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**The Impact of Advertisement on Sustainable Development**

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**ABSTRACT**

*The tenets of advertisements are hinged upon legality, honesty, decency and truthfulness rather than falsehood and exploitation. In spite of these tenets, unscrupulous advertising practitioners continue to project advertisements that promote social vices, unhealthy consumption patterns, and make false unsubstantiated claims. Irresponsible advertisements create artificial wants which may encourage communities of persons seeking to rise from poverty to a reasonable standard of living, to neglect their real needs thereby exacerbating socio-economic problems and causing harm to the person and ultimately truncating the achievement of SDG 12. This paper examines the impact of advertisement on sustainable development. The justification of this research finds space in the achievement of sustainable development goals, as such, discussions on sustainable development goals are contained in this chapter. This research dovetails into an examination of the advertisement of specific consumer goods on consumers. This paper recommended that governments should promote the development and implementation of policies for sustainable consumption and the integration of those policies with other public policies.*

**KEYWORDS: Consumer, Advertisement Sustainable Development Goals and Goods.**

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**Introduction**

In 2020, the world adopted a new set of Sustainable Development Goals (SDG's), yet Goals 3 and 12 of the existing SDG's cannot be said to have been accomplished to a large extent. The reason for this is not far from the contributory negligence of the existing framework which has overtime "empowered" forces of production (advertisers) rather than protect consumers. Advertisement is a medium used to inform, persuade, motivate, correct and influence purchase decisions and behaviours.<sup>1</sup> It is also a medium used in communicating to consumers of a product or service, hence, its messages are aimed at informing and influencing the consumers who

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<sup>1</sup> V Thompson, 'Unintended Effects of Adverts' (2017) [www.Bizfluent.com](http://www.Bizfluent.com) Accessed 20<sup>th</sup> December 2017.  
J Foley, and P Pierfranco, 'Ethics in Advertising'. (Pontifical Council for Social Communications, Vatican City, 1997)  
<[www.vatican.va.com](http://www.vatican.va.com)> accessed 1/11/2017.

receive them.<sup>2</sup> The impact of these unethical advertisements on persons seemingly overrides the benefits advertisements offer, leaving much to be desired.<sup>3</sup> The consumer is also key to the achievement of SDG 12 which is focused on sustainable consumption patterns. Using the example of the services sector in Nigeria, there is a complete lack of a comprehensive liability regime legislation for the provision of services in Nigeria.

Consumers enter the market place oblivious to the differences and similarities between products, this state of oblivion is worsened by the practice of ‘brand’ advertisements which do not present goods and services on the basis of quality and prices.<sup>4</sup> The resultant impact on the person is that they make irrational choices.<sup>5</sup> Irresponsible advertisements create artificial wants which may encourage communities of persons seeking to rise from poverty to a reasonable standard of living, to neglect their real needs thereby exacerbating socio-economic problems and causing harm to the person and ultimately truncating the achievement of SDG 12.<sup>6</sup>

## **Sustainable Development and the Impact of Advertisement of Specific Consumer Goods on Consumers**

### **1. Alcohol**

Alcohol is a major obstacle to sustainable human development and adversely affects all three dimensions of sustainable developments.<sup>7</sup> Alcohol is believed to kill 3.3 million consumers worldwide every year.<sup>8</sup> It invariable means that every 10 seconds a human being dies because of alcohol. This represents 5.9% of all deaths.<sup>9</sup> Globally, alcohol is the 5<sup>th</sup> leading risk factor for premature death and disability amongst people between the ages of 15 and 49.<sup>10</sup> Alcohol is an obstacle to development since it jeopardises human capital and hinders sustainable human development. For low income earners such as the physically challenged person, alcohol tends to crowd out other productive household spending, such as healthcare and healthy food. People

<sup>2</sup> B Sood and V Nithya, ‘Effects of Advertising on Youth (Age Group of 13-19 Years Age)’ (2015), 5 *Young Consumers Journal* p.260.

<sup>3</sup> W A Ramsey, ‘Rethinking Regulation of Advertising Aimed at Children’, (2006)58(2) *Federal Communications Law Journal*. p.361.

