

AREAS OF LAPSES IN APCON REGULATIONS AND PROCEDURES

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Abstracts

The crux of this paper is to x-ray and discuss areas of lapses in APCON regulations and procedures in Nigeria. Textbooks Journal material, seminal paper and other relevant material were looked into, as a result, the objectives of the study is to find out why APCON was established, to determine the function of APCON, to ascertain the impediment hindering APCON. finding were made which include but not limited to, proliferation of advertising agencies that is unchecked by APCON, inadequate supervision of practitioners, the unchecked use of vulgar language, which is as a result of APCON not vetting such advertisement etc and as such this paper concludes that advertising practice in Nigeria has grown to a great height and it still growing. Despite the achievement recorded by advertising practice in Nigeria, it can still not be compared with advertising in the developed world.

recommendation were made which include, monitoring of quacks and fishing them out, improvement of welfare packages to avoid proliferation, professionalism should be encourage etc.

Introduction

Advertising is an important sector in the development of any nation. It is a means by which people, organization, institution and companies sell themselves or their products. Anyacho (2007) describes advertising as a form of communication through the media about products, services or ideas paid for by any identified sponsor. He further states that advertising is a form of communication, which attempts to interpret the qualities of products, services and ideas in terms of consumer needs and wants.

According to Bardi (2013) advertising in Nigeria has grown from its earliest beginning of using the town criers to announce availability of goods and services to become a big industry in Nigeria. Advertising is now very important in the economy of the nation, considering the fact that it serves as and also persuades consumers as a source of information about goods and services and also persuades consumers to patronize the advertised goods and services.

Bel-Molokwu (2000) opine that advertising is as old as man. The word comes from the Latin word "advertee", meaning to draw attention to. He further explains that Nigeria, the earliest recorded activities that could be described as advertising in its crude form include the town criers early morning

gong signals that alerted the village dweller or an impending announcement. To give backing to the above claim, Ogbodoh (1990) posits thus: advertising in Nigeria is said to have begun naturally with one of the earliest forms of mass communication town crying. This traditional African medium performed the universal communication function of disseminating information about available goods, services, and ideas to the people.

The advertising industry had come a long way – in terms of age, achievements and challenges. All these have played out to its advantage, as reflected in its robust outlook, not withstanding some inherent challenges. Although the very first means of formal advertising in the country dates back to the time of Iwe-Irohin the Abeokuta located bilingual newspaper founded in 1859; modern advertising debuted with the establishment of west African Publicity Limited, later called Afromedia Nigeria Limited, by the United African Company (UAC), on August 31, 1928.

This pioneering role by the private sector continued and later saw the involvement of other conglomerates like Kingsway stores, Nigeria Tobacco Company Limited, Guinness Nigeria Limited, Nigerian Breweries Limited and Lever Brothers (Ajayi, 2005) with time, the scenario in the

industry turned ugly, due to the unwholesome activities of quacks and interlopers. This forced self-mirroring by agencies themselves. Their anxiety and concerns culminated in their subsequent quest for the incorporation and professionalization of the industry. This was championed by the association of Advertising practitioners of Nigeria (AAPN), now association of Advertising Agencies of Nigeria (AAAN). The result was the establishment of APCON IN 1988.

APCON: Arrow Head of the Advertising Industry

Advertising is a very sensitive, pervasive and delicate arm and kind of communication. Often intrusive and volatile, especially if subjected to misuses; it requires careful and systematic guide and mediation. Practitioners under the umbrella of AAPN noticed this on time and clamoured for a formidable organ to provide such security and leadership in the industry.

This became necessary in order to shield the field from nefarious activities of irresponsible and unqualified practitioners. It is under this condition that advertising could fulfill its social responsibilities, and as well contribute to national development. This goal was attained with the promulgation of Act No. 55 of 1988- as amended to regulate the practice of advertising in the country (APCON, 2003; Anyacho, 2007; and Ozoh, 1998).

