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The Socially Responsible Advertising: in Quest for Values...

Abstract: CSR requires a responsible approach in all areas of the company's operations, including advertising activities. The basic aim of the article is to identify the values that should be the basis for building socially responsible communication. The research question is if there is any area of advertising that is not subject to legal regulations or even ethical principles, and may be subject to the idea of CSR. The study is a theoretical consideration, based on the analysis of legal regulations, ethical standards and case studies.

Key words: advertising; socially responsible communication; consumer; stakeholder; CSR.

Introduction

Companies use various methods trying to convince their stakeholders that their actions are guided by the public interest. They eagerly brag about social actions, help those who are in need and care for the environment. It seems to be the right way to create the positive relations with the environment [Iwankiewicz-Rak 2004, pp. 69–70]. CSR requires the responsible approach in all fields of company's activity. However, we can specify the field of activity which is rarely analysed in the context of CSR – it is advertising [Kozłowska 2015, pp. 75–96].

CSR means a voluntary activity for the environment [Kozłowska 2008, p. 275]. Nevertheless, we cannot think about a company as socially responsi-

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ble if its activity is not driven by the fundamental legal standards. The author assumes that social responsibility of marketing communication is not only complementary to existing law regulations, but it is also developing the rules of autoregulation of the advertising.

The fundamental aim of this paper is to identify the characteristics of the advertising based on the CSR standards. This will be an opportunity to specify the values, which should be the base of constructing the socially responsible communication. The research question is, if there is any field of the advertising activity, which can be a subject to the idea of CSR.

This article is in the form of theoretical reflections that determine the area of further research in the field of socially responsible advertising. Faced with technological and social changes, CSR invades new areas of marketing communication and may raise doubts as to the transparency of communication activities.

Advertising: the range of social responsibility

The first it is hard to talk about social responsibility if legal regulations are not the base of functioning. We can find the fundamental principles regarding the ad in Unfair Competition Act (Ustawa o zwalczaniu nieuczciwej konkurencji [art. 16]). Advertising has to be:

- legal – consistent with legal regulations or custom and defend human dignity;
- true – it cannot mislead a customer and by this influence his purchase decision;
- factual – it means that ad cannot refer to the customer's feelings by evoking fear, taking advantage of superstitions or gullibility of children;
- public – it cannot be based on a statement, which by encouraging for the purchase of goods makes an impression of being neutral;
- unburdened – especially by a burdensome soliciting the customers in public places, sending of not ordered goods on the customer's cost or the abusing of technical media.

Some believe that beside the minimal standards of CSR imposed by law, companies should decide on their own about the scope and quality of their social responsibility [Rybak 2004, p. 23]. In accordance with Kodeks Etyki Reklamy [2018], companies should understand that the law says:

- advertising that is legal, custom and compatible with human dignity should not violate animal rights, include a content discriminating because

- of race, religion, sex, nationality or include elements that encourage violence;
- advertising that is true cannot mislead in terms of characteristics, price, delivery terms, prizes awarded or the area of donations for charity, it cannot violate the trust of a recipient, use his lack of experience or knowledge or be based on a recommendation of a celebrity without his previous consent;
 - advertising that is factual cannot motivate to the purchase of a product by using random events, anxiety or fear;
 - advertising that is public was defined further and means that no matter what phase of constructing the advertising communication is, the recipient cannot have doubts about a type of message that he is dealing with, both in terms of form and content;
 - advertising that is not burdensome does respectful for the recipient's privacy in all spheres.

Advertising in terms of values

Based on the previous reflections, we can specify boundary conditions connected with the advertising responsibility towards the customer [Kozłowska 2015, p. 85]:

- the disclosure of advertising,
- the respect for social standards,
- sobriety of a given information about a product,
- honesty during the product's presentation,
- unburdened communication.

The question is: is there any area of advertising that is beyond the reach of the CSR?

The disclosure of advertising

In Poland a recipient should not have a problem with the identifying of a marketing message. Legally "advertising and teleshopping should be separated from the other parts of programme and marked by a visual, audible or spatial way in the beginning or at the end of a block" [Rozporządzenie Krajowej Rady Radiofonii i Telewizji, § 4.1]. Analogically, Press Law (Prawo prasowe) assumes that the ad should be marked [art. 36, § 3], by a word: promotion, advertising or sponsored article [Kodeks Dobrych Praktyk Wydawców Prasy 2005]. In the

case of sponsored articles violating of moral standards rarely takes place. But it is hard to find the examples on marking press ad – if the mark appears, it must be treated as CSR.