See also Woker, ‘Legitimate Protection of the Public or Censorship? Advertising Controls and The Right to Freedom of Speech’, (1997)13(2), *South African Mercantile Law Journal* pp.291-309.

<sup>4</sup> Better Regulation Task Force (UK) *Protecting Vulnerable People*, September 2000, p. 13 cited in Consumer affairs Discussion Paper, *What do we mean by 'vulnerable' and 'disadvantaged' consumers?* Available at [www.consumer.vic.gov.au](http://www.consumer.vic.gov.au) last accessed 12/10/2017 p.4.

<sup>5</sup> Advertisers use "brand loyalty," status, fashion, "sex appeal" to "create" false needs for products and services as such cause vulnerable persons to act upon cravings for items and services by purchasing them. J. Foley and P. Pierfranco (n1).

<sup>6</sup> The judicious use of advertising can stimulate developing countries to improve their standard of living however serious harm can be done if advertising and commercial pressure become so irresponsible that communities seeking to rise from poverty to a reasonable standard of living are persuaded to seek this progress by satisfying wants that have been artificially created. The result of this is that they waste their resources and neglect their real needs, and genuine development falls behind. Consumerist attitudes and values are transmitted by communications media and advertising to developing countries, the need for foreign products at the expense of locally made products is an adverse impact of advertisement.

<sup>7</sup> M Dünbier and K Sperkova (eds.) *Alcohol and the Sustainable Development Goals Major Obstacle To Development* (IOGT International, Stockholm, Sweden (2016) p.2.

See generally B Akingbade, ‘Alcohol Advertising: Manufacturer’s View Point’. In the *Issues on Advertising of Controlled Products*. (Lagos: Advertising Practitioners Council (APCON) (1994).p.1-22.

<sup>8</sup> Dünbier and Sperkova (n.1).

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

with lower socio-economic status are more exposed and more to tangible problems and negative consequences of alcohol use. Thus the impact of alcohol advertisements often contributes to the vicious cycle of deprivation, vulnerability and hunger. This impact becomes pronounced considering that the physically challenged person has less extensive support networks to motivate them to address these problems. It ought to be mentioned that the mere display of alcohol qualifies as advertisement.<sup>11</sup> In traditional Nigerian society, alcohol consumption was gender and age based.<sup>12</sup> It was mainly consumed by adult males in social engagements.<sup>13</sup> Even in the neighbouring Ghana, elders served as gatekeepers, by deterring younger people from alcohol consumption.<sup>14</sup>

In many deprived communities, children bear a disproportionate burden, with alcohol playing a tremendous role.<sup>15</sup> Example, the impacts of alcohol abuse and dependence on the user and the family; Parental roles are neglected and too often abandoned; Wages are wasted on alcohol, the household economy is ruined, jobs are lost; resulting health issues even exacerbate the dire situation.<sup>16</sup> All that means scarce resources cannot be invested in children's education and school material, depriving children of their right to primary education.<sup>17</sup>

<sup>11</sup> K Woodruff, 'Alcohol Advertising and Violence Against Women: A Media Advocacy Case Study' (2016) 23(3) *Health Education & Behavior*. pp. 330 – 345;

J Kilbourne, *The Spirit Of the Czar: Selling Addictions to Women*, (Iris; Charlottesville XII.3 (1992) p.62;

K Firth, P Shaw, H Cheng, 'The Construction of Beauty: A Cross-Cultural Analysis of Women's Magazine Advertising' (2005) *Journal of Communication*.p.42.

<sup>12</sup> E Dumbili, 'Changing Patterns of Alcohol Consumption in Nigeria: An Exploration of Responsible factors and Consequences' (2013)20(7)1 *Journal of the BSA Medical Sociology Group* p.223;

I Umunna, 'The Drinking Culture of a Nigerian Community: Onitsha. 1967) 28 *Quarterly Journal of Studies on Alcohol*, pp.529-537.

