

## **IMPERATIVE OF ADVERTISING REGULATION: AN APPRAISAL OF EFFECTIVENESS OF IMPLEMENTATION BY THE ADVERTISING PRACTITIONERS COUNCIL OF NIGERIA (APCON)**

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### **Abstract**

When advertising began in Nigeria, the field was seen as an all-comers affair. However, as the industry continued to grow, the need to regulate, consolidate on the gains and professionalize the industry to bring about greater responsibility became evident. Consequently, the Advertising Practitioners Council of Nigeria (APCON) was institutionalised through Decree No. 55 of 1988 and charged with the responsibilities of among others, regulating advertising practice in Nigeria in all its ramifications. This work appraises the strengths and weaknesses of APCON so far in discharging these responsibilities. The work was approached from the analytical perspective. The study notes that a regulated advertising environment puts the practitioner in a better pedestal to prove his professional worth, through the provision of efficient, qualitative and first class service to clients and the society. Also APCON may not have performed to optimum expectations, nevertheless, what is needed is a collective responsibility and committed resolution of both the practitioners and the public to work together with the regulatory agency towards improving advertising services to the society.

**Key Words: Advertising. Regulation. Effectiveness. Implementation. APCON.**

### **Introduction**

Advertising, which ordinarily is the facilitation of an interactive relationship between a buyer and a seller in a marketing arena, has come of age in Nigeria. Professionally, it is the communication, through the media, of persuasive messages, about a product, to patronize the product.

Although it started well ahead of the colonization of Nigeria, at a rudimentary level, it has today attained lofty status. Such responsibilities and obligations pertain to critical issues that must be taken seriously in order not only to improve its current position, but also to consolidate the gains it made over the years. They include the need for professionalisation of its membership through concerted and adequate regulation of the practice. To this end, a lot of achievements have been made since the establishment of the Advertising Practitioners Council of Nigeria (APCON), through Decree No. 55 of 1988. Knowledge of such achievements and other outstanding challenges of the agency is a must for both practising and potential practitioners in one of the most lucrative, dynamic and fascinating professions in the world, if they will be part of the consolidation needed to enhance the fortunes of the profession and industry.

### **Brief Historical Background**

Till now, as was the case before the advent of colonialism and westernization, in our localities, hawkers and traders are usually seen "advertising" their wares through the techniques of verbal and non-verbal symbols. These include singing, whistling and the use of bells that signal the availability of the goods and services being advertised. With urbanization, some settlements grew, following the influx of people, leading to mass consumption of goods and the need to bring their information to the knowledge of

potential consumers. This phenomenon aided the growth of trade and commerce in such commercial cities like Kano, Lagos, Kaduna, Ibadan, Onitsha and Aba.

At the same time, the colonial authorities were also stamping their presence through trade; just as they also did with education and religion. The importation of foreign goods was the tool used to achieve this goal and it boosted the commercial activities of multinational companies, such as UAC, Leventis, Lever Brothers, Cadbury, among others. The need then arose for enhanced promotion and publicity of such commodities through advertisements. To do this, public address system was used in rallying round and mobilizing people in public places like markets. Also utilized were acrobatic dancers, stylish bicycle riders, magicians and snake charmers whose performances attracted the attention of people who subsequently watched the advertisement of the products on display and probably made purchases of the products.

Already in 1932, Radio Diffusion Service (RDS) came into being and was a novel means of mass communication or re-dissemination of BBC news and views to Nigerians. This was to later become the Nigerian Broadcasting Service (NBS) in 1951 and in 1957 it metamorphosed into the Nigerian Broadcasting Corporation (NBC). In 1976, it transformed into Federal Radio Corporation of Nigeria (FRCN) with an external arm known as Voice of Nigeria (VON).

In the same vein, in 1958, the Western Regional Government established the first television station in Nigeria, the WNTV. The East followed in 1960, while the North and the Federal Government also joined in 1962.

Subsequently, the political decentralization of the country into states saw the emergence of more media. As from 1967, every state government regarded the establishment of radio and television stations as priorities, a development that was boosted by the liberalization that took place in the industry in 1992, through the promulgation of Decree 32 of that year, it enabled the emergence of private electronic media in the country, as exemplified by MINAJ, AIT, ABG, Channels, Rhythm FM, DBN, Galaxy, Independent TV, among others, which today total over 130 public and private radio and television stations in Nigeria.

