks, goods, services, activities, or circumstances of a competitor
- when it does not take unfair advantage of the reputation of a trademark, trade name, or other distinguishing marks of a competitor or of the destination of origin of competing products
- when it does not present goods or services as imitations of goods or services bearing a

- protected trademark or trade name
- when it does not create confusion among traders, between the advertiser and a competitor, or between the advertiser's trademarks, trade names, other distinguishing marks, goods, or services and those of a competitor. Thus it plays role whether the advertisement targets the common or the well informed with specific knowledge consumer.

Failure to meet one of the above criteria may constitute sufficient evidence for raising a claim. Furthermore, a comparative advertisement must objectively compare one or more material and representative features of the advertised goods and services. The most common types of comparative advertisement are advertisements with price comparison (mainly used by newcomer enterprises) and advertisements with a comparison of test results.

5.6 Deceptive or Misleading Advertising

Deceptive or misleading advertising is regulated under the provisions of Article 3 of the Unfair Competition Law, Article 9 of the Consumer Protection Law, as modified by Article 12 of Law 3587/2007, Article 4 of the Greek Advertising Code and art. 1D and 5 of Code of Ethics for radio and television programs. No proof of actual consumer deception is required since the creation of an impression of a misleadingly favorable offer is sufficient.

Misleading advertising is defined as

...any advertising which in any way, including its presentation, deceives or is likely to deceive the persons to whom it is addressed or whom it reaches and which, by reason of its deceptive nature, is likely to affect their economic behavior or which, for those reasons, damages or is likely to damage a competitor".

Even an advertisement without any words can be deceptive. Certain features will be taken into account when determining whether an advertisement is misleading, including the following:

- the characteristics of goods or services including availability, suitability, quantity and kind;
- the price or the calculation thereof; and
- the nature, attributes and rights of the advertiser such as the advertiser's identity and ownership of intellectual property rights.

According to recent legislation, the inaccuracy of a statement alone included in an advertisement is insufficient to classify the advertisement as misleading. This is because the whole impression of the advertisement, and not each element of it, as well as the target group of consumers need to be taken into consideration. However, the Athens Court of Appeal with its decision 2928/2004 has ruled that an advertisement was misleading on the basis that the essential characteristics of the products were compared in a non-objective way, which aimed at causing confusion to the consumers and distracting clients from a competitor. According to the said decision, both the claimants and the defendant were active in the field of beauty saloon services. The defendant took advantage of the successful advertisement spot of the claimants by broadcasting a similar one without disclosing the fact that there is no connection between the said enterprises. As the defendant distracted clients from the claimants, the said advertisement spot was held as misleading and the defendant was obliged to pay compensations. Furthermore, with its decision no. 4995/2001, the First Instance Court of Athens held that the advertisement spot used by an athletic center is misleading since it creates the impression that there is a connection between the said center and another which has first broadcasted a similar advertisement and tries to take unfair advantage of the well-known statements included in the above spot. Crucially, the advertisement does so without making any objective comparison between its services and the services provided by the other center.

5.7 Greece's control authority

The Greek Association of Advertising Companies (EDEE) emphasizes in the communication

conduct through self-commitment of the relevant companies in the consumer's protection. The Greek Advertising Code, which constitutes an adjustment to the Advertising Code of the International Chamber of Commerce, has been drafted by the Greek Association of Advertising Companies. As of December 2003 the compliance to the provisions of the aforementioned Code and the operation of the self-commitment system are being conducted by an independent authority, called Board of Communication Control (SEE). In particular, the main task of the Board of Communication Control (SEE) through its Committees is to control the content of all kinds of communication forms in order to confirm their compliance with the provisions of the Greek Advertising Code and with the Greek legislation – and thus, ensure the trust of the consumers towards advertisements and finally protect them from deceptive advertisements. The Board of Communication (SEE) is entitled to decide on the content of an advertisement even without filing of a prior complaint.

Recently, with its decision no. 980/2013 it was held that the Media Markt – Charlie's angels advertisement can not lead to deception as it is related with the scenario of the well-known Hollywood movie and does not promise certain reduced prices regarding specific products.



Finally, the Board of Communication with its decision 981/2013 decided that Vodafone – 3 wizards - advertisement is a bit extravagant, but it does neither derogate the consumers nor insult christian belief and thus it does not violate any of the provisions of the Greek Advertising Code.