<sup>13</sup> I S Obot, 'The Measurement of Drinking Patterns and Alcohol Problems in Nigeria' (2000) 12 *Journal of Substance Abuse* pp.169-181.

<sup>14</sup> E Akyeampong, 'What's in a Drink? Class Struggle, Popular Culture and the Politics of Akpeteshie (Local Gin) in Ghana, 1930-67' (1996) 37 *Journal of African History* pp. 215-236;

A K J Ibanga, V A O Adetula, and Z K Dagona. 'The Context of Alcohol Consumption in Nigeria' in Obot, I. S. and Room, R. (eds.) *Alcohol, Gender and Drinking Problems: Perspectives from Low and Middle Income Countries*, (Geneva: World Health Organisation, 2005) pp143-166;

Umunna (n.6);

O G Oshodin, 'Nigeria' In B D Heath (Ed.), *International Handbook on Alcohol and Culture* (First Ed. Westport: Greenwood Press (1995). pp. 213-223;

A Olorunfemi, 'The Liquor Traffic Dilemma in British West Africa: The Southern Nigerian Example, 1895-1918'. (1984) 17 *The International Journal of African Historical Studies*, pp.229-241;

A Olukoju, 'Prohibition and Paternalism: The State and the Clandestine Liquor Traffic in Northern Nigeria, 1898-1918'. (1991) 24 *The International Journal of African Historical Studies*, pp.349-368.

<sup>15</sup> C Gunby, A Carline and S Taylor, 'Location, Libation and Leisure: An Examination of the Use of Licensed Venues to Help Challenge Sexual Violence,' (2017)10 *Crime, Media, Culture*.p.12.

<sup>16</sup> Umunna (n.6).

<sup>17</sup> *Ibid*.

APSA, 'Impact of Alcoholism on Children from Urban Poor Families in Bangalore' (APSA. Bangalore, India. (2008) p.18;

C Walsh, H L MacMillan, E Jamieson, 'The Relationship Between Parental Substance Abuse and Child Maltreatment: Findings from the Ontario Health Supplement', (2003) 27(12) *Childhood Abuse & Neglect*, p.29;

Alcohol advertisements continue to appeal to children especially alcohol use in entertainment medium which has become extensive.<sup>18</sup> Alcohol is also portrayed in advertisements as being complimentary to smoking. The consumption of alcohol is glamorised and shown without consequence in; advertisements, music, magazine, television film *etcetera*. These advertisements usually include alcohol beverages with colourful packaging and sweet tasting flavours, catering to the interests of child consumers. The alcohol industry has a financial stake in the child consumer, hoping to gain lifelong customers. Therefore, the media is overladen with alcohol advertisements which appeal to persons like children. One of such is that of *Amarula* which uses animal imagery (elephant), some use popular music to gain the attention of these persons (consumers). In corroboration, evidence of alcoholic drinks advertisement can be seen around the Uyo metropolis. Some of these advertisement are situated in a radius of less than the required 200metres from schools and places of worship. The advertisement by Heineken on Abak road in the Uyo metropolis was within the vicinity of a school and a place of worship and the proximity was less than 200metres as stipulated in the law. The advertisement of *Action Bitters* (this advertisement was also sensually provocative) was also located less than 200 metres from West Itam Secondary School along Itam-Ikot Ekpene road. The same was found on Nwaniba road close to the Daughters of Charity Convent which houses a school and place of worship. The issue on the location of an advert was decided in the case of *Lorillard Tobacco Co. v Reilly*,<sup>19</sup> where the court allowed the advertisements of tobacco products within 1000 feet of a school and playground.<sup>20</sup> This is at variance with the Nigerian position being 200m. It is also worth querying the effective protection of persons by regulatory agencies when the laws are being flaunted without any sanctions meted out to erring advertisers.