The Act confers on APCON the duty of determining practitioners, standards and also the power to sanction defaulting practitioners. Accordingly, as the sole regulating body for advertising in the country, the formulation and execution of any major policy decision about the profession and the industry in Nigeria falls on the council. In essence, APCON was saddled with the responsibility of policing the entire industry.

Profile of Apcon

Advertising practitioners council of Nigeria (APCON) was established by the Advertising practitioners act No. 55 of 1988, as amended by Act No. 93 of 1992 and Act No. 116 of 1993 (now Advertising Registration Act Cap A7 of 2004). The adoption of a broad national mass communication policy by the January 1988 was a milestone in the

establishment of APCON. The various discussions that followed the adoption of the national mass communication policy articulated the relevance and the leadership role of advertising to the nation's social, political and economic development as well as the need for official recognition and regulation of the practice.

The Advertising Practitioners Council of Nigeria was subsequently established by the Act number 55 of 1988 as a logical outcome of discussions. The Act accorded deserved state legislative recognition of advertising as a profession in Nigeria and vested APCON with power to control and regulate practice of advertising in Nigeria, in all its aspects and ramifications.

- APCON is saddled with the responsibility of registering and license organization/firms which engage in the business and practice of advertising for gains/profile. The license shall be renewable every three years in accordance with the requirements of the code. APCON Proclamation on Registration and Licensing Regime in the Advertising Industry provide guideline for corporate licensing of firm. The proclamation states that practitioners shall have its area of specialization defined, which shall be licensed in a particular area of specialization/advertising business is expected to show that it has the requisite set of qualifications, skills and competence required in a given field.
- The Advertising Practitioners Council of Nigeria (APCON) has the sole right of vetting of advertisements. APCON maintains a strong focus on its vision of promoting responsible and ethical advertising practice, acts as the conscience of society in matters of commercial communications and as a watchdog for consumers. It also manages the needs and interests of stakeholders in Nigeria's advertising industry.
- In furtherance of its mandate of manpower and skill development the advertising practitioner's council of Nigeria conducts

seminars and workshops for the training of practitioners.

- Advertising Practitioners Council of Nigeria also organizes examination for interested applicants that want to make advertising their carrier or interested in advertising.
- APCON also organizes a professional diploma program in advertising for interested candidates.
- APCON carries out accreditation of tertiary institution in Nigeria to assess the suitability of its department: mass communication, marketing, advertising and graphic arts for training of students ahead of advertising professional practice. The council's accreditation exercise is intended to guide institutions in staffing equipping and curriculum development of the relevant departments. On graduation students of accredited disciplines qualify for registration as associate members without any further verification of courses.

Needs for and Functions of APCON.

In today's information-driven society, advertising as a social agent is a key player. In countries where it has attained its rightful status advertising is a major factor in the socio-economic and political wellbeing and development of such areas. Such condition, no doubt, is obtainable only if advertising is professionally, responsibly, rationally and reasonably practiced by these charged with such responsibilities.

To be able to fulfill this mandate, APCON is given some specific roles as contained in the legislation that gave birth to it. In clear terms, these functions, according to Anyacho (2007) empowers the council to use advertising as an instrument for positive development, besides ensuring its practice is in a sanitized manner.

The functions include the following:

1. Determine who are advertising practitioners
2. Setting the standards of knowledge required for registration as members of the advertising profession and reviewing them from time to time

3. Compiling and maintaining a register of practitioners
4. Regulating and controlling the practice of advertising in all its aspects and ramifications.
5. Conducting examinations in the profession and awarding certificates, and
6. Performing other functions in pursuit of the above functions.