It seems a lot of web portals (e.g. blogs or vlogs) should be subject to the same legal conditions as the press, because is focused on the presentation of information [Kralka 2015]. Bloggers eagerly cooperate with the brands. At the same time, they do not report that the message contains product placement. This activity seems to be legal, because a youtuber is not a journalist if he did not registrate his channel as a press. Meanwhile only a journalist is not allowed to carry out a hidden advertising activity that is connected with gaining financial or personal benefits from a person or organisational unit interested in the ad [Prawo prasowe, art. 12.2].

From the brand owner's point of view, the influencers' involvement in the native advertising seems to be a great idea on reaching to a consumer in a less public way, like it happens in the case of banners or video ads [Kralka 2015]. Meanwhile some people say that the native ad is the effect of the natural development of communication and cannot be subject to the same legal regulations as the ad in the offline media. It appears that the CSR, taken also as the respect for law, should be implemented in every area of the company's actions, even if it is turning its side towards the online media. The author thinks that native advertising misleads a customer as to the nature of information. This proves that there is a necessity to clarify or introduce separate legal regulations referring to the internet advertising. Leaving it to the companies demonstrates their limited approach to the social responsibility of business.

The respect for social standards

It should be assumed that the ad consistent with a custom does not violate legal, moral or religious norms. The ad should not distribute negative beliefs and contain a discriminating content [Araczevska 2019a]. It is worth to note that both in law and in the ethics code there is nothing about taking into account all social groups [identified in terms of e.g. age, race, religion or level of disability]. So, the ad is based on things that are socially acceptable, universal and consistent with general beliefs [Kozłowska 2018, p. 258]. The ad duplicates stereotypes (sic!).

At the same time, we can find a massive gap in the presentation of characters that are ring-fenced in already mentioned criteria. For example, there is

no place for disability or a homosexual orientation in ad. Only in a few cases a does a disabled person show up in advertising – a singer that is in a wheelchair is presenting tights, a little girl with a Down syndrome is advertising children cloths. But there is a small number of advertising messages in which disabled people are presented as fathers, mothers, grandparents, workers or lovers. They are not beneficiaries of a lot of products or services – they do not go to the restaurants, do not buy a margarine, do not go for holidays or use perfumes [Kozłowska 2018, pp. 265–266].

We cannot forget about the fact that the ad is not only a marketing message but also social communication. Showing up of the social groups, such as disabled people or homosexuals in the advertising space will be a manifestation of the CSR.

Advertising and the factuality of marketing communication

The socially responsible communication is “caring for a factual and clear message that contains true and understandable for the recipient information” [Laboratorium Badania Komunikacji Społecznej 2014]. Meanwhile, advertising is the instrument of marketing communication that does not have a lot of social trust. Because of some reason we can read that “from advertising we should distinguish a trade information, which is an objective set of data about a certain product or service” [Wawrzak 2014]. In another source, we find out that a doctor or a dentist providing health services, and also healthcare service cannot take marketing communication that has features of advertising [Ustawa o działalności leczniczej, art. 2 § 1.7].

Furthermore, advertising cannot exploit children’s gullibility or refer to the consumer’s feeling by causing fear [Ustawa o zwalczaniu nieuczciwej konkurencji, art. 16.2]. We can find a similar approach to advertising in Kodeks Etyki Reklamy [art. 6]. We assume that at the moment of using powerful negative stimuli, we deprive our consumer of the possibility to the factual familiarization with the offer and making a rational purchase decision [Araczevska 2019b].

Advertising and honesty

In the case of CSR advertising has to be [Jędrzejewska 2012, p. 50]:

- 1) a full information about a product – e.g. in the case of cosmetics we should have a full information about harmful substances content or about the origin of ingredients [Ustawa o produktach kosmetycznych];

- 2) a factual information about a product – e.g. in the case of food supplements, it is forbidden to suggest that they complement a balanced, diverse diet [Ustawa o bezpieczeństwie żywności i żywienia, art. 27];
- 3) a clear information about a product – which means the necessity of avoiding statements that could be not understandable for the recipients and could be misleading because of its complexity;
- 4) a real information about research results – e.g. consumer or laboratory research used in marketing communication cannot be false.

