NIGERIAN CODE OF ADVERTISING PRACTICE (APCON): AN OVERVIEW OF THE SPECIAL PROVISIONS ON ALCOHOL AND TOBACCO

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Abstract

The study examines Advertising Practitioners’ Council of Nigeria (APCON) special regulatory provision on alcoholic beverages and tobacco. The paper extensively analyses the hazards of the products and undertakes a careful critique on the provision as stipulated in the practice code. Methodologically, the study sourced from both primary and secondary sources, including journals, textbooks, internet and desk study. It utilizes attitude Change Theory and the Fear Appeal Theory in its theoretical framework. The study found that the APCON special code on alcoholic beverages and tobacco are in the right direction and the regulatory body needs to step up actions on the advertising stakeholders for total compliance. It also found that the radius of 200 meters from the nearest perimeter fence of any place of worship, hospitals, schools or motor parks could be changed to 500 meters to achieve greater success. The study concluded that the provisions (code) are objectively articulated, but need regular monitoring and supervision. The paper recommends that APCON and other relevant health workers should be more pro-active and create institutions that can drive the campaigns. Monitoring teams should be established while advertising stakeholders should co-operate with APCON on issues of compliance.

Keywords: Advertising, Alcoholic beverages, Regulatory provisions, Stakeholders, Tobacco, APCON, Practitioners, Compliance, Monitoring

Methodology

The study utilizes both primary and secondary sources which include libraries, archives, newspapers, magazines, internet and desk studies.

Theoretical Framework

The study is anchored on two relevant communication theories - Attitude Change Theory and Fear Appeal Theory respectively.

Attitude Change Theory

The theory was propounded by Daniel Katz, Irung Sarnoff and Charles, M.C Clintock in 1960. The theory assumes that changes in attitude are the results of an individual or organizational response to events that occur in the environment. This study finds relevance in the theory’s suggestion that human beings are both rational and irrational, depending on the situation and the motivations operating in that period. Thus, persuasive messages should be tailored to correspond with the motivational basis for the attitude to ensure that desired change is achieved. Therefore, APCON code and messages are persuasive messages put in place to navigate attitudinal changes among targeted the audiences including advertising agencies and other stakeholders.
regarding the advertisements of alcoholic beverages and tobacco products. The messages are to achieve rationality from the irrational attitudes as dictated by the situations and messages disseminated at the time.

The fear appeal Theory

The theory was propounded by Irving Janis and Seymour Feshback in 1953. The theorists investigated the effectiveness of fear appeals in producing attitude change. Based on the learning theory, it can be predicted that a strong fear appeal would lead to increased attitude change because it would increase arousal, bring about greater attention to, and comprehension of, the prescribed behaviour. In other words, motivation to accept the recommendations of the communication would also be increased. This study realizes that a high degree of emotional tension could lead to spontaneous defensive reactions and the possibilities of the audience distorting the meaning of what is being said. One strength of this research among others is its emphasis on the linkage between the message and observed/reported behaviour, rather than a superficial paper and pencil measure of a hypothetical attitude. Based on the theorists’ experiment, a model suggesting the relationship between fear appeal and attitude change is curvilinear, is formed. This model specifies that low and high levels of fear in a message will lead to small amounts of attitude change and that moderate levels of fear will lead to the greatest amount of attitude change.

Literature Review

Alcohol advertising is a very sensitive issue and its regulations and guidelines are designed to promote socially responsible behaviour and to protect young people. Health warnings formed an important part of any formidable strategy to reduce alcohol and tobacco use, provided they are comprehensively channelled towards the struggle against alcohol and tobacco habits. These actions have resulted in considerable confusion among advertising agencies, media owners and practitioners in Nigeria due to the strict regulations in both the print and electronic media. Patronage of alcoholic beverages and tobacco products have suffered some setbacks due to the unwavering stand of social health workers and anti-alcohol campaigners. The Federal and State Ministries of Health, in collaboration with the Ministry of Justice, unanimously made public the Federal Government of Nigeria’s plan on alcoholic beverages and tobacco advertising. Though the government plan was not an outright ban, it embarked on rigorous campaigns on the regulation of alcohol and tobacco advertisements.