## 2. Tobacco

Tobacco is unique, as it is the only product that kills half of its consumers.<sup>21</sup> In spite of this, persons are exposed to a wide array of persuasive and carefully crafted commercial messaging encouraging the use of tobacco products.<sup>22</sup> Trends in encouraging the use of cigarettes and smokeless tobacco, have caused a growing number of public health professional to call the attention of State regulators to the role advertisements play in encouraging tobacco use. Advertisements also make tobacco use attractive to children, appear less harmful to the elderly consumer, cheap and very accessible for the physically challenged consumer. Advertisements also keep away vital information on the side effects of tobacco from the illiterate person who is mostly unaware of this state of affairs.<sup>23</sup>

There has been a rise in the advertisement and promotion of tobacco and this has been found to be effective in persuading persons to act, once exposed to such advertisement.<sup>24</sup> Tobacco advertisements influence persons' by establishing attitudinal predispositions that lead them to

<sup>18</sup> D H Jernigan, J Ostroff, and C Ross, 'Alcohol Advertising and Youth: A Measured Approach. (2005)26(3) *Journal of Public Health Policy*.p.312-325.

<sup>19</sup> (2001) June 28.

<sup>20</sup> *Ward v Rock* 491 U.S 781.

<sup>21</sup> The official Instagram page of the WHO Regional office for Europe, 5/12/2018.

<sup>22</sup> B K Oyewole, V K Animasahun, H J Chapman, 'Tobacco Use in Nigerian Youth; A Systematic Review' (2018) 13(5) *PLoS ONE* P.1-13

<sup>23</sup> B S Lynch and R J Bonnie (Ed.) *Growing Up Tobacco Free: Preventing Nicotine Addiction in Children and Youths*. (Washington DC: National Academic Press (United States,1994). p.67.

<sup>24</sup> *Ibid*.

experiment with tobacco products and interpret their experience as positive and rewarding.<sup>25</sup> These advertisements also foster the perception that the consumption of tobacco products in general, and in particular contexts, is normal and this minimises the person's concern about the potential risks associated with tobacco use, while propagating the perception that there are 'safe' smoking options to reassure smokers and users of smokeless tobacco that possible risks are worth the benefits received from tobacco use.

As a result of trade incentives, cigarettes and other tobacco products are displayed prominently where adults, children of all ages can see them, some of these include flavoured chewing tobacco gums.<sup>26</sup> The growing impact of these advertisements is evidenced by the fact that, the child is aware of the most heavily advertised tobacco brands.<sup>27</sup> For example, when these products are placed near candy snacks in stores, it gets attention of the child consumer, and when placed near liquor, they (cigarettes) come to be associated with adult status. Tobacco products are promoted to shift one's consciousness away from the stress, strains anxieties and boredom of routine existence as a means of providing some temporary release and relief.<sup>28</sup> According to Schudso, the form of tobacco advertisements influence product distribution and directly induces consumption in all consumers.<sup>29</sup>

To further emphasise the predicament of consumers, econometric works on the relationship between advertisement and tobacco use are prominent debates between public health advocates and key players in the tobacco industry.<sup>30</sup> Though these provide insight into the effects of general advertising trends, they have been adjudged as being too imprecise to support fair conclusions about the impact of tobacco on a specific population (persons). It is realistic to expect that the foregoing correlates trends in tobacco consumption and provides meaningful insight about the influence of tobacco advertisement on use by persons.<sup>31</sup>

Physically challenged persons with low education are also the target of tobacco advertisements as they are easily persuaded.<sup>32</sup> In Borno State, North East, Nigeria, smoking is prevalent amongst the "Almajiris" who lack formal education, spend minimal time in Arabic classes, and spend their time involved in street begging.<sup>33</sup> Almajiris ( who sometimes illiterate and physically

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<sup>25</sup> Lynch and Bonnie (n.17).

<sup>26</sup> A W Comerford and I Stale 'Selling Cigarettes and Advertising Self-Regulation in the Sixties' in E Thorson (Ed) Proceedings of the American Academy of Advertising (Columbia: University of Missouri 1993) p.2-7.

See also Lynch and Bonnie (n.17).

<sup>27</sup> Report of the Scientific Committee on Tobacco and Health, 20th March 1998 in [Archive.official-documents.co.uk](http://Archive.official-documents.co.uk) Accessed 11/12/2018.

