

The Role of Advertisements in Sustainable Consumption to Minimize Environmental Harms: A Critical Analysis under Sri Lankan Legal Framework

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Abstract: Encouraging and promoting sustainable consumption among consumers will be an integral part of the green economy to safeguard today for future. This concept has been becoming very popular in many countries in the recent past as a method of promoting environmental management. However, present field study reveals that this idea has not been reached to the consumers of Sri Lanka effectively. Therefore, the objective of this paper is to analyze how sustainable consumption could minimize environmental impacts and how this idea could be taken to the consumers effectively through advertisements.

Keywords: sustainable consumption, eco-friendly, mislead/deceptive advertisements.

Introduction

The terms 'nature-friendly', 'eco-friendly', 'green environment', 'go green' are extensively used throughout the world to show the importance of protection of the environment in the process of development activities and in all other human activities. It also encourages the society to deal with eco-friendly goods and services. The Oslo Symposium 1994 proposed the definition of sustainable consumption and production as "the use of services and products which response to basic needs and bring a better quality of life while minimizing the use of natural resources and toxic materials as well as the emissions of waste and

pollutants over the life cycle of the service or product so as to not jeopardize the needs of future generations." It is evident that the environmental harms could be minimized through sustainable changes in our day to day life style. Sustainable consumption brings healthy life over healthy environment. Therefore, the term sustainability is highly connected with the environment, social, economic and policies. Sustainable consumption is referred with the characteristic of environmentally and socially healthier products and services.

Today the world is fighting against various environmental issues and in the mean time attempting to achieve sustainable future. Though, there are various governmental policies and strategies at national level and international level to achieve sustainable future, it should be initiated from individual level and local level to reach the target. Consumers can play a very crucial role in achieving this. Fucha and Lorek¹ address that sustainable consumption governance is highly necessary, without sustainable consumption there cannot be sustainable development. Experience shows that 'over the past 50 years, man has changed ecosystems more rapidly and extensively than in any comparable period of time in human history', and that this has resulted in 'a substantial and largely irreversible loss in the diversity of life on Earth'.² Consumers should believe that they have to play a vital role to preserve the environment for the future generation, probably our sons and daughters. For this purpose the consumers should behave bravely when

¹Fucha and Lorek, (2004)

²GreenFacts, Facts on Health and the Environment, <http://www.greenfacts.org>

purchasing household goods or stationeries or electronic goods in their day to day life. They can purchase these products after a careful examination on how these goods influence to build green environment by reducing negative ecological and social impacts. In many occasions government is the biggest consumer. The government also should have proper policies, regulations and strategies to achieve green environment. It also should encourage and promote its population to purchase environmentally healthier goods and services. Though many consumers know the term 'eco-friendly', they do not have a clear idea on which products are actually 'eco-friendly'. Educating the consumers is one of the most appropriate methods for providing consumers with appropriate knowledge on sustainable consumption products and services. Thus, advertisement will be one of most preferable methods for introducing environmental friendly goods and services among consumers. However, in many occasions advertisements have deluded the consumers worldwide by using various unethical tactics, inaccuracy, ambiguity or excessive information by omitting important and necessary information. These misleading advertisements have led the consumers themselves often confused on choices rather than promoting or encourage of sustainable consumption.

Methodology

The necessary data and information for this research study is mainly based on primary and secondary sources. The questionnaire method was used to collection of data and information. For this purpose 50 questionnaire surveys were carried out by selecting different sex and age groups in different districts of Sri Lanka on a random basis. The questioner was mainly designed to identify the different attitudes and behaviors of consumers on various advertisements promoting different products and services in their day to day life. The data was analyzed using quantitative analysis method as well as qualitative method.

Why sustainable consumption and how it can be achieved?

The rapid changes in the environment has made us to think what measures have to be taken by

individuals as part of the world to minimize environmental impacts on climatic change. This simulated the need to build sustainable projects in developing countries to overcome environmental impacts, as part of the global community through encouraging and promoting sustainable consumption among consumers.