Advertising should not be [Nowacki 2005, p. 220]:

- deceitful – that means a biased presenting of a product and creating possibilities for an ambiguous understanding of the advertising message;
- obvious – pointing to the characteristics that are specific to all products from the same category, e.g. the oil has a vit E because it is relevant for all products from this category;
- exaggerated – some researchers think that the ad should not appeal to the phrases like “the only one”, “the best on market” if it is not confirmed on the market [Araczevska 2019c].

Nowacki [2005, p. 220] states that comparative advertising is unacceptable when it is imitative (copying advertising messages of a competitive company or brand) and violating other trademarks. In the Unfair Competition Act [Ustawa o zwalczaniu nieuczciwej konkurencji, art. 16.3] the comparative advertising is a message that allows the direct or indirect recognition of a competitive company (brand). The advertising message may refer to the competition if it fulfils the following conditions at the same time:

- true, not misleading e.g. in terms of a purchase conditions, parameters or price;
- factual – it compares products satisfying the same needs or designed to the same purpose;
- objective – it contrasts one or two meaningful, specific, verifiable and typical characteristics of products (e.g. price) in an objective way;
- real – it does not cause mistakes on the market in the distinction between the advertiser and his competitor or between their products, trademarks etc.;
- accurate – it does not discredit goods, services, trademarks, companies etc.;
- public – it clearly refers to other competitive brands;
- honest – it does not use the reputation of a trademark or a company in an unfair way;
- ethical – it does not promote a product as an imitation of a product bearing a secured trademark.

Code of Ethics for Advertisement (Kodeks Etyki Reklamy) regulates issues related to the comparative advertising [art. 11] in the same way. Therefore, is there a possibility of finding any areas for the socially responsible activity? In the advertising of a certain mobile phone network there was a sudden reference to another trademark. It was obtained by using a colour assigned to the brand. It is well known that in Poland it is not easy to register a colour as a trademark. You have to prove its secondary differentiating ability. The colour must be so recognizable on the market, that the customers would associate it with the brand [Lech 2018]. In the described case, a mobile phone network did not have a registered colour yet [it happened later]. The advertising that is socially responsible should avoid the situation when it is using the elements of a competitive trademark which were from some reasons not registered.

The question is whether the action of a youtuber who compares cosmetics of the same nature [e.g. foundations] when one of the products is from a PR package, is a socially responsible activity? Furthermore, the comparison of the original product with fake ones or doing make up only with the use of fake products can raise doubts too. We know that advertising should not present "a product or service as an imitation or copy of a product or service" [Ustawa o zwalczaniu nieuczciwej konkurencji, art. 16.3]. This means that the bloggers should be aware of the fact through the purchase of fake products and exposing them they are supporting illegal actions. It seems that the limit between a test and a dishonest advertising in that case is very thin. This is another case where legal regulations are not capable of reaching internet communication. It is a place for rules of CSR.

Advertising and burdensomeness

The ad can be considered burdensome if they interfere with a consumer's private sphere. We know that e-mailing the recipient that did not allow this, might be considered as the act of unfair competition. And what about a banner, on which an internaut has to click to see more, will it not be the act of an unfair competition?

A network user is sometimes forced to get familiar with the unwanted advertising message that could not be omitted or turned off. It is the action which significantly interferes with private sphere. In that case, there are no legal regulations.

Conclusion

The socially responsible communication is a business activity strategy in which a company decides to take a responsibility for how it is communicating with the environment (including communicating with a consumer). The advertising strategy might be a good area for demonstrating if the company is really guided by the CSR idea in its business activity. The previous reflections indicate that taking socially responsible actions by the company is a result of the following factors:

- legal regulations forcing responsible actions towards consumers;
- autoregulation on the advertising (binding all participants of marketing communication);
- autoregulation taken by specific sectors (e.g. cosmetics, food products, alcohol);
- taking initiatives by specific consumers;

The socially responsible advertising should expand the relevance of such values like:

- the disclosure of advertising communication,
- the respect for social standards,
- honesty during the product's presentation,
- the factuality of a given information about a product in advertising communication,
- unburdened communication.

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