Organizational Structure of APCON

APCON has a governing council. It is the highest policy making agency. It is headed by a chairman and has 19 other members, with the Registrar as the secretary. Ten of these members, according to Anyacho (2007) are selected from the statutory sectoral arms of the industry, while the remaining come from relevant organs of the society, like Ministry of Health, manufacturers Association of Nigeria, Natural Council of women society and consumer protection council. The council is made up of committees, which include the follow:-

- Advertising practitioners investigating panel. It probes into reports cases and complaints brought against advertising practitioners.
- Advertising practitioner's disciplinary committee. It decides the level of sanctions appropriate for members of APCON found guilty of offences.
- Advertising standard, panel. This committee ensures adherence to standards by practitioners.
- Membership and privilege committee. It determines and registers new members and prescribes rewards
- Education and training committee. It is in charge of training and retraining of members, including organizing seminars, certificate and diploma programmes.
- Administrative and finance committee. This performs such function as employment, promotion, among other administrative duties (Anyacho 2007). The secretariat of Advertising Practitioners Council of Nigeria (APCON) is organized and structured to leverage its complementary roles of the committees of the council. It is headed by a

Registrar/Chief Executives Officer. It has the following departments/sections.

- Office of the Registrar.
- Research planning and statistics.
- Administration and finance.
- Registration and career matters.
- Regulation, monitoring and enforcement.

APCON has membership categories that range from students to associates, full, honorary fellow and fellow.

Statement of the Problem

Advertising Practitioners Council of Nigeria is an organization responsible for controlling and regulating advertising content in the country a mandate that was given to them by Act number 55 of 1988. But the organization has not lived up to its bidding, because in recent times advertisement content on the media weave keep people wondering if the organization is really doing their job. Some years back a telecommunication company (MTN) carried out a promotional campaign of one of their numerous packages, promising people that they can win an Airplane, which was on realistic, and after a short while that advertisement went off air. Another is the indiscriminate advertisement of some of this naturalist or herbal products that can cure everything. The question this study tends to ask is this, is it that Advertising Practitioners Council of Nigeria is not aware of these kinds of advertisement or they close their eye to these practices.

Objective of this Study

The researcher seeks to understand and to uncover areas of lapses in APCON regulation and procedures as regards advertising practice in Nigeria.

- 1 to find out why APCON was established
- 2 to determine the function of APCON
- 3 to ascertain the impediment hindering the operation of APCON

Research Questions

The following research questions were put forward to guide the study

1. Why was APCON established?

2. What are the functions of APCON?
3. What are the impediment hindering the smooth operation of APCON?

Review of Literature

Agenda Setting Theory

Agenda setting theory can be traced as far as 1922, when Walter Lippmann expresses his concern on the vital role that mass media can do in influencing the setting of certain image on the public's mind (Lippman 1922:P 9-16). In *Portraying the influence of mass media*, Lippman gives an example of individuals who supposed to be enemies while their countries are at war. Instead of becoming enemies, without having access to information about the war through media, these individuals are able to live harmoniously in a secluded island. Lippmann indicates on how mass media can set a particular agenda which can influence the opinions of the public. However he never uses the term agenda setting theory in his book. Nevertheless, he did generate the foundation for the agenda setting theory.

In the later year from Lippmann's time, the term agenda setting theory is popularized. One of the most significant researches which contribute to this theory is written by McCombs and Shaw (1972). They observe on the capacity of mass media in influencing the voters' opinion on the presidential campaign of 1968 from their research, McCombs and Shaw (1972: p 187) find out that mass media did have certain percentage on the numbers of the public who frequently referred to information as provided by the media. Such percentage is increased for those who are driven with the enthusiastic in following up with the presidential campaign's information.

As acknowledge by Matsaganis and Payne (2005), agenda setting theory is vastly developed in which more than 350 researches were done after McCombs and Shaw's findings in 1972. These can be seen from the works as done by Lippmann (1922); Lazarsfeld, Berelson, and Gaudet (1948).

This theory is related to this work in the sense that people tend to believe whatever information the media put out, that they feel is

important to the society which also include advertisement, most people tend to believe it whether it is right or wrong. Most individual don't have the capacity to filter information that comes from the media so they tend to stomach any information received. This is because they see the media as a means of gathering adequate information about all aspects of their everyday life.

Current Trend in Advertising Practice in Nigeria

Advertising activities in Nigeria has come a long way since its inception. As such, certain developments have taken place. This section will discuss some of these new trends.