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According to an article evaluating the control and effectiveness of alcoholic beverages and tobacco products health messaging and advertising, published in 2006, deaths from tobacco and alcoholic substance abuse accounts for 5.4 million people and this translates to one of ten adult deaths worldwide. In the same vein, it accounts for over 50% of deaths in African countries. The future of our youth hangs in the balance with increasing awareness and abuse of alcohol and tobacco substances. Moreover, the alcohol and tobacco Statistics (2006) indicate that in France, 26% of young women between the ages of 14 and 16 years drink alcohol and
smoke cigarettes, 33% in Germany and in Nigeria 20% of young boys and ladies drink alcohol and smoke cigarettes. This scenario prompted the World Health Organization (WHO) to come up with a framework convention on Tobacco Control (FCFC) to reduce the passion for alcohol and tobacco product worldwide. The body is a comprehensive plan floated to help guide countries in developing effective tools for alcohol and tobacco control policies. Part of their actions is directed at high alcohol and tobacco tax levels, prevention campaigns, effective health warnings and others.

In Nigeria, the alcohol and tobacco control decree otherwise known as Decree 20 of 1990 was enacted to take care of the situation. The Decree is not a prohibitive measure, but it is to regulate and sanitize advertising practices, to educate advertisers on the stand of government and to alert the consumers on the inherent dangers of tobacco and alcohol consumption. Government, however, came up with some regulations which the advertising agencies must adhere with in creating and communicating messages to their target audiences. According to the Consumers Protection Council (CPC) of 1993, alcoholic and tobacco beverages are one of the best-selling consumer products in Nigeria and the world, enjoys a rapidly expanding market and commands an army of loyal buyers and users. This underscore the need by some countries, like Nigeria, to impose stricter advertising controls. The Federal Ministry of Health, a regulatory authority in Nigeria, mandated the Advertising Practitioners’ Council of Nigeria (APCON) to ensure that all alcoholic and tobacco advertisements both in print and electronic media follow the laid down operational parameters in Decree 20 of 1990. APCON is determined to ensure that advertisements are produced with a high sense of responsibility to the consumers and the society at large. It is mandatory that vulnerable groups like children, Sportsmen and women, and the old are adequately protected from misleading advertisements.

Alcoholic Beverages and Tobacco: The degree of prevalence in use

Alcohol and tobacco are among the top causes of preventable deaths in the world. Moreover, these substances often used together. Harwood (2000) in his studies with other scholars found that people who smoke are much more likely to drink, and people who drink are much more likely to smoke. They believed dependence on alcohol and tobacco is correlated, that is people who are dependent on alcohol are three times more likely to smoke than those who are not hooked on alcohol while people who are dependent on tobacco are four times more likely to be dependent on alcohol. Invariably, the heaviest alcohol consumers are also the heaviest consumers of tobacco even though concurrent use of these drugs poses a significant public health threat. Between 80 and 95 percent of alcoholics smoke cigarettes. However, drinking influences smoking more than smoking influences drinking. Most adult users of alcohol or tobacco first tried these drugs during their early teens among smoking alcoholics. The initiation of regular cigarette smoking typically precedes the onset of alcoholism by many years. Adolescents who begin smoking are three times likely to begin using alcohol, meanwhile smokers are ten times more likely to develop alcoholism than non-smokers (Fogg, 2001).

The link between alcohol and tobacco has important implications for those in the alcohol treatment field. This is because many alcoholics smoke, putting them at high risk for tobacco related complications, including multiple cancers, lung diseases and a host of others. In fact, Johnson (2003) statistics suggest that more alcoholics die of tobacco related illness than die of alcohol related problems. The scholar raised questions as to the best way to treat these co-occurring addictions. Meanwhile, some programmes target alcoholism first and then address tobacco addiction, whereas, others emphasize abstinence from drinking and smoking simultaneously. The scholar concluded that effective treatment hinges on a better understanding of how these substances and their addictions interact. However, understanding just how alcohol and tobacco interact is challenging because co-use is so common, and both substances work on similar mechanisms in the brain. It is, therefore, proving difficult to tear apart individual and combined effects of these drugs (Alcohol Research and Health, Vol. 4,2000). The National Institute of Alcohol Abuse And Alcoholism’s (NIAAA), 2001-2002 National Epidemiologic Survey on alcohol and related conditions (NESARC), which is one of the largest comorbidity studies ever conducted, included extensive questions about alcohol and tobacco use and related disorders. NESARC data confirmed the widespread use of alcohol with tobacco. The data states that approximately 46million adults used both alcohol and tobacco in the past year with appropriately 6.2 million adult deaths reported both an alcohol use dependence (AUD) and dependence on nicotine. The study contends that both alcohol and tobacco use varied by gender, age and ethnicity with men having higher rates of co-use than women. NASARC data show that alcohol abuse is strongly correlated with co-occurring mood or anxiety disorder. Kalman, (2001), in his study also found that 50-90 per cent of people with mental illness or addiction were dependent on alcohol combined with nicotine.

