



The Study of Surrogate Advertising with An Indian Perspective

KEYWORDS

Surrogate advertising, advertising appeal

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ABSTRACT *The purpose of this paper is to highlight the surrogate advertising appeal used by firms like liquor, narcotic, tobacco etc being banned to the normal advertising. The paper is about reviewing literature, recent surrogate advertisement, citing legal cases against surrogate advertisements in India. Surrogate advertising can be an issue which needs to be understood with respect to India's legal and ethical environments of Promotions. The Information & Broadcasting Ministry of Government of India brought surrogates advertising under the scanner. Some are even airing new ones. The guine brand extensions would be discouraged due to ban on surrogate advertising but if they are genuinely doing extension they should comply with condition of sufficient availability of that product used in surrogate advertisement. It is concern that even young kids of 14 or 15 years have been influenced by surrogate advertisement. The story line of such advertisement must be screened as it makes young generation lean towards drinking alcohol.*

INTRODUCTION:

Advertising is to promote the sales of a product or service and also to reach masses to inform about the product attributes. It is an effective way of communicating the value of a product or service with large exposure to target consumer. It uses different types of appeals to connect to consumers spread across the globe. After implementation of the Cable Television Networks Regulation Act - 1999, new advertising appeal used by most liquor companies circumvented the ban by what is called surrogate advertising. (Belch & Belch, Purani, 2010) this means companies started advertising surrogate products such as audio cassettes, drinking water, soda, juices, playing cards, etc. under the brand name with which they advertised liquor earlier. In India there are many companies doing that, from Bacardi Blast music CD's, Bagpiper Club Soda to Officers Choice playing cards. The masking product i.e. the music CD's, or mineral water might not even be marketed in real, it is just a strategy used to generate top of the mind recall. While this continued helping them to promote their liquor through this route as many companies did not even modify the existing advertisements and instead just replaced the text and voice-overs. This is what challenging about surrogate advertisement as for ethical business practices one should not mislead consumer's especially young generation to lean towards drinking alcohol.

LITERATURE REVIEW:

Surrogate advertising can be an issue which needs to be understood with respect to India's legal and ethical environments of Promotions. (Kruti Shah & Alan D'Souza 2009) Surrogate advertising is commonly seen for liquor and tobacco products whose advertising is banned in many countries. (Ajit Arun Parulekar 2005) this paper examines the impact of surrogate advertising of alcohol brands on their brand equity (as defined by Keller 1993). The purpose of the study was masked through the experimental design in order to minimize manipulation effects. In the main study, subjects were sequentially exposed to television ads, one ad at a time, of the 20 brands used in the pre-test. The findings of the paper support the notion that brand equity will be least affected in consumers with prior consumption experience, ad exposure or brand knowledge of the alcohol brand. (Dr. S. G. Khawas Patil, Laxmikant S. Hurne 2011) studied the effectiveness of surrogate advertising and found few whisky brands are powerful in market like Royal Stag / Officers Choice / McDowell's as their advertisements are more creative and powerful. The people can't understand the meaning of advertisement

of these advertisements. According to the paper maximum respondents got intention behind surrogate advertisements, i.e., to advertise liquor, whisky products. It means surrogate advertisements are effective targeting their customers. Surrogate advertisement is a successful strategy because maximum respondents are changing their purchase decision.

RECENT SURROGATE ADVERTISEMENT:

The various surrogate advertisements which are used by manufacturers of whisky and liquor products.

1. Bagpiper:

The advertisement of Bagpiper Club Soda is shown at the place of whisky.

2. Royal Stag:

Royal Stag instead of advertising whisky shows Music CD and Mega Cricket in the advertisement with theme "Make it Large".

3. McDowell's No.1 Platinum:

Indian Cricket Team skipper MS Dhoni advertises for the surrogate product soda and asserts it as "The No. 1 Spirit of Leadership".

4. Hayward's 5000:

The brand is advertised through soda and packaged drinking water. It is well known that Hayward's 5000 & 10000 are whisky and beer brands respectively due to wide availability in market.

6. Imperial Blue:

This whisky is advertised by showing music cd's in the advertising. i.e., Imperial Blue Music CD's. This advertisements asserts in story line that "Men will be Men". It symbolizes Imperial Blue as for masculinity.

7. Royal Challenge:

The leading cricketers are shown in advertisement, at the same time music is played. It also advertised with the brand of mineral water.