One of the new trends in the practice of advertising in Nigeria is the embracing of integrated marketing communication (IMC) this development has been foreseen by the father of modern advertising in Nigeria and the chairman of Lowe Lintaas, I.S. Moemeke. He posits thus:

The advertising agency business is probably one of the least rewarding investment areas in this country

... In future, the situation is even likely to be poorer.

The point is that the agency business calls for low investment in tangible like plant and machinery but substantial investment in manpower. The cost of the latter increases yearly along with the costs. So much of the increase can be passed to client. After a point, the agency has to absorb the increases. At that point, revenue available to the proprietor of the agency begins to diminish sharply. That is the point now reached by agencies in Europe and American. The agencies have to find alternative sources of income, and so, they will diversify into other but usually related fields of business. That situation will be reached in Nigeria in the next decade. (Cited in Odiboh, 2005).

Integrated marketing communication is the combination of various communication techniques like advertising, promotion, public relations, publicity, sales promotion, event marketing, sponsorship etc. to achieve making goals. It is a

holistic approach of using various marketing communication methods to achieve a set of marketing goal.

Some advertising agencies in Nigeria have responded to Moemeke's prediction by setting up subsidiaries to manage the vast integrated marketing communication elements. Examples are centre spread that has FCB Redline, a PR outfit. There is also insight communication that has the Quadrant Company, another PR outfit.

A lot of the agencies have also diversified by setting up media independent agencies. These media independent outfits specialize in purchasing media space or time and selling same to interested agencies and advertisers to make profit. Some examples are S.T.B Mc Cann which owns Universal MacCann. Also, insight communications established Troyka and Lowe Lintas established initiative Media. This is just to mention a few.

Another trend that is new in the advertising practice in Nigeria's the issue of international affiliation. In the past it was few advertisement agencies that can boast of international affiliation. Presently almost all the big agencies has international affiliations. Some examples are insight communication affiliated to Grey international, centre spread, affiliated to FCB, Rosabel affiliated to Leo Burnett, Prima Garnet affiliated to Ogilary. According to Dughudje (1990) these links offer the local agencies easy access to the training facilities available in the big international agencies. In addition, it makes it easier for the local agencies to win and keep the blue-chip accounts of multi-national manufacturing companies. Realizing these benefits, any medium and small agencies are now seeking foreign affiliation or associations.

There is also the development of creative Boutiques (Hot shops) in Nigeria. Those are very small sized agencies that concentrate in developing creative concepts for agencies or clients. Such creative shops are run by artist and copy writers.

The Need for Planning Advertising

Planning is preliminary necessity in advertising. It can be, literally, linked to the

arrangements, scheming, designing, drawing, sketching or plotting which take place before laying a formidable foundation. No wonder, Nwosu and Nkamube (2006) see planning, irrespective of wherever it is applied, as a “guide and guardian”. It includes the versatility of critical decisions which must be taken and affectively, implemented; if all the resources expended in the advertising programme will art go down the drain.

A vital requirement of many undertakings and human endeavour especially if they involve management, planning is central pivotal to effective advertising. According to Anyacho (2007), it a proposes strategies for targeting the audience, presenting the advertising message and implementing media; planning, therefore, provide, the needed focus, bearing and directing crucial for development the right communication message, selecting the suitable media and, professionally, disseminating and advertising messages to the targeted market.

As well, it provides the platform for these decisions and arrangements that will enable (in the words of Nwosu and Nkamube (2006) systematic approach to the advertising program, in addition to informed, rational and responsible manner of handling every state of the process involved from the beginning to evaluation.