Health Risks Associated with Alcoholic beverages and Tobacco

The World Health Organization (WHO) clearly stated that there are many dangers of alcohol and tobacco to the body. More than 700 chemical additives are found in both alcohol and tobacco. Some of them are classified as toxic and are not allowed in food. These usually lead to major health risks when used alone and together. In
addition to contributing to traumatic death and injury, for instance car crashes and others. Alcohol is associated with chronic liver diseases, cancers, cardiovascular diseases, acute alcohol poisoning (alcohol toxicity) and foetal alcohol syndrome (Asiedu, 1985). The following are some of the chronic diseases of alcohol and tobacco as discussed by the scholar;

i. **Throat and Mouth Cancer**

Beret (2006), articulate that people who drink and smoke are at high risk for certain types of cancer, particularly those of the throat and mouth. He observed that alcohol and tobacco cause approximately 80% of cases of cancer of the mouth and throat in men and about 65% in women. The danger of mouth and throat tend to increase dramatically, especially cancer of the oesophagus.

ii. **Liver Cancer**

The scholar is also of the opinion that the incidence of liver cancer has increased tremendously in the world. Apart from the Barret study, some studies have also reported that alcohol and tobacco may work synergistically to increase the risk of liver cancers.

iii. **Cardiovascular Disease**

The America Hearth Association estimates that more than 34% of the United States population and 42% of the world population has some form of cardiovascular diseases. Alcohol and tobacco consumption are major risk factors for various forms of Cardiovascular disease (Adeniran, 1986).

**Advertising, Advertising Agencies and the APCON’s Alcoholic and Tobacco Beverages Guideline Codes.**

Advertising Practitioners’ Council of Nigeria (APCON) was established by Act No 55 of 1988 as amended by Act No 93 of 1992. According to the Nigerian Code of Advertising Practice (2012), the council is charged with several responsibilities as follows;

a. Determining who are qualified practitioners
b. Setting the standard of knowledge.
c. Compiling, maintaining and keeping the register of practitioners.
d. Regulating and controlling the practice of advertising in Nigeria.
e. Conducting qualifying examinations in the profession.
f. Performing all such other functions as are incidental or conducive to the above responsibilities or any of them.

In pursuance of the statutory responsibilities, the APCON Act and the supervisory powers of the Minister of Information mandated the code of advertising practice as the guiding document of the Governing Council of APCON. The Advertising Standards Panel and any other committees put in place by the council in its discharge of its regulatory functions over advertising practice, advertising industry and advertising practitioners is laid on ethical principles and procedure aimed at providing efficient and effective regulation of the Nigerian advertising industry. The vision states; “To promote responsible and ethical advertising practice, acting as the conscience of society and watchdog for the consumers, whilst managing the needs and interests of the stakeholders in Nigeria’s advertising industry”

Based on this premise, every authority, whether local, State or federal is enjoined to assist the council in the efficient discharge and enforcement of the Code. The APCON code is designed to promote good advertising of the highest ethical standards consistent with Nigerian indigenous morality, culture and community life. It seeks effective control and regulation of all areas of advertising exposed in Nigeria to ensure that they complement the existing federal legislative enactments aimed at regulating advertisement. Therefore, all advertisements in Nigeria shall be legal, decent, honest, respectful and mindful of Nigerian culture, constitutional tenets and other relevant lawful enactments. The special provisions of the APCON code on special provisions, particularly on alcoholic beverages and tobacco is a step in the right direction.