One of the key visions of the RIO+20 of United Nation's Conference on Sustainable Development is to promote and encourage sustainable consumption and production. Due to the speedy growth of technology innovation, today, consumers easily access of goods and services around the world irrespective of their origin. Encourage them to consume eco-friendly goods might be one of the best solutions to overcome the pressing problem. Most of the consumers are aware of the term eco-friendly and its impacts on health and environment but do not know the exact products and services which are nature friendly. Even if the consumers desire to "go green" they do not have proper guidelines to choose the products and service. At this point advertisement will be a more preferable approach to grasp consumers' attention or divert them towards eco-friendly goods and services. Educating people to adopt sustainable consumption in their daily life will reduce the cost of environmental management. These products and services also reduce the actual cost in long term. Therefore, truthful and creditworthy information provided through advertisement is significant in this regard. Unless effective regulation to assess the advertisements, it can mislead the consumers by providing false information. It can be done only by effective procedure of law and regulation on advertisements and to find a regional approach and framework for regulate and standardize advertisements among neighbor countries.

OECD (2008) express the view that commercial advertising can be a powerful force for promoting sustainable consumption in highlighting the sustainable dimensions of goods and services and convincing consumers to purchase these products, sometimes regardless of price. For instance, automobile companies have advertising campaigns promoting their concern about climate change and the environmental features of their models - Daimler Chrysler (Fresh Air), Honda (Safe and

Environmental), Toyota (Clean Air), Volkswagen (save Fuel), Peugeot (Flower), Kia (think before you drive).³ These are some good example to grab consumers' attention to observe products before they purchase. Likewise, there are many household goods such as, electronic equipments, cleaners and detergents, paints, paper products, recycled plastic products, recycle rubber products, furniture and fitting etc.

Laws related to advertisements in Sri Lanka

Advertisement is one of the most cost effective informative tools for companies whose products and services are targeted towards consumers around the world. Therefore, they could easily reach consumers with regard to eco-nature friendly goods. Consequently, government has a legitimate role to play to regulate advertisement focusing on consumer protection. There is no proper practice and strict rules and regulations in Sri Lanka to assess the creditworthiness and trustfulness of the representation put forwarded by the advertiser, as prevalent in other countries like India, Malaysia, Singapore and USA, which have regulations and code to protect consumers from false/deceptive advertisements by establishing regulatory bodies to assess the standard of an advertisement. It is productive if there is a separate authority with an inclusion of members from many originations such as government agencies, advertising agencies, media owners and some other supporting agencies to evaluate and assess the advertisements, and constantly instruct the members to self – regulate their advertisement. This would mean 'regulate yourself and someone else will' as prevalent in some countries. Self/co-regulation may be seen as an alternative to government regulation.

It should be noted that according to the law of contract, advertisements are considered as invitation to treat or mere 'trade puffing' or exaggeration. However, if advertisements mislead or induce viewers to purchase a product or engage a service the misrepresentation law will be applied. According to Professor Richard Stone, it is not enough for a remedy for misrepresentation, for the claimant to point to some false statement of fact made by the defendant

prior to a contract which they have made. It must also be shown that the statement formed some part of the reason why the claimant entered into the agreement.⁴ This view was further confirmed by the Bowen L.J in one of the old case *Edgington v Fitzaurice*⁵ "... what was the state of the plaintiff's mind, and if his mind was disturbed by the misstatement of the defendant, and such disturbance was in part the cause of what he did, the mere fact of his also making a mistake himself could make no differences."

Apart from this, Consumer Affairs Authority Act No. 9 of 2003 has provisions that protects consumers from wide range of deceptive/mislead and unfair trade practices. However, it is not wide enough to cover false and deceptive advertisements. For instance, Section 30 of the above Act provides, "no trader shall in the course of a trade or business engage in any type of conduct that is misleading or deceptive or is likely to mislead or deceive the consumer or any other trader." Section 31 also continues with false representation by any traders in the course of a trade or business. It should be noted here that the traders' main task is to sell or supply goods or provide services for consideration rather than advertising. Therefore, it can be said that the Consumer Affairs Authority Act is itself vague to extent to protect from false and deceptive advertisements or to assess its truthfulness to foster consumer confidence.

In addition to this, Sale of Goods Ordinance No 11 of 1896, sections 13-16 provide implied conditions and warranties to protect consumer from various aspects such, fitness for purpose and merchantable quality. However, according to Section 15 provision of the above Ordinance states as follows, "Provided in the case of a contract for the sale of specified article under its patent or other trade name, there is no implied condition as its fitness of particular purpose." It is to be noted that, if the buyer purchase the goods referring to the particular trade name, sections of implied conditions cannot be benefited. Therefore, advertisements are always promoting goods and services belonging to particular trade name. Consequently, Sale of Goods Ordinance also not

³OECD, (2008: p.37)

⁴ Stone, R. (2002: p. 264)

⁵(1885) 29 Ch. D 459,

enough to cover purchaser from mislead /deceptive advertisements claims.