Why Advertising Is Planned

Several factors justify the insistence that every advertising campaign should be planned before its execution. Among the reasons are the few listed below:

a) Safeguarding the Investment of the Advertiser

The cost of the advertisement is borne by the client who finances the programme. Planning is imperative in order to package a campaign that will lead to successful marketing of his goods or services. Only this will ensure that his profit expectations are met.

b) Meeting the Challenge of Competition

Every advertising agency faces stiff competition occasioned by rival agencies, numerous media of communication and

advancement in information and communication technologies in today's globalised world. To excel, planning is an essential ingredient for packaging qualitative advertisements that can withstand the competition.

c) Satisfying Consumers

In this age of enlightenment, information and social media, today's consumer with his improved education, is no more gullible. He is wise and can make informed choices, more so as he has options, alternatives and substitutes. The advertising practitioner must, therefore as Ahede (2005) puts it, be able to convince the consumer that the product is capable of meeting his needs.

d) High Cost of Advertising

The cost of producing advertising campaign messages has continued to rise, steadily. Expectedly, no investor, after providing such finds, would want his resource to be unproductive. Effective planning is one way of averting such a disaster.

e) Protecting the Corporate Image of the Agency

While handling an advertising programme, the image and reputation of the agency is at stake. This is also true of the advertising practitioners involved, as they must prove their worth or have their professional integrity tarnished. One way of avoiding this is looking before leaping or planning before implementing the advertising programme. Every available measure that will enable the practitioners to succeed must be fully exploited and applied. This, in the other hand, is only tenable if enough planning is done.

Reasons for the Failure of Some Advertising Campaign

Notwithstanding its pivotal as on important component of effective advertising, it must be stressed that it is not planning only that ensures the profitable marketing of goods and services.

Advertising involves several stages and each of them is as important as every joint of a chain. All

these stages must apart from being well planned, be provided for, well produced, packaged and executed.

In addition to planning, enormous resources are needed in packaging and producing an advertisement. These range from manpower, finance, materials, logistics, infrastructure and technology. All these have to be in place in their right quantities. For some advertising practitioners, in a bid to grab some accounts, beat deadlines or to maximize profits compromise a number of vital stages or inputs, thereby producing low quality advertisements which cannot stand the test of time. This must be watched and avoided. On the other hand, planning, which include research, is the answer to enable the agency to collect the required data.

Processes of Advertising

A fundamental knowledge every advertising practitioner must have is that of the process of advertising. It is crucial as otherwise could lead to the misapplication of resources, hence wastage of often scarce resources and the eventual failure of the campaign.

Although no two advertising programmes may require the same steps knowing these step, nonetheless, is very essential for all professional practitioners (Nwosu and Nkamnebe, 2006; John-Kamen, 2006 and Anyacho, 2007). The following are the processes of advertising.

1. Conceptualization

At the very first step, what is involved is some mental exercise during which the mental picture of the product is formed. Also called ideation, it takes the form of visualizing the structural and physical outlook of the production and stages of the advertisement.

2. Advertising Brief

Here, the source of the product, that client, who may be the producer manufacturer or marketer of the goods and services, provides all available information on the product. These may include target market and their demographic and psychographic feature; raw material; production processes; attributes and

qualities; competitive environment; pricing policy, promotional exercises, distribution, among others.

3. Research

Only in rare cases will the brief from the client be sufficient. This suffices this vital stage, where through investigations and data collection, the advertising agency sources sufficient information with which the product would be advertised.

4. Planning

This is the stage where all the critical managerial decisions pertaining to the effective and professional advertising and marketing of the product are made. It encompasses a number of sub-stages, as given below.

- **Budgeting**----- based on the information got from the collected data, fund is appropriated to various stages of the advertising campaign.
- **Copywriting**----This involves the scripting and visualizing of the advertising message, whether it is to be channeled through the print or electronic media (jingles or commercials).
- **Recruitment** ----- At this step, talents to feature in the production of the advertising message are selected and engaged. It could be actors, footballers, musicians or celebrities, who train, rehearse and finally perform as personas of the advertisement.
- **Media selection** ----- from the numerous media available to the advertising agency handling the campaign, decisions are made based on sound judgment on the most suitable channels of disseminating the advertising messages.

5. Production

The advertisement is finally produced. These entails for instance, is the case of a television commercial: shooting, coverage, editing and packaging of the commercial. For others like jingles, print adverts (billboards newspapers, magazines or posters), the actual production takes place at this stage.