6. Examples of well-known shocking and/or controversial advertisements

In a world as ours, there are advertising campaigns which are either pleasant and most of the times, without great interest, or shocking and thus easily distract the consumers and gain their attention. The later advertisements are called "shocking advertisements" and form a subcategory of unfair advertisements. Both are forbidden according to art. 9 para. 5 of Consumer Law 2251/1994, as modified by Law 3587/2007, and art 4 para. 2 f of Code of Ethics of Radio and Television Advertisements. In other words, shock advertising is a type of advertising generally regarded as one that "deliberately, rather than inadvertently, startles and offends its audience by violating norms for social values and personal ideals". However, during the last years, more and more advertisements are intentionally formed this way, in order to urge consumers to think more about the major problems of humanity, such as AIDS, sexual harassment and sexual misuse of minors. Shock advertising is designed principally to break through the advertising "clutter" to capture attention and create buzz and also to attract an

audience to a certain brand or bring awareness to a certain public service issue, health issue, or cause. This form of advertising is often controversial, disturbing, explicit and may entail bold and provocative political messages that challenge the public's conventional understanding of the social order. This form of advertising may not only offend but can also frighten as well, using scare tactics and elements of fear to sell a product or deliver a public service message, making a "high impact". Shock advertisements can be shocking and offensive for a variety of reasons, and violation of social, religious, and political norms can occur in many different ways. They can include a disregard for tradition, law or practice, display images or words that are horrifying or terrifying. Some advertisements may be considered shocking, controversial or offensive not because of the way the advertisements communicate their messages but because the products themselves are "unmentionables" not to be openly presented or discussed in the public sphere. Examples of these "unmentionables" may include cigarettes, feminine hygiene products, contraceptives or gambling. Below follow some examples of well-known shocking and controversial advertisements:

6.1 BENETTON – AIDS ADVERTISEMENT



In the past Benetton Group has presented many controversial and shocking advertisements, aiming at the awareness of the public towards major social problems. The famous AIDS advertisement shows the aids victim and activist, David Kirby, and his family in 1990, and was published with the intention to inform the public about AIDS virus.

6.2 BENETTON – UNEMPLOYEE OF THE YEAR ADVERTISEMENT

UNEMPLOYEE OF THE YEAR

CALL FOR ENTRIES AT UNHATEFOUNDATION.ORG

UNITED COLORS OF BENETTON.

7 OF THE NEARLY 100 MILLION PEOPLE UNDER 30 YEARS OF AGE IN SEARCH OF A JOB.

Tell us about your non-work experience. Enter the Unemployee of the Year contest with your project or vote for the one that inspires you: 100 of them will be supported.

#UNHATE

MICHEL, 24, NON-CHEF FROM ITALY
JAMES, 22, NON-SOUND ENGINEER FROM THE UK
JOSYMARIE, 22, NON-
JOURNALIST FROM BRAZIL
DIANCO, 18, NON-FURNISHER FROM THE UK
VALENTINA, 30, NON-LAWYER FROM ITALY
RAM, 22, NON-BOOTH/TON FROM SENEGAL
OLIVER, 24, NON-PHYSICIAN FROM ITALY

Nowadays, Benetton published a new global communication campaign, the so called "Unemployee of the Year" in order to support non-employed people between 18 and 30 years old. This advertisement features portraits of suit-clad young people without jobs who also aren't in school or training. The ironic stigmatization of the campaign featuring them as businesspeople wants to emphasize this new generation of modern heroes and celebrate their effort and struggle for a more permanent future. A generation that testifies that being non-employed doesn't mean being useless, lazy or an anarchist. A generation that is fighting for a less temporary future in a different way. The scope? To highlight a generation that believes "that being non-employed doesn't mean being useless, lazy or an anarchist," the company said in a statement. Furthermore, as per Alessandro Benetton, Chairma of the Benetton Group "The new United Colors of Benetton communication campaign presents a realistic portrait of today's society by actively tackling a current problem, that of youth non-employment and the potential conflict between generations, in order to show it in a new light and create value for the immense human capital of young people" and continues "Benetton can't change the world but United Colors of Benetton wants to use its voice to champion young people and celebrate their strength and value".

6.3 CALVIN KLEIN - HEROIN CHIC ADVERTISEMENT



According to wikipedia, heroin chic was a look popularized in mid- 1990s fashion and characterized by pale skin, dark circles underneath the eyes and angular bone structure. The look, characterised by emaciated features and androgyny, was a reaction against the "healthy" and vibrant look of models such as Cindy Crawford and Claudia Schiffer. A 1996 article in the Los Angeles Times stated that the fashion industry had "a nihilistic vision of beauty" that was reflective of drug addiction and the U.S News and World Report called the movement a "cynical trend". This waifish, emaciated, and drug-addicted look was the basis of the 1993 advertising campaign of Calvin Klein featuring Kate Moss. Film director and actor Vincent Gallo contributed to the development of the image through his Calvin Klein fashion shoots. The trend eventually faded, in part due to the drug-related death of prominent fashion photographer Davide Sorrenti. Heroin chic fashion drew much criticism, especially from anti-drug groups. Fashion designers, models such as Kate Moss and Jaime King, and movies such as *Trainspotting* were blamed for glamorizing heroin use. Moreover, former U.S. president Bill Clinton condemned the look.