Countries such as Singapore, Malaysia and India have comprehensive code of advertisement and it regulates advertisements by inculcating self-regulation. For instance, Singapore Code of Advertising Practice states that claims such as “environmentally friendly” or “wholly biodegradable” should not be used without qualification unless advertisers can provide convincing evidence that their product will not cause any environmental damage. Qualified claims and comparisons such as “greener” or “friendly” may be acceptable if advertisers can substantiate that their product provides an overall improvement in environmental terms either against their competitors.⁶ Also in Malaysian Code of Advertising Practice⁷ environmental claims similarly to Singapore Code.

Consumer analysis of advertisements in Sri Lanka

The World Summit on Sustainable Development: Plan for Implementation in express the view on changing unsustainable patterns and consumption and production is to bring fundamental changes in the way societies produce and consume are indispensable for achieving global sustainable development. All countries should promote sustainable consumption and production patterns [...].⁸

In order to encourage fundamental changes in the consumption pattern to promote consumers

towards green production and services, they need proper guidelines to choose eco-friendly goods and services. By assisting them to choose products and services through advertisements that are labeled or marked as environmentally friendly or nature friendly, thereby, consumers are contributing to the green environment, and also it create passion among prospect consumers to choose product and service without impact on the environment. It will indirectly promote more productions for manufacturers and service providers⁹. Thus, one of the main objectives of the Asian Pacific for Roundtable Sustainable Consumption and Production (APRSCP) is to foster regional cooperation to accelerate sustainable consumption and production as a leading mechanism for achieving environmental protection and sustainable development¹⁰.

Field data reveals¹¹ that 90% (figure 1) of the respondents believe that advertisements are useful in the modern and highly competitive market and play an important role informing the consumers about a new product and services available. Further, advertisements also induce the people to buy newly introduced products to the market. Manufactures and marketers use various tactics and attractive advertisements to attract the consumers towards their new products. According to the field data 74% (figure 2) of the respondents confirmed that they also had purchased new products after seeing an advertisement.

⁶See, Singapore Code of Advertising Practice , 3rd Edition, Appendix L Environmental Claims

⁷ See, Malaysian Code of Advertising Practice, 3rd Edition, Appendix K Environmental Claims

⁸See, World Summit on Sustainable Development : Plan for Implementation, Chapter III, Changing unsustainable patterns of consumption and production, available at, http://www.johannesburgsummit.org/html/documents/summit_docs/2309_planfinal.htm

⁹As the European Commission – Europe Aid Development and Cooperation Directorate General, Asia and Central Asia director Dirk Meganck states: “... without the demand for green and fair products, SMEs (small and medium sized enterprises) will not be convinced that they should deliver environment-friendly practices and products. The lack of awareness amongst relevant stakeholders and empowerment of consumers through consumer groups still need to be tackled” , see, Mainstreaming Sustainable Consumption in Asia, switchasia,

¹⁰see, the objectives of the Charter of Asian Pacific Roundtable for Sustainable Consumption and Production.

¹¹ according to the field study conducted during the month of January – February - 2013

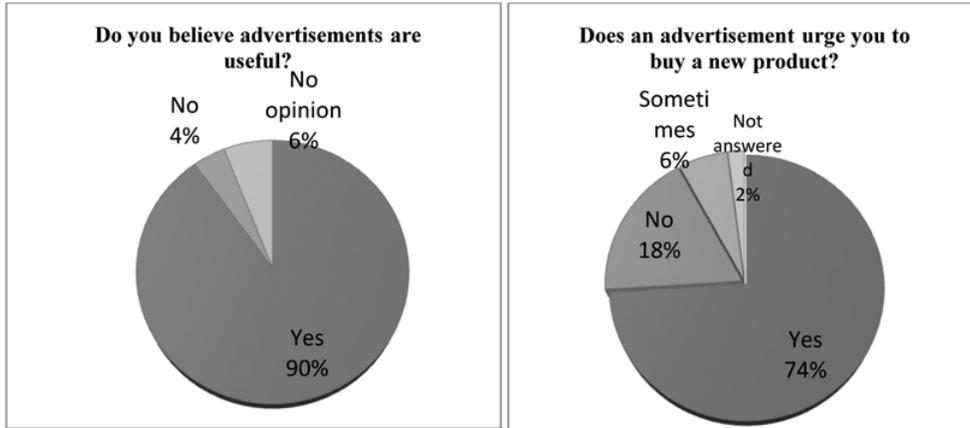


Figure-01& 02

According to the above figures, it can be said that the advertisements are considered as a mode of communication between consumers and manufacturer or marketer. However, government intervention is needed to regulate advertisement to protect and prevent from misleading on deceptive ads. According to field data 53% of the respondents express that the advertised products never give the same result as promised in the advertisements. Further, 31% respondents stated that advertisements give the same result only in 'sometimes' as advertised, while 10% believe that the results are same as revealed in the advertisements.