6. **Placement and Scheduling**

Arrangements are made and agreements reached between the agency and the chosen media on the timing, space, frequency and costs of publishing the advertising message.

7. **Monitoring and Supervision**

Agencies do not make payments to media organization and go home to relax. Dutiful supervision is done to ensure that the advertisements are carried as and when scheduled and according to specifications. In the event of any mistake and error, reports are made for possible re-runs.

8. **Evaluation**

This is the stage of stocktaking. Agencies here appraise, review and assess the level of success or failure of the entire campaign programmed. The outcome of this analysis determines the future actions of the agency.

Each of these stages is cardinal to the goal of the advertising campaign and must, therefore, be strictly adhered to. Already, it is during planning that managerial inputs into the campaign are made hence underlining its importance.

Self-Assessment Exercise

X-ray each segment of the advertising process, pointing out the relevance of each stage to the success of any advertising campaign.

Conclusively good knowledge of these stages of advertising is very crucial to every practitioner in this field. This informed the length this unit went into highlighting the stages and their roles to the achievement of the advertising objectives.

Methodology

In acquiring the relevant information and knowledge for this study, secondary data is mainly used and obtained from library research additionally; arm-chaired method is used in finding the latest articles and researches that are carried out in this area.

Findings

After much review of the textbooks and other relevant materials and journals it was , discovered

that advertising practitioner council of Nigeria has not lived up to its responsibility in regulating advertising in the country: The following are the products of their inaction.

- Proliferation of advertising agencies: One of the greatest problems facing the advertising practice in Nigeria and this is not too healthy for the industry. This is due to the fact that some of these new agency do not have the required expertise to function at top level; hence the standard of advertisements produced is affected some critics have described the reason for the proliferation advertisement agencies as agreed both on the part of agency owners and the regulator (APCON).
- Another is the poor economy ,especially poor purchasing power by the majority of Nigeria masses .this is because if companies do not sell their products, they are very likely to cut down on advertising spending. So because of this fact advertising practitioner council of Nigeria turn a blind eyes or water down on their regulation and procedure.
- Furthermore, inadequate supervision of practitioners; some of the staff of most of these advertising agencies are not well trained, they are just journeyman. The establishment of the advertising practitioner of Nigeria (APCON) is supposed to tackle this problem.
- The use of vulgar language is left unchecked in advertising in Nigeria by APCON.
- Most of the advertisement are untrue, dishonest and deceptive and are not checked by APCON.
- Unchecked advertisement that is offensive and in bad test causing irritation and distaste; for instance, advertisement of condom, abortion and contraceptive to pro-life activists.

Conclusion and Recommendation

In this paper, we have been able to discuss and bring to bear the areas of lapses of APCON regulation and procedures of advertising in Nigeria. This paper concludes that advertising practice in Nigeria has grown to a great height and it still

growing. Despite the achievement recorded by advertising practice in Nigeria, it can still not be compared with advertising in the developed world. As such, advertising practitioners in Nigeria should strive to improve their skill in order to achieve a world class advertising environment in Nigeria and this must be championed by advertising practitioner's council of Nigeria (APCON).

Professionalism should be encouraged in the advertising industries in Nigeria. Advertising practitioner's council of Nigeria (APCON) has a great role to play in this regard. They should Endeavour to have offices Nationwide to monitor practice of advertising in Nigeria.

When you live outside the state where APCON has offices, you will easily notice that some of the locally produced advertisements were not vetted by APCON. They violate some of ethics of the profession, and there is no way such practice can be corrected apart from going to the grassroots. APCON should also monitor quacks that are practicing in the industry. They should be stopped from practicing if they are not registered with the regulatory body.

APCON should be able to monitor advertising agencies in Nigeria eschew from ethical practices. They should stick to ethics that guides the profession, and try as much as possible to produce first class advertisements that can compete anywhere in the world and same time promote the sales of products or services they are advertising. The issue of proliferation can be tackled in the advertising industry with improved welfare packages and motivation by employers. Finally APCON should encourage small agencies to come together and form merger in other to compete favorably.

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