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ASSESSMENT OF THE IMPACT OF ARCON'S REGULATIONS ON THE EFFECTIVENESS AND ETHICAL PRACTICES ON ONLINE ADVERTISING AMONG ADVERTISING PRACTITIONERS IN ENUGU STATE

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Abstract

This study examined the regulatory impact of Advertising Regulatory Council of Nigeria on the effectiveness and ethical practices of online advertising among advertising practitioners in Enugu State. In carrying out this study, survey research method was used. Population of the study comprises two distinct groups relevant to the study. The Advertising Practitioners in Enugu state and ARCON regulatory officials in Enugu State, which is 200. The census approach was adopted, allowing the researchers to examine every individual within the population rather than relying on a sampled subset. After the analysis, the results revealed that advertising practitioners in Enugu generally possess a fair level of awareness about ARCON's regulatory framework. The study also confirmed that ARCON regulations have led to shifts in advertising strategies. Several challenges were identified as barriers to full compliance. These include the complexity of regulations, financial constraints, lack of access to updated regulatory information, and the perceived burden of compliance. The researchers recommended that the Advertising Regulatory Council of Nigeria (ARCON), should consider organizing regular workshops, webinars, and training sessions for advertising practitioners, particularly those operating at smaller scales or in more remote areas. Advertising Regulatory Council of Nigeria (ARCON), should recognize agencies that actively align their strategies with regulatory standards and ARCON should provide grants, subsidies, or partnerships with tech providers to ensure they have access to necessary compliance resources, like software for digital ad review or training on compliance technologies.

Introduction

Advertising started with the early man when he made some inscription on his walls. From there, advertising spread to Babylon in 300BC on clay tablet which inscribes for ointment dealers scribes and shoemakers, from there, advertising also was practiced in Egypt, Rome and Greece. Civilization of the Ancient Mediterranean by Charles Freeman, 2004. In Nigeria, advertising started properly as early as before the advent of newspaper, then advertising was done by town crying. Town criers were used to disseminate information about wars, disasters, marriages, births and deaths. They also announced dates for important festivals, special visits by the government officials – missing goods and rewards to anyone who could find such goods. Gongs were used as an advertising signal, it draws attention of people.

However, modern advertising started in Nigeria in the year 1859 when the newspaper (IWE IROHIN) was published by Rev. Henry Townsends. This newspaper advertised births, wedding, marriages, church activities, vacancies for house boy and maids, shipping schedules and social events from here, newspaper sprang up and become the first major advertising medium.

The purpose of advertising is to capture the attention of the intended audience. Advertising, according to Bovee (1992, p.54) and Akpan (2020, p.23), “is a non-personal communication of information that is usually paid for and usually persuasive in nature about a product, service, or idea through various media” According to Weigold and Arens (2018, p.33), “advertising is defined as a structured and composed non-personal communication of information about products (goods, services, and ideas by identified sponsors through various media that is usually paid for and usually persuasive in nature”. The American Marketing Association (AMA), Chicago defines advertising as “any paid form of non-personal presentation of ideas, goods, and services by an identified sponsor.” Similarly, Fadipe (2012, p.19) proposed that advertising is intended to manipulate its audience by forcing itself upon them, leaving little room for response on the receiver's end.

Today, the online space is the center of all sort of advertising messages because of its affordable

advertising packages for both small and big advertisers. However, online advertising has numerous obstacles that necessitate regulatory oversight. Nigeria before now has no explicit rules or regulations controlling digital advertising, with the exception of basic laws that regulate communications and commercial practices. This appears to be an urgently needed void in order to protect the profession and society. For online consumers, the unpleasant and obtrusive nature of online advertising can be a source of rage. Some content is deemed obscene, illegal, indecent, or deceptive in some way. Obviously, this poses a threat to the profession's growth. Pop-ups, pop-unders, and banner adverts, according to Mohammed (2019, p.18), are omnipresent, unpleasant, and difficult to get rid of by online users, which can drive them away.

The advertising regulations in Nigeria are made up of legislative laws. This legal regulation is a statutory legislation with legal force. In national courts, the provisions can be enforced. The Advertising Regulation Council of Nigeria Act, for example, was created specifically to regulate Nigerian advertising practices. The Consumer Protection Council Act, the Food and Drug Administration, the Trade Mistakes (Other Crimes) Act, and the State Agency of the Food and Drug Administration are among the other pieces of legislation. Copyright laws, defamation laws, and privacy laws are examples of information distribution laws. Similarly, some of the advertising regulating agencies include; Advertising Regulations' Council of Nigeria (APCON) which is the apex regulatory body regulating advertising, National Broadcasting Commission (NBC), The Association of Advertising Agencies of Nigeria (AAAN), Advertising Association of Nigeria (ADVAN), Media Independent Practitioners Association of Nigeria (MIPAