



The Ethics of Deception in Surrogate Advertising

Surrogate advertising, where businesses indirectly promote restricted products like liquor and tobacco, has become a complex ethical and legal issue. By leveraging brand elements such as logos, slogans, or **corporate social responsibility (CSR)** initiatives, companies maintain consumer recall for banned goods while circumventing advertising regulations. This practice raises significant **ethical concerns**, including deception, exploitation of vulnerable audiences, and the undermining of public health policies. Additionally, it parallels the issue of **greenwashing**, which is an ethical concern as it deceives consumers about environmental practices, erodes trust, and allows companies to profit from false sustainability claims without **genuine accountability**. Recognizing the need to address these challenges, the **Central Consumer Protection Authority (CCPA)** is drafting guidelines to curb surrogate advertising. This debate seeks to explore various dimensions of surrogate advertising while outlining a balanced approach to regulate it effectively and responsibly.

What are Ethical Concerns in Surrogate Advertising?

- **Deception and Manipulation:** Surrogate advertising operates deceptively by using unrelated products to covertly promote **restricted goods**, blurring the line between **legitimate** and **unethical advertising**.
 - This lack of transparency violates ethical principles of **honesty** and **accountability**, misleading consumers about the intent behind the advertisement.
 - Ethical concerns emerge regarding the **exploitation of consumer psychology** through subtle brand associations.
- **Undermining Public Health Policies:** The proliferation of surrogate advertising poses substantial challenges to public health objectives by creating **sophisticated marketing** channels that potentially circumvent restrictions designed to protect community well-being and reduce exposure to harmful products.
 - Surrogate **advertising** exploits vulnerable **youth** by associating restricted products with **glamor** and **success**, fostering early **brand loyalty** and contradicting **ethical norms** aimed at protecting impressionable demographics from harmful influences.
 - **Governments ban** direct advertising of alcohol and tobacco to curb consumption and associated harms, but surrogate ads undermine these efforts by indirectly promoting usage and hindering harm reduction goals.
- **Exploitation of CSR for Brand Gains:** The misuse of **CSR initiatives** further complicates the ethicality of surrogate advertising.
 - By **associating** their brand with causes like **education, health, or environmental conservation**, companies promoting harmful products dilute the authenticity of CSR efforts.
 - This not only misleads the public but also raises questions about the **true motives** of such initiatives.
- **Ethical Conflict Between Profit and Responsibility:** At its core, surrogate advertising reflects a conflict between **profit-driven corporate strategies** and **ethical responsibility** toward society.
 - While businesses argue that they need brand visibility for growth, this pursuit often comes at the expense of consumer trust, public health, and societal welfare.
- **Regulatory Compliance and Ethics:** The moral implications of utilizing sophisticated marketing strategies to **circumvent advertising** restrictions raise fundamental questions about **corporate integrity** and the spirit of regulatory frameworks designed to protect public interests.

- **Regulatory bodies** face significant challenges in developing comprehensive guidelines that effectively address the nuanced nature of **surrogate advertising** while protecting legitimate business interests and brand extension opportunities.

What are Philosophical and Social Perspectives on Surrogate Advertising?

▪ Philosophical Perspective:

- **Commerce without Morality:** From a philosophical standpoint, **surrogate advertising** exemplifies one of Gandhi's **seven social sins**-"**Commerce without Morality**", where **profit** is prioritized over **societal welfare**.
 - This practice exploits **regulatory loopholes** to promote restricted products, highlighting a disconnect between **commercial interests** and **ethical responsibility**. It contrasts sharply with Gandhi's vision of business, which should promote **societal well-being** rather than undermine it through **deceptive marketing**.
- **Universal Maxim Test:** The application of the **universal maxim test** (Kant's **Formula of Universal Law**) reveals an **inherent ethical contradiction in surrogate advertising**.
 - Universalizing such deceptive practices would lead to a **breakdown of trust** in commercial communication and the **erosion of meaningful consumer choice**.
- **Veil of Ignorance:** John Rawls' Veil of Ignorance deems surrogate advertising unethical, as it harms marginalized communities and fails the difference principle's standard of benefiting the least advantaged.
- **Virtue Ethics:** This perspective emphasizes the **character** and **moral virtues** of advertisers and businesses. Surrogate advertising may be seen as unethical if it reflects a lack of **integrity, honesty, or responsibility**, as it manipulates the public by promoting harmful products indirectly.
- **Deontological Ethics:** According to deontological ethics, actions are morally right or wrong based on adherence to **rules** or **duties**, regardless of the consequences. Surrogate advertising violates ethical duties to **honesty** and **transparency**.
- **Consequentialism:** From a consequentialist standpoint, the morality of surrogate advertising is judged by its **outcomes**. If surrogate ads lead to increased consumption of harmful products like **alcohol** or **tobacco**, the **negative consequences** (e.g., public health risks) outweigh any potential commercial gains, making surrogate advertising unethical.

▪ Social Perspectives:

- From a **social perspective**, surrogate advertising subtly **normalizes restricted goods** by associating them with positive experiences like sports events, music festivals, or environmental campaigns, undermining efforts to stigmatize harmful consumption.
 - Surrogate advertisements, such as **Pan Masala** during IPL 2024, **Kingfisher** at music festivals, and **McDowell's No. 1** promoting soda and music albums, strategically use **celebrities, lifestyle aspirations, and emotional narratives** to circumvent advertising restrictions. These methods subtly embed brand awareness in the public, particularly among urban youth.
- The cumulative effect of surrogate advertising on public perception and behavior patterns requires careful examination of **long-term societal implications** and potential interventions to protect community well-being.

What is the Legal Framework Related to Surrogate Advertisements in India?

- **Cable Television Networks (Regulation) Act, 1995:** This Act prohibits advertisements of products like tobacco and alcohol on television, including surrogate advertisements. It mandates that any advertising of such products must not promote or indirectly promote the core product.
- **Advertising Standards Council of India (ASCI) Code:** ASCI provides guidelines against surrogate advertising, emphasizing that advertisements for restricted products must not mislead the public or indirectly promote harmful products.
- **FSSAI Regulations:** The Food Safety and Standards Authority of India (FSSAI) regulates surrogate advertising related to food and beverages, ensuring that brands promoting non-alcoholic beverages, for instance, don't indirectly advertise alcoholic products.
- **The Cigarettes and Other Tobacco Products Act (COTPA), 2003:** This Act specifically bans

tobacco advertising and the use of tobacco brand names in unrelated sectors.

What Should be the Suggestions to Check Surrogate Advertising?

- **Encouraging Ethical Marketing Practices:** Companies should adopt marketing strategies that align with ethical principles of honesty, transparency, and social responsibility.
 - By focusing on genuine brand **extensions and sustainable** business practices, businesses can balance profitability with societal welfare.
- **Collaborative Efforts Between Stakeholders:** Governments, regulatory bodies, NGOs, and corporations must collaborate to create an environment that **discourages unethical** advertising while fostering innovation and responsible business practices.
 - Incentivizing ethical branding and marketing can drive this cultural shift.
- **Educating Consumers:** Public awareness campaigns should **educate consumers** about the tactics used in surrogate advertising.
 - Empowering individuals to recognize and question such practices can reduce their impact and promote informed decision-making.
- **Strengthening Regulatory Frameworks:** Robust regulations are essential to address the ethical challenges posed by surrogate advertising.
 - Clear definitions of surrogate ads, coupled with stringent penalties for violations, can deter companies from exploiting legal loopholes.
- **Promoting Transparency in CSR Initiatives:** To prevent misuse, companies must separate their **CSR activities** from brand promotion.
 - Independent audits and disclosures of **CSR campaigns** can enhance credibility and ensure that such initiatives are genuinely focused on social welfare rather than indirect advertising.

Conclusion

Surrogate advertising prioritizes **profit** over **public health**, leading to **deception and the exploitation** of vulnerable populations. To address these issues, a multifaceted approach involving **ethical marketing, stakeholder collaboration, consumer education, and strengthened regulations** is essential.

PDF Reference URL: <https://www.drishtiias.com/printpdf/the-ethics-of-deception-in-surrogate-advertising>