6.4 FRENCH COMPANY GIRBAUD – DA VINCI'S LAST SUPPER ADVERTISEMENT



For the promotion of its jeans, French company Girbaud chose the above advertisement, which resembles the famous painting of Da Vinci. Even women liked this advertisement, it was banned in France and Italy because of its resemblance to Da Vinci's Last Supper.

6.6 BENETTON UNHATE CAMPAIGN (Featuring World Leaders Kissing)



The Unhate Campaign shows world leaders kissing each other. Images include the Pope and the Sheikh of the al-Azhar mosque, the leaders of North and South Korea, Angela Merkel and Nicolas Sarkozy, Palestinian President Mahmoud Abbas and Israeli Prime Minister Benjamin Netanyahu and finally Barack Obama kissing Hugo Chavez. The campaign was inspired by a kiss between Soviet leader Leonid Brezhnev and East German communist leader Erich Honecker in 1979 and is about reconciliation and acceptance. A charitable offshoot, the Unhate Foundation, has been launched to help countries in need from Africa to South America.

The most controversial of the pairings has proven to be the Pope kissing Ahmed Mohamed el-Tayeb, the Imam of al-Azhar mosque in Egypt. The Vatican condemned the image, and the company decided to remove it from all publications after complaints.

Benetton officials argued that they intended the images to portray the concept of "unhate," fostering tolerance rather than making a political or possibly even gay-supporting statement. "We are not wanting to be disrespectful of the leaders ... we consider them "conception figures" making a statement of brotherhood with a kiss." Alessandro Benetton said "In a moment of darkness, with the financial crisis, what's going on in North African countries, in Athens, this is an attitude we can all embrace that can have positive energy". Despite public's reaction, Benetton Unhate campaign won Cannes Ad Festival Award. As per jury president Tham Khai Meng "The campaign cuts through all cultures, nationalities, faith even. It has heart impact and gut impact and promotes a global debate".

6.7 SAFE DRIVING - FLASH BEFORE YOUR EYES



Saatchi and Saatchi New Zealand placed Billboards close enough from each other, so that when a car was traveling past them at 100km/h, the effect would result in a flash of images, with the final billboards spaced further apart to reveal the road safety message.

6.8 GLOBAL WARMING AWARENESS ADVERTISEMENT



A topic of great concern is the increase of global temperature, which will affect the way we live. Global warming has impact on our world and on everyone of us, as we are part of it. Many non-profit agencies are trying to make people aware of this global issue of climate change through advertisements, that communicate their messages in a harsh, yet direct way.

6.9 MOUTH PROPAGANDA:GENTLEMEN AGAINST HOMOPHOBIA



Recently, 11 heterosexual stars from Germany, such as Herbert Grönemeyer, Gold medalists Julius Brink and Jonas Reckermann have been photographed as homosexual pairs for German's magazine, GQ. This campaign wanted to make the public aware of the existence of intolerance and discrimination of homosexuals even nowadays. Especially for athletes, this campaign was of great interest, as it was launched a few months before the Winter Olympic Games in Sotschi, Russia, a country with severe anti-homo laws.

7. INITIATIVES - CONCLUSION

At this stage, a reference should be made to an NGO, called Global Advertising Lawyers Alliance (GALA). The formation of GALA is an initiative of advertising agencies, legal advisers and law firms, specialized in advertising and media law. Aim of GALA is to inform the relevant business community on media law related issues, product placement and copyright, as well as to provide legal assistance in complicated legal matters, arising particular from worldwide advertising campaigns. This happens not only because each country has different laws and regulations governing the media sector, but also because there exist different cultural and political norms and traditions. Thus, GALA members meet on a yearly basis in local and international conferences and present the actual and important issues related to media and advertising.

Summarizing all the above points, we reach the following conclusion.

Shocking advertisements and unfair advertising practices are hard to distinguish. However, advertisers should start taking responsibility of self regulating their advertisements by:

- design self regulatory codes in their companies including ethical norms, truth, decency, and legal points
- keep tracking the activities and remove advertisements which don't fulfill the codes
- inform the consumers about the self regulatory codes of the company
- pay attention on the complaints coming from consumers about the product advertisements
- maintain transparency throughout the company and system.

When all the above points are implemented, they will result in:

- making the company answerable for all its activities
- reducing the chances of getting pointed out by the critics or any regulatory body
- helping gain confidence of the customers, making them trust the company and their products
- and finally, eliminating severe violations of ethics and social accepted norms.

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