Earlier, the establishment of Iwe Irohin on December 3, 1859 in Abeokuta, signalled the massification of communication in the country. The newspaper, which was founded by Rev. Henry Townsend, was as well the pioneer medium for modern advertising in Nigeria. Other nationalist newspapers later followed, ranging from the Anglo African to the most vibrant of them all: the West African Pilot, by Nnamdi Azikwe. The Federal and State governments were later to join in newspaper ownerships. This development enhanced the use of the print media for advertising. Newspapers like the National Concord, Champion, Vanguard, Guardian, Thisday, Daily Independent, Daily Sun and a lot of others; magazines like Newswatch, Tell, News and Source followed, in addition to the outdoor, thereby increasing the status of the print media as instruments of advertising in the country.

Some other salient events and factors also took place over time and added impetus to the growth and development of advertising in the country. Worthy of note among these was the role of multinational companies. With the enormous resources at their disposal, they were major forces behind the growth of the sector, through massive investments on the advertisement of their products. Indeed, one of them pioneered the emergence of the first advertising agency in Nigeria, Lintas, in 1928,

Equally, the oil boom of the 1970s led to the economic fillip for Nigerian workers who had the Udoji award. This translated into the ability of civil servants to be able to purchase radio and television sets for their household uses.

The boom as well enabled accelerated industrialization, increased business and commercial activities, which in turn, directly led to the growth of the advertising sector. Also, the country's experiment in democratic dispensation, which enhanced favourable legislative environment, respect and recognition for the profession and more enlightened engagements and patronage of the industry by the Nigeria business community must also be mentioned.

Too, Nigeria's right to host the All African Games in 1973 led to the formation of a network in the broadcasting sector, Broadcasting Organization of Nigeria (BON), as well as the first transmission of

colour television in Nigeria. A boost to events sponsorship, advertising through television and radio was given a face-lift by this singular event.

The combination of such large media institutions as obtainable in Nigeria today: private and public newspapers, magazines, radio, television, besides the outdoor sub-sector and a lot more, assisted by new Information and Communication Technologies (ICTs), represents a wide spectrum of an avenue for the massive advancement of the country's social, economic and political development.

Nigeria's population of over 140 million people, according to the 2006 Population census, is yet another boost to advertising.

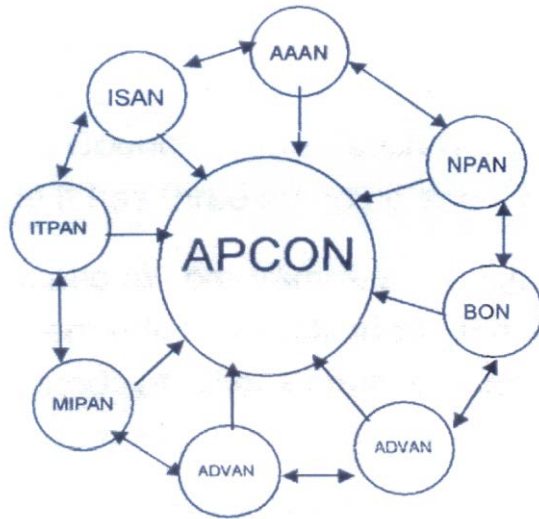
These multi-dimensional elements and their synergy have combined to exert tremendous positive influence on the Nigerian advertising scene. Required and remaining now, therefore, is an effective, efficient, professional, guidance and monitoring of the practitioners to ensure their strict adherence to the rules of the game and the maximization of their positive contribution to societal and national development. Such control has been placed on the shoulder of APCON since two decades ago, and is of immense significance if practitioners must practise as professionals, if they must compete favourably with their equals in other countries and live up to the social responsibilities and ethical standards of advertising.

### **Organizational structure and strengths of APCON**

The enabling law, which empowers APCON to oversee the practice of Advertising in Nigeria, came as Decree 55 of 1988, which was later amended as decree 93 of 1992. It charges APCON to regulate and control the practice of advertising in all its aspects and ramifications.

To accomplish these tasks, the agency has legal and strict organizational instruments at its disposal. The organizational instruments include:

- a) The Code of Advertising Practice, the embodiment of the rules and regulations guiding the practice of advertising in Nigeria.
- b) Advertising Standards Panel (ASP), the regulatory arm of council.
- c) Advertising Practitioners Investigating Committee (APIP), hears and handles complaints involving breaches of the codes, laws and standards of practice.
- d) Advertising Practitioners Disciplinary Committee (APDC), this dispenses justice within the profession and ensures that practitioners engage in responsible practice.
- e) Sectorial bodies of the agency: these are the organizational setups of the advertising industry, which oversee the various branches of the profession. They include; Association of Advertising Agencies of Nigeria (AAAN), Outdoor Advertising Association of Nigeria (OAAN), Broadcasting Organization of Nigeria (BON), Newspaper Proprietors Association of Nigeria (NPAN), Advertising Association of Nigeria (ADVAN), Media Independent Practitioners Association of Nigeria (MIPAN), Independent Television Producers Association of Nigeria (ITPAN) and The Sign Association of Nigeria (TSAN).
- f) APCON Governing Council, the policy-making organ of the industry. With the vision of "promoting responsible and ethical advertising practice; acting as the conscience of society and watchdog for consumers; while managing the needs and interests of the stakeholders in Nigeria's advertising industry", APCON seems poised for committed management and regulation of the sensitive sector.