8. Officer's Choice:

The brand is advertised by showing mineral water and soda. It is shown that 'OC' is the brand choice of officers and dynamic people.

CITING LEGAL CASES AGAINST SURROGATE ADVERTISING:

Monopolies and Restrictive Trade Practices Commission in Re: McDowell and Co. Ltd. Vs unknown on 7th February, 1997. Bench: S Chakravathy Judgement ; S. Chakravathy, Member.

The instant case enquiry with an advertisement that appeared at page 66 in The Illustrated weekly of India of date November 23, 1986. McDowell and Co. (hereinafter referred to as "respondent"). The advertisement depicts a bottle on which is engraved "McDowell's Diplomat Colgne". The same advertisement carries the picture of Ms. Dimple Kapadia, a film actress. Underneath the picture is the caption "what makes him my choice is his choice...Diplomat". The commission came to prima facie view that the said advertisement though apparently refers to cologne, leaves a misleading impression on the readers that the message is in regard to the good quality and usefulness of whisky manufactured by it under the brand name "Diplomat".

United Breweries Limited Vs Mumbai Grahak Panchayat on 4 September, 2006. Equivalent citations: I (2007) CPJ 102 NC.

Mumbai Grahak Panchayat filed a complaint against appellant as well as Western Railway for having adopted unfair trade practices in prominently displaying/exhibiting false, misleading and surrogate liquor advertisements on the coaches of the Western Railway trains and to seek discontinuance of the same along with corrective advertising by the United Breweries Limited to neutralize the effect of said advertising & punitive damage. The description matches with the "Bagpiper Whiskey" and not "Bagpiper Soda". There was no Bagpiper soda available in the market.

"Government Bills: Discussion on the motion for consideration of the Representative of People (amendment) Bill 2009", as passed by Rajya Sabha discussion not concludes.

The honorable Minister of Law and Justice (Shri. M. Verappa Moily) suggested prohibition of surrogate advertisement in print media as election commission recommended that in last six months of term state/central government cannot advertise. To cite an example we can take case of surrogate advertisement in the newspaper "No. 1 Haryana" during Haryana Elections. The same with the advertisement "Shining India". Election Commission has to review the rules to utilize power effectively for not influencing voter's wrongly.

PRESENT LEGAL ENVIRONMENT ON SURROGATE ADVERTISING:

A notification issued on 9th August 2006 for The Cable Television Networks (Regulation) Act, 1995, and The Cable Television

Networks (Regulation) Act, 1994, states: "Provided that a product that uses a brand name or logo, which is also used for cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants, may be advertised on cable service subject to the following conditions:

- The story board or visual of the advertisement must depict only the product being advertised and not the prohibited in any form or manner.
- The advertisement must not make any direct or indirect reference to the prohibited products;
- The advertisement must not contain any nuances or phrases promoting prohibited products;
- The advertisement must not use particular colours and layout or presentations associated with prohibited products;
- The advertisement must not use situations typical for promotion of prohibited products when advertising the other products.
- Provided that all such advertisements shall be previewed and certified by the Central Board of Film Certification suitable for unrestricted public exhibition prior to telecast or transmission or retransmission.

(Times of India, 14th March, 2009) the government has introduced a new condition to discourage surrogate advertising. It is now a precondition that products advertised using brand name or logo of any liquor or Cigarette Company is readily available in the market. The order adds that the expenditure on advertising for the product should not be disproportionate to the actual sales turnover of the product.

CONCLUSION:

Surrogate advertising can be an issue which needs to be understood with respect to India's legal and ethical environments of Promotions. The liquor, narcotic industry being banned to the normal advertising of its core message to the audience has left unaided so as a possible choice they are more prone to depend on surrogate marketing due to its effectiveness in terms creating awareness recall and selling products to the more consumer. But other marketing channels like direct marketing and mobile marketing can be option for these industries because of its larger impact and reach ability to target consumers. The Information & Broadcasting Ministry of Government of India plans to bring more surrogates advertising under the scanner. The guniene brand extensions would be discouraged due to ban on surrogate advertising but if they are gunienly doing extension they should comply with condition of sufficient availability of that product used in surrogate advertisement. As one will have to take note of the fact that even young kid of 14 or 15 years have been influenced by surrogate advertisement one should screen story line of such advertisement which make them lean towards drinking alcohol.

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