<sup>28</sup> O O Odukoya, K A Odeyemi, S Oyeyemi, and R P Upadhyay, 'Determinants of Smoking Initiation and Susceptibility to Future Smoking Among School-going Adolescents in Lagos State, Nigeria. (2013) 14 (3) *Asian Pacific Journal of Cancer Prevention*. pp.1747-1753.

<sup>29</sup> M Schudso, *Advertising: The Uneasy Persuasion* (New York: Basic Books, 1984).p.45.

A N Onyiriuka and R C Onyiriuka, 'Cigarette Smoking Among Nigerian Adolescent Public Senior Secondary School Boys: Prevalence Characteristics and Attitudes (2010) 7(2) *Pacific Journal of Medical Sciences*. pp. 64-75.

<sup>30</sup> Lynch and Bonnie (n.23).

See also Comerford and Stale (n.20).

<sup>31</sup> *Ibid*.

<sup>32</sup> A E Fawibe, and A O Shittu, 'Prevalence and Characteristics of Cigarette Smokers Among Undergraduates of the University of Ilorin, Nigeria' (2011) 14 (2) *Nigerian Journal of Clinical Practice* pp.201-205.

<sup>33</sup> J Abdulmalik, O Omigbodun, O Beida, and B Adedokun, 'Psychoactive Substance Use Among Children in Informal Religious Schools (Almajiris) in Northern Nigeria. (2009)12 (6) *Journal of Mental Health, Religion and* pp.527-542;

challenged )in their consumption of tobacco are beset by psychosocial factors, such as belonging to a polygamous home, low level of father's education, feeling of loneliness and depressive symptoms, advertisements. These were found to contribute significantly to the prevalence of smoking amongst their peers, however advertisements ranked highest.<sup>34</sup> Street children, homeless adults and elderly persons, are more to risky practices, such as increased smoking and other forms of substance abuse especially in the face of weak family bonds and harsh survival realities.<sup>35</sup> There is also a high prevalence of tobacco smoking amongst physically challenged (illiterates) in sub-cultures like motor-parks and this can be said to be a result of the rampant display of tobacco products in kiosks around the motor parks.<sup>36</sup>

Currently, the advertisement of 'light' or 'low-tar' cigarettes fail to convey accurate information regarding the hazards of smoking, and instead tend to foster the illusion of a healthy smoking alternative and this has become popular amongst persons.<sup>37</sup> Whether or not these product innovations reduce harm from smoking they are tools in a public relations approach to minimising a major public health problem and also bother on issues of consumer protection. Furthermore, many health issues are not presented to the public, issues such as the addictiveness to tobacco; risk of cancer, heart disease, and stroke, effects on non-smokers and risk from tobacco smoke constituents such as, benzene and arsenic.

The writers argue that the advertisement and promotion of tobacco products on the scale and in the manner described tends to increase the overall prevalence of tobacco consumption as well as increase the initiation of smoking which is an unsustainable consumption pattern by persons (especially the Child, illiterate and the physically challenged person). In response, the key players in the tobacco industry argue that, advertisements and promotion affect market share and not the level of consumption amongst smokers. The industry denies that advertisements affect the decisions of persons to begin smoking. In this on-going debate, some authors seem to assume that a definitive finding of causality is a necessary predicate for legislative action restricting tobacco promotion and advertisements.<sup>38</sup> However, requiring definitive proof of causality on issues of this nature would unjustifiably stymie sensible public health regulation. Indeed, the history of public health successes, from vaccination to cholera prevention and injury control suggest that detailed causal understanding is apt to follow an intervention, rather than be a precondition for it. If the rates of smoking amongst consumers fell after advertisements and promotions were eliminated, this would corroborate a hypothesis for which there is already

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M O Raji, I S Abubakar, M O Oche, and A U Kaoje, 'Prevalence and Determinants of Cigarette Smoking Among in School Adolescents in Sokoto Metropolis, North West Nigeria. (2013) 8(3) *International Journal of Tropical Medicine*. pp.81-86.

<sup>34</sup> Abdulmalik, Omigbodun, Beida, and Adedokun (n.27).