**Inter-sectoral relationship in the Nigerian advertising industry**

APCON has as its mission: “The encouragement of responsible practice through self-regulation; professional development through education, training and retraining of its members; providing fora for debates and discourses on pertinent issues; advocacy through speaking for and advancing the course of freedom of consumers' speech and choices, and enhancing value advertising by promoting its roles and benefits as vital force behind healthy economies and the foundation of a diverse, independent, affordable media in open societies”.

It champions these courses while performing its function:

1. Determining who practise advertising and the standards of knowledge and skill qualifying practitioners.
2. Registering those qualified to practise advertising in Nigeria.
3. Reviewing the standards of the practice of advertising from time to time
4. Producing register of advertising practioners.
5. Regulating and controlling advertising practitioners.
6. Conducting examinations to improve the quality and qualification of practitioners.

The agency has a Governing Council of 19 members, among them, the Chairman and a Registrar. The later is both the Chief Executive and the Secretary of the Council. The secretariat is the administrative headquarters, while it has three standing and five other committees.

APCON runs educational programmes, which lead to the award of foundation and intermediate certificates and professional diploma in advertising, all aimed at the enhancement of the education and qualification of members.

Another means of attaining professionalism in the industry is through membership qualification and registration. APCON has a four-category membership that includes: student, associate, full and fellow. These are besides honorary fellow, awarded to non-members who have made significant contributions to the growth and development of the profession and industry. The membership categories are as shown below:

**Categories of members of APCON and the qualifications**

	<b>Category</b>	<b>Qualifications</b>
1.	Student	Those undergoing studies for CAM Diploma; HND or Degree programme in Mass Communication, Marketing, Advertising, Graphic Arts and APCON diploma /certificate programmes.

2.	Associate	Those who possess the above degrees, diplomas or certificates and working in recognized organizations where they acquire professional experience. In addition, they must be of good character and at the age of at least 21 years.
3.	Full membership	Those who meet the second criteria and have continuously worked for at least five years.
4.	Fellowship	Those who are full members and have worked for not less than 15 years as well as made significant contributions to the development of advertising profession in Nigeria.

**Source: APCON**

### **APCON Professional Certificate in Advertising Programme**

Through seminars, workshops, symposia and conferences, the Education and Training Committee of APCON improves and develops the quality of practitioners, professional performance. It also regulates the quality of advertising training by accrediting courses in institutions where advertising is studied, including universities, polytechnics, among others. Besides, another avenue is its professional certificates in advertising programme which currently runs thus:

<b>Stage</b>	<b>Entry Requirements</b>	<b>Obtainable Qualification</b>
<b>Foundation Stage</b> Part one: five courses Part two: five courses	SSCE, GCE, or an equivalent qualification with 5 credits at not more than two sittings including English and Mathematics; ND and NCE holders will be given a waiver in some courses	Foundation Certificate in Advertising
<b>Intermediate Stage</b> Part one: five courses Part two: five courses	APCON Foundation Certificate in Advertising, B.Sc, HND or M.Sc. in other courses which are not in Advertising, Mass Communication, Marketing or Graphic Arts.	Intermediate Certificate in Advertising
<b>Professional Stage</b> Part one: five courses Part two: four courses Part three: four course	APCON Intermediate Certificate in Advertising; B.Sc., HND, M.Sc. in Advertising, Marketing and Mass Communications, or other equivalent or acceptable to the Council	Diploma Certificate in Advertising

**Source: APCON**

Studying for these certificates prepares one for professionalism and the pursuit of successful career in advertising. It provides the platform for the acquisition of the requisite knowledge, expertise, skill and innovation very necessary for the effective management of such advertising resources like manpower, materials and machines. It also affords potential practitioners the knowledge of the tenets of the code of ethics and social responsibilities of the profession.

Tutorial and examination centres for these programmes are in Lagos, Abuja, Kaduna, Port Harcourt, Jos, Owerri and Warri.

### **The imperative of advertising regulation in Nigeria**

Notwithstanding the power given it, regulating advertising practice in Nigeria has not been an easy task for APCON. This stems from a combination of factors, among which are:

1. The non-conformist posture of some individuals who would prefer to practise as quacks, rather than striving to comply with the rules and regulations as professionals.
2. The crave for money by some practitioners, somewhat, for providing efficient service to the people.