Article 32, 33 and 35 which stipulate that radio/ television, print media and cinema/viewing centres should desist from exposing alcoholic beverages/tobacco advertisement in children, religious and sport programmes, that children should not be used as models and that product advertisements should not contain religious or medical suggestions/connotations. Based on the previously mentioned hazards of alcoholic beverages and tobacco consumption, APCON should deploy stiffer regulations coupled with robust monitoring and enforcement structures to guarantee that advertisement of alcoholic beverages are carried out with a higher sense of responsibility to the consumers and society in general. The code should be enforced to deter the media from exposing alcoholic beverages advertisements that include children, sportsmen/women and pregnant women in the advertisement as stipulated in the APCON code of practice. Strong and effective punitive steps should be taken against any media and advertising agencies that act in breach of the code.

This study opines that Articles 34, 36 and 37 which state that advertisement for alcoholic beverages and tobacco shall not be sited within a radius of 200 meters from the nearest perimeter fence of any place of worship, hospital, schools or motor parks is acceptable because of the peer influence factor on vulnerable individuals
and groups by those engaged in alcoholic beverages/tobacco and perceived to be fashionable and glamorously depicted through the advertisements. Events and competition directed at children shall not be linked to any alcoholic beverages or tobacco because children act out of imitation of what the older ones do. Therefore, alcohol and tobacco branded give-away items and collaterals should not be encouraged as enshrined in the code.

Article 38 goes with the cautionary advisory which says, ‘don’t drive when you drink, when you drive, don’t drink’ but do we need something more dissuading than mere sloganeering? Many lives have been lost on our highways due to this negligence. Disallowing advertisement geared to promote alcohol and tobacco may be the panacea. This study concurs with the APCON stance on this. In addition, this study agreed with APCON code in Article 39 limiting time of exposure to between 10.00 p.m. and 6.00 a.m. on television. Article 41 which stipulates that models under 25 years of age must not be shown drinking alcoholic beverages or appear to be doing so is also syncs with the position of this paper. Article 42 and 44 require that advertisements shall not in any way imply that alcoholic beverage use is essential for business and social success. Also, it shall not suggestive sexual indulgence or pervasiveness. Witt (2000) in his study asserts that adolescents identify strongly with their peers and the social rules, norms or expectations that govern their behaviours usually have greater influence on them than on adults. The study emphasises that students and youths who drink alcohol are more likely to take risks such as getting into physical fights, carrying weapons and having under-age sex. Alcohol is also seen as ‘gate-way’ to abuse of tobacco, Marijuana and other related substance. This study, having considered previous studies on the consequence of alcoholic beverage use on sexual indulgence or permissiveness applauds the position of APCON in this regard.

Conclusion

Alcohol advertising is a sensitive issue. Regulations and guidelines designed to promote socially responsible behaviours and to protect young people is the reason for setting up APCON. Decree 55 of 1988 empowered APCON to supervise all aspects of the advertising profession in Nigeria and gives teeth to Decree 20 of 1990. As discussed earlier, the issue of alcoholic beverages/tobacco advertising has generated a lot of controversies globally. Advertisement of alcoholic beverages and tobacco was banned in Canada in March 31, 1988. Indian banned in 1962 while Saudi Arabia is not left out in the fight against alcoholic beverages and tobacco through strict regulations. In Nigeria, the then Minister of Health, Late Professor Olikoye Ransome Kuti, a medical practitioner, once said, ‘The government is going to ban all Newspapers, radio stations, television stations and Bill board advertising of alcoholic beverages and tobacco. We are going to ban alcohol and cigarette smoking in all public places and transport parks’. However, it was later made mandatory that all alcoholic/ tobacco beverages advertisement must carry health warnings and slogans. However, since all of these measures have not proven to be enough, considering the discussed health risks involved and prevalence of alcohol and tobacco indulgence, this study concludes that the APCON code of practice, comprehensive as it were, is more of a paper tiger in need of additional clauses and organisational restructuring to drive enforcement.

Recommendations

Campaigns need to be stepped up by APCON, health and related regulatory partners in deploying powerful, creative messages, across audience/social segments and placed in carefully selected media channels aimed at dissuading vulnerable individuals and groups from substance abuse while driving code compliance by all stakeholders. Since some of the alcoholic beverages/tobacco advertisement billboards are still conspicuously identified at various major motor parks, schools and hospital arenas contrary to the code, APCON should constitute monitoring teams that would conduct regular surveillance and consider increasing the radius requirements 200 to 500 meters gap. Furthermore, advertising agencies, advertisers, media and other stakeholders should co-operate with APCON on compliance. Violation of the code and its guidelines should attract practical and effective punitive actions of the regulatory body.

References


