

Media and Entertainment Law

Advertising Laws

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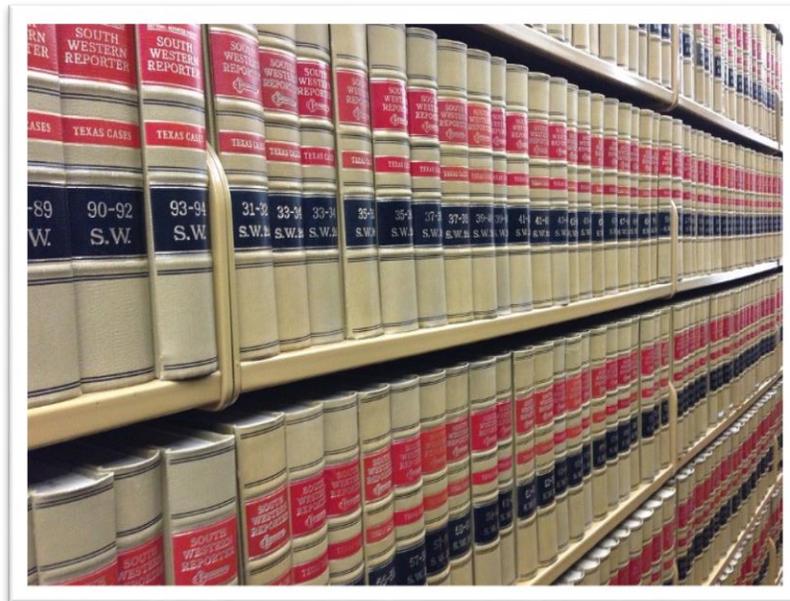


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Understanding the World of Media and Entertainment Law can bring a very important sharp crisp understanding in your role as an executive, creative, or just someone who appreciates tv, film, or digital works. You may not be an attorney, but desire law classes and as an executive in Television in film media role to impact the world. Very ambitious role, it helps to understand Law better at any rate. As we become more into entrepreneurial driven works success comes, but at what cost? Is it time, energy, sacrifice or the people potentially become the target? We have a choice to put out a great project, product or service or focus solely on making billions or trillions in revenue versus a great product and message to advertise to the people, really enriching their lives. Below are cases and history involving advertising and governing council and committees.

Issue

Media is one of the essential tools for advertising by almost all business enterprises in the world today. Different forms of media exist in different parts of the world today, with extensive consumer base access (Dehghani, Niaki, Ramezani, & Sali, 2016). The forms of media used in advertisements include the radio, television, newspapers, magazines, internet websites, and currently, social media platforms, including Twitter, Facebook, LinkedIn, among others. Mass media offers a quick and effective way of reaching millions of target audience in a short time, usually just a click away by way of advertisements. It is due to this ease of accessibility to place a product or service that demands strict adherence to the media law and guidelines that regulate the extent of the type of content that can be aired through the various media platforms.

Rule

Media advertising is regulated by laws aimed at maintaining the code of ethics and transparency within the media industry, promote fairness in competition for the competing companies, and to protect the audiences that are targeted. A contractual balance is required, especially when dealing with some products which may be considered offensive to a particular consumer base, but is legal by the standards of the law. The Federal Trade Commission outlines several regulations that are to be used by the traders in conducting their advertisement operations. The FTC aims to promote fairness in media advertising, to eliminate the elements of deception in media and ensure consumer protection. The Lanham Act stipulates three preconditions that constitute false advertising; false or misleading description of fact, failure of disclosure, flawed or insignificant research, and product disparagement of the intended audience. Advertising for products with known health effects; for example, tobacco and alcohol are also limited to only the target audience with apparent effects indicated and is no exception (Tyrawski & DeAndrea, 2015).

Analysis

The FTC initial involvement in 1938 with the passage of the Wheeler-Lea Amendment describes an intentional issuance of false information to the customers or non-disclosure of the full information about a particular product as material misinterpretation and omission of information that may mislead the consumer from making a reasonable choice. Federal truth had to have a U.S enforcer of laws and practices Bureau of Consumer Protection's Division of Advertising Practices. Policies and law that are being enforced activities include food, drug, dietary supplements promising health benefits, weight –loss advertising, tobacco and alcohol advertising monitoring for unfair practices

and deceptive claims being reported to Congress and smokeless tobacco labelling, advertising and promotion. Undisclosed native advertising is one such form of deceptive advertising that is used to disguise a real advertisement and leave the readers unaware. Lanham Act prohibits the failure of disclosure of information and the issuance of partially correct statements. Discrediting of a competitor's product (product disparagement), flawed, or insignificant research also constitutes a violation of the Lanham Act (Kanse, 2016). In the *J.B Williams Co v. FTC 1967*, there was a corrective ad to disclose that Product Geritol did not help the cure to certain forms of anemia. Geritol being an iron supplement product. Geritol stated in advertisement curing tired blood. A closer investigation “... [Geritol] was effective in only the small minority of cases where tiredness symptoms are due to an iron deficiency, and that it was of no benefit in all other cases ... [the Commission stated] The nature, appearance, or intended use of a product may create the impression on the mind of the consumer . . . and if the impression is false, and if the seller does not take adequate steps to correct it, he is responsible for an unlawful deception.”

Listerine as well in the *Warner- Lambert Co v. FTC* had to spend 10 million on ads that Listerine would not cure sore throats or colds. This brought a more transparent picture that Listerine would advertise only after the corrective ad. Exxon another case where stating Exxon gas will keep your engine cleaner in 1996, a complaint was shared. A 15 second corrective ad had to be produced and an informal brochure, consumers most cars will run correctly on Exxon's regular octane gas. Many of the instances with Geritol, Listerine, and Exxon and Camel cigarettes various states of false advertising or deception to where commissions and compliance was needed so that good faith was not lost in the public's trust advertisements for alcohol, tobacco, and other such substances should be carefully undertaken, with apparent side effects, the age group for users, and health effects are

indicated. Such adverts should not, by any chance, be targeted children, people with mental health issues, or the elderly with compromised immune systems at any given time (Blecher, 2015). Compliance or Non Compliance can carry a fine in the millions or corrective ad in the millions for oversight of national agencies National Advertising Division (NAD) being in part of National Advertising review Council (NARC) and third strong entity of sight involves Better Business Bureau (BBB) is brought in working inter twine collaboration to review national advertising for accuracy and truthfulness. This builds public confidence. These compliances of self- regulation establish the right policies and procedures for the advertising system full of honesty and integrity. Non- compliance can rest in fines and court summoned to legal court of committees or commissions for explanation of advertisement.

Conclusion

It is evident that media, both mass media and social media, can be effectively used by companies to reach a broad customer base within a short period. However, since the media is accessible to users of different age groups, social and religious backgrounds, the content being advertised must be regulated. The regulation also protects the users from malicious products, which may be advertised falsely by proprietors whose only focus is making profits with total disregard to the rules set out. If the advertiser brings forth the affirmative disclosure and shares the negatives of the product the power of proper choices goes into the hand of the consumer knows better for their purchasing decision.

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