3. The near- negative image some members of the public associate advertising with, among them: perceiving advertising as an embodiment of deception, half truths, falsehood, dishonesty objectivity and propaganda.
4. Inadequate resources with which to cover a country of Nigeria's expanse.
5. Insufficient education and training facilities for training and enhancing human capacity and human capital development for the industry.
6. Poor government attention to the agency and advertising industry by way of recognition, funding and patronage.

However, improved regulatory measures were noticeable recently with the expansion of APCON's operational bases to places: Abuja, Kano, Owen, Warri and Enugu. From these centres, APCON is widening the scope of its services to practitioners and members of the public, particularly its supervisory and regulatory enforcement roles for the effective coverage of the country.

A number of reasons account for the need for advertising regulation wherever it is practised as in Nigeria. They include:

Already facing numerous accusations and condemnations from the public, only regulations on sustainable basis will accord credibility to and restore the image and reputation of the profession. Such charges which range from being offensive and manipulative; promoting sexuality and materialism; heightening costs of goods; exploiting vulnerable groups like children, women and minorities, and exacerbating fears and insecurity, must be corrected and regulations is the tool for achieving that.

Control and regulation are also necessary in order to curtail such excesses from some practitioners, which often border on recklessness, carelessness, irresponsibility and irrationality. This is imperative considering the dysfunctional, destructive and negative consequences unguided practice may engender, more so, if we appreciate the pervasive and intrusive powers of advertising as a social force.

Besides, professionalism partly entails conforming to laid down rules, standards and ethical codes in any field, particularly in one with enormous influence and impact on the society like the advertising profession.

Equally, its professional practice is predicated on such tenets like honesty, truthfulness, objectivity and fairness. Therefore, while attempting to inform, remind and persuade the advertising audience, its cardinal tripodal functions, it must respect people's rights, societal norms, orderliness, decency and decorum.

Additionally, in today's globalized world, every advertisement, when properly conceived, planned, produced, packaged and executed, must meet the taste of global audience. This is so, as no advertisement is any more meant for any local audience or market. Hence, every advertisement must conform to international standards and this is only possible through regulated practice.

Every advertisement must ensure standardized audience-friendly contents. Actualizing this entails regulations, which will ensure that deceptive, misleading, misrepresenting, disparaging, ambiguous and unfair components of such adverting messages are vetted before their dissemination to the public.

Regulation also discourages unfair competition. Such unwholesome practice like unfavourable comparison and undue monopoly are curtailed through effective regulation.

Similarly, regulation ensures that advertisements that are inimical to the well-being of children are removed from circulation. The advertisement of products that pose danger to children is also controlled. When certain advertisements are constantly exposed to children, they often exert negative influence on their stimuli and eventually badly dent their motivation and behaviour. Instances are alcoholic beverages, tobacco products and firearms.

This can best be checked through proper and effective regulation. To underscore the importance of advertising regulation, some additional agencies have been put in place by the government to be involved in the exercise, for the purpose of efficiency, thoroughness and positive results. Such bodies are, therefore, also directly involved in advertising regulation in Nigeria and include: the National Agency for Food, Drug Administration and Control (NAFDAC); Standards Organisation of Nigeria (SON) and the National Broadcasting Commission (NBC).

Also, APCON ensures that practitioners beyond these measures in advertising self-regulation. This is vital and involves voluntary self-imposed enforcement aimed at controlling its mode of behaviour or practice of its members, for the purpose of avoiding attraction of harsher government sanctions or tougher legislations. Partly done through the functions and roles of its sectoral bodies, so far, they are playing complementary roles towards the realisation of the mandates of the agency.

## **CONCLUSION**

The above, therefore, are justifications why regulation is critical in the advertising profession. A regulated advertising environment puts the practitioner in a better pedestal to prove his professional worth, through the provision of efficient, qualitative and first class service to clients and the society. This way, the profit motives of his clients are met, and the practitioner and his profession move to a higher level in meeting their social responsibility of contributing to the social, economic, cultural and political development of the country. This positions advertising as a reputable, caring and responsible organisation.

APCON may not have performed satisfactorily well to everyone's expectation. Notwithstanding, it does its best under the environment it finds itself. What is needed now is a collective responsibility and committed resolution of both the practitioners and potential members, as well as members of the public, to work together with the regulatory agency towards assisting it to improve its services to the Nigerian people and the global community.

Therefore, when one practises advertising as a quack, he constitutes a threat, not only to its client, but also to the public and the entire nation. As such, practising and intending practitioners should use and join the field as qualified professionals and members of the APCON. This will enable all practitioners to use the enviable profession as a sanitized platform for their own effective and meaningful contributions to societal well-being and national development.

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