Figure 03 & 04 indicate to what extent the consumers are aware of eco-friendly products. 55% of the respondents know the meaning of 'eco-friendly goods' (figure 03). However, more than half of the consumers do not know any eco-friendly products which are available in the market (figure 04). This may be due to insufficient goods and services in the market which are nature friendly and lack of knowledge and awareness. It seems that lack of awareness is a roadblock to achieve sustainable consumption and thereby to build sustainable environment. Government has to play a major role to promote and encourage eco-friendly products to the market.

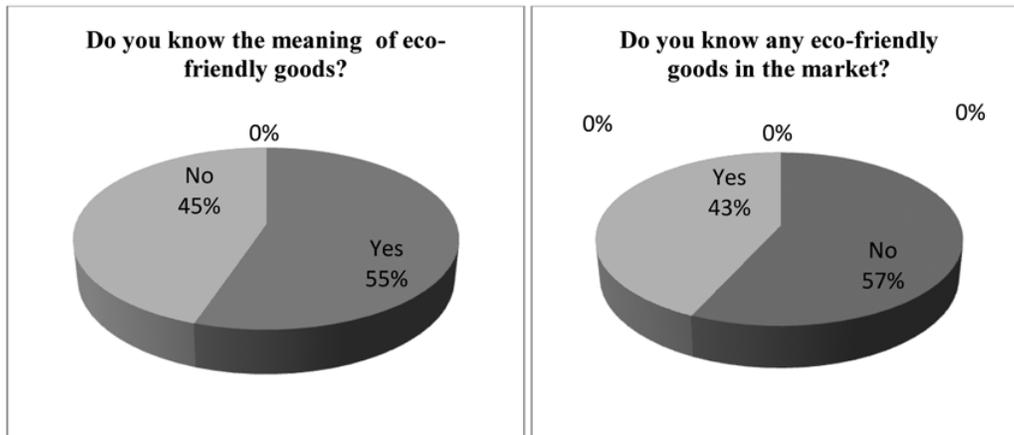


Figure – 03& 04

Challenges

Eradicating poverty is the greatest global challenge faced by developing and least developing countries and similarly it is an essential requirement for sustainable requirement.¹²

Particularly, in Sri Lanka, consumption patterns are unbalanced; it is depending on their personal income. Obviously, price of eco-friendly goods may be higher than non-eco-friendly goods. Therefore, average consumers cannot enjoy these products as part of the daily use. Advertising eco-friendly products and services will be a platform for affordable consumers. However, if the demand increases among consumers for such goods, it will also encourage and promote sustainable productions and services. In the future government can mandate certain products to be made in an eco-friendly manner by local enterprises as well as foreign enterprises. For this purpose, government also could initiate more foreign investment projects with local collaboration to persuade sustainable products by providing incentives. For instance Government of Korea, as the first country in the world obliges public agencies to purchase only environmentally friendly products¹³.

Conclusion

According to the respondents, the influence of advertisements on consumer choice is undeniable and they believe that advertising a product or service is the best way to know about new products and services. The producers and marketers use various unethical tactics, campaigns, inaccurate and excessive information to market their products and attract consumers. Thus, it needs a careful assessment in order to safeguard consumers: this can be done only by laws and regulations. Advertisements may have a greatest influence on next generations' over their choices. In the meantime, commercial advertising can be a powerful tool for promoting sustainable consumption in highlighting the sustainable dimensions of goods and

services and convincing consumers to purchase these products, and there by promoting eco-friendly concept and protecting environment for future. Not only governments but local authorities, advertising agencies, marketing agencies also have equally responsibility to monitor their advertisements for eco-friendly goods and services in order to ensure that consumers are not misled through deceptive and false advertisements. Unawareness of eco – friendly goods and services might be one of the main roadblocks in achieving sustainable practices among general community. For this purpose, governments, manufacturers or marketers could use advertisement as a tool to strengthen sustainable consumptions. This will be the best mode of communication to transfer knowledge on nature friendly products and services to mass consumer market.

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