<sup>35</sup> I Egbuonu, C C Ezechukwu, J O Chukwuka, and R Uwakwe, 'Substance Abuse Among Female Senior Secondary Students in Anambra state Southeastern Nigeria. (2004) 7 (2) *Nigerian Journal of Clinical Practice*. pp.53-55.

<sup>36</sup> O O Odukoya, M R Dada, T Olubodun, U A Igwilo, and O A Ayo-Yusuf, 'Risk Perception and Correlates of Tobacco use Among Young People Outside of Formal School Settings in Lagos State, Nigeria' (2016) 17(6) *Asian Pacific Journal of Cancer Prevention* pp.2833-2839;

See also O A Atoyebi, D O Ibirongbe, O A Babatunde, O E Atoyebi, 'To Start and Quit Smoking Cigarettes: An Evaluation of Students in a Nigerian City. (2013)B 54(2) *Journal of Preventive Medical Hygiene* pp.104-108.

<sup>37</sup> A N Onyiriuka, and R C Onyiriuka, 'Cigarette Smoking Among Nigerian Adolescent Public Senior Secondary School Boys: Prevalence Characteristics and Attitudes'. (2010) 7 (2) *Pacific Journal of Medical Sciences* pp.64-75.

<sup>38</sup> C C Chen, 'Advertising Law and Regulation'. (2011)5 *Journal of Business Law*,pp.531-533.

ample suggestive evidence that, the advertisements and promotions of tobacco are an important factor in the initiation of its use by persons.<sup>39</sup>

Most elderly persons who consume tobacco can be said to have begun smoking during their adolescent years, and grew into the habit thereby, making nicotine addiction difficult to curb. As these adolescents become elderly persons, they serve as role models to youths, reinforcing a vicious cycle. In essence, the elderly person who smokes, is an embodiment of advertisement, this is because the child is easily influenced by the attitudes of elderly persons around him.<sup>40</sup> Hence, it can be said that the impact of tobacco advertisements on elderly persons is age-long and is ingrained in him as a child and more often than not runs through till he becomes an elderly person. The health consequences of tobacco smoking are intensified considering the duration and quantity of the smoking behaviour.<sup>41</sup> Smoking early in life increases the risk of NCDs, and adolescent smokers are at great risk of future morbidity and mortality. Half the number of adolescent smokers become regular smoking adults, and a further half of this population are expected to die of tobacco-associated illnesses. The foregoing highlights the impact smoking on young people and lays emphasis on the need to curb this habit.<sup>42</sup> Even if the primary objective of those advertisements is to preserve or expand market share amongst existing smokers, consumers are routinely exposed to messages that encourage them to develop unsustainable consumption patterns such as smoking.<sup>43</sup>

It is clear that society's efforts to discourage persons from smoking are obstructed and perhaps fatally undermined by the industry's efforts in using advertisements to portray their dangerous products in a positive light.<sup>44</sup> In sum, portraying a deadly addiction as a healthful and sensual experience tugs against a nation's efforts to promote sustainable consumption patterns, a tobacco-free norm and discourage tobacco use especially by the population.<sup>45</sup> This creates the need for legislations that will restrict the features of advertisement and promotions that make tobacco use attractive.<sup>46</sup> The question is not, 'advertisements and promotion the causes of persons initiation?' but rather, 'does the preponderance of research suggest that features of advertisement and promotion tend to encourage consumers to smoke?' The answer is yes and this is a sufficient basis for action, even in the absence of a precise and definitive causal chain.<sup>47</sup>

## **The Nigerian Response to Contemporary Global Trends**

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<sup>39</sup> Lynch and Bonnie (n.23).

<sup>40</sup> Raji, Abubakar, Oche, and Kaoje, (n.27).

<sup>41</sup> B K Oyewole, V K Animasahun, and H J Chapman, 'Tobacco Use in Nigerian Youth; A Systematic Review' (2018) 13(5) *PLoS ONE* P.1-13.

<sup>42</sup> R Peto, and A D Lopez, 'The Future Worldwide Health Effects of Current Smoking Patterns. In: P Boyle, N Gray J Henningfield, J Seffrin and W Zatonski W (Eds). *Tobacco: Science, Policy and Public Health*. (New York, New York: Oxford University Press; 2004.) p.12.

<sup>43</sup> New Zealand Toxic Substances Board, 'Health or Tobacco: An End to Tobacco Advertising and Promotion' (Wellington, New Zealand: Department of Health 1989). p.28.

<sup>44</sup> A E Orimadegun, and O O Ola, Risk Factors Associated with Smokeless Tobacco use and Cigarette Smoking Among Teenagers in a Sub-urban Area of Southwest Nigeria. (2012) 20(6) *Journal of Public Health*. pp.631-63.

<sup>45</sup> A O Adebisi, B Faseru, A O Sangowawa, and E T Owoaje, 'Tobacco use Amongst out of School Adolescents in a Local Government Area in Nigeria. (2010) 5 *Journal of Substance Abuse Treat Prevention Policy*. p.24

<sup>46</sup> Raji, Abubakar, Oche, and Kaoje, (n.27).

<sup>47</sup> Pollay (n.31).

New media technological advancement has completely transformed the advertising process on a global scale and nationally. Advertisers have adopted innovative solutions to influence the purchase decisions of consumers. New media technologies are being used to augment traditional media of disseminating the messages to the target consumers. Traditional media platforms are gradually losing their influence forcing the marketing industry to seek new media avenues. While the media of advertisements have evolved to meet the dynamic needs of consumers, regulatory agencies have been pre-occupied with traditional forms of advertising media that serves a seemingly 'outdated' need of the consumer leaving their unending needs and challenges uncaptured. The Cybercrimes (Prohibition, Prevention Act) is the foremost legislation which caters for some impacts of advertisements on broadcasted on new media. It deals extensively on malicious advertisement capable of infecting the consumer's computer with malware. Section 32(3) of the Act prohibits and penalises the use of viruses and malware to access and attack computers.<sup>48</sup> This provision classifies information into critical and non-critical without parameters for such classification. Consequently, the attack on a consumer's computer that simply locks away files demanding for a ransom in return for the passcode to the file is not a situation envisaged by the Nigerian Cyber Crimes Act. The Nigerian consumer may be said to be any easy target with the laws apparently 'short' on technological developments such as malicious advertisements.

The Nigerian Communications Communication Act (NCCA) in section 3(ii) prohibits the use of sexual profanities in advertisements to protect children and young persons. It leaves out the definition of sexual profanities and does not prescribe further, the media for such advertisements. It may not be erroneous to state that the code is primarily predicated on traditional media platforms and though it makes mention of website(s) that is internet advertising, it is safe to conclude that such express mention is to the exclusion of all others in this case new media platforms such as social media platforms. The code is inadequately framed to empower regulatory agencies with ample provision to protect the child consumer from sexual profanities which appear on gaming applications and a host of other applications even when they are not connected to the internet.

The APCON Act is beset by its antique characteristics being that it was promulgated before the 2000's when the internet evolved the techniques of advertising. The Act which was birthed in the 1980's is also a forerunner to the constitution of Nigeria. While the APCON Code emphasises the regulation of the conduct of advertising practitioners, it also forms a strict basis on which advertising practitioners are to be allowed to carry on advertising practices. Hence, it seeks to allow a certain set of persons with the monopoly of disseminating information. Conversely, Sec 3a (2) of the Constitution as Amended gives every person the right to own, establish or operate any medium for the dissemination of information, ideas.<sup>49</sup> Section 3a (i) also gives every Nigerian citizen the freedom to hold opinion and to receive and impart ideas and information without interference. It may be argued that the constitution was not referring to advertisement as it did not state so expressly, however the definition of advertisement expunges this line of reasoning. Advertisement is any information targeted at a particular group of consumers or to the general public to illicit a response or create awareness, hence it is trite to state that the Constitution extended its scope to advertisements. The APCON Act to the extent of its

<sup>48</sup> Sec 32(3) Cybercrimes (Prohibition, Prevention Act) 2015. Fine of 1,000,000 is imposed.

<sup>49</sup> Constitution of the Federal Republic of Nigeria (1999) (As amended).



inconsistency is null and void. The pre-occupation of APCON with defining who advertising practitioners are has not yielded much in the protection of persons as advertisements are still being placed on new media platforms beyond the 'scope' of these regulations.

Recently, APCON has been concerned with the banning of outdoor advertisements which are placed by non-registered practitioners and has become 'short-sighted' by not evolving with technological advancements to ensure the person is protected. In jurisdictions like China, there is an express mention of online advertisements in its Advertising Law.<sup>50</sup> Its Advertising Law is quite recent (2005) this is not a presupposition that its regulation is superior but an acknowledgement of its response to contemporary global trends.

Today social media platforms are replete with advertisements of drug and cosmetic products. In regulating the advertisements of these products, NAFDAC largely operated an 'analog' system of verification until 2014.<sup>51</sup> The agency issued a short code (38353) for members of the public to easily detect drugs by texting the pin obtained from silver panels attached to drug packages. The verification which is also available on their official website sometimes responds with an error code when requests are sent<sup>52</sup>

The Nigerian film corporation has become short-changed in the face of Information Communication Technology (ICT). The corporation birthed in the 1990's is saddled with the regulation of obscene publication on traditional media platforms (television). The corporation has not been effective in the regulation of obscene publications on new media platforms like *Netflix, Iroko TV* where children can easily access obscene publications. The response of the NBC in the face of these changes is still slow paced leaving the person (child) still exposed to the adverse impacts of advertisements.

## Conclusion

Advertisements have encouraged unsustainable consumption patterns and have contributed to the pollution of the environment in this case plastic pollution. This nips in the bud attempts to achieve the SDG's. Advertisements of products such as alcohol and tobacco have damaging impacts on persons. The regulatory framework for the regulation of advertisement is not based on a consumer vulnerability approach neither does it take into cognisance the need to achieve the SDG's.

Based on the foregoing, the need to protect consumers has become glaring. States at regional levels have become concerned with the welfare of the consumer hence legislative tools like the Unfair Commercial Practices Directives of the European Council (UCPD)), the African Union' Model Law for Consumer Protection 1999 and the United Nations Guidelines for Consumer Protection (UNGCP). Nigerian Law on consumer protection including the recently passed Federal Competition and Consumer Protection Act (FCCPA) continues to reflect a lack of government's interest in addressing consumer protection issues for the. Today, the consumer enters the marketplace largely unprotected, exposed to risks and violations of his basic rights as a consumer.

<sup>50</sup> Advertising Law of the People's Republic of China (2015) Art 44).

<sup>51</sup> [www.nlipw.com](http://www.nlipw.com) Accessed 12/1/2019.

<sup>52</sup> [www.nafdacverify.com.ng](http://www.nafdacverify.com.ng). Accessed 12/1/2019.

## Recommendations

Based on the findings it is recommended that;

1. Environmental protection shares a common goal with consumer protection under the framework of SDG. Consequently, there is a need for a synergy between environmental protection agencies and consumer protection agencies as a panacea to the achievement of SDG 12.
2. State Governments and other relevant organisations should promote research on consumer behaviour related to environmental damage in order to identify ways to make consumption patterns more sustainable.
3. SDGs associated indicate that arrangements need to be developed to address the social and cultural aspects that facilitate and constrain production and consumption patterns. The Government has a central role in creating a healthy food environment that enables people to adopt and maintain healthy dietary practices and this in line with the findings of the World Health Organisation.
4. Government institutions, in cooperation with business and other relevant groups, should develop indicators, methodologies and databases for measuring progress towards sustainable consumption at all levels.
5. Government institutions such as the Federal Competition and Consumer Protection Commission should consider and propose a range of economic instruments, such as fiscal instruments and internalisation of environmental costs, to promote sustainable consumption, taking into account social needs, the need for disincentives for unsustainable practices and incentives for more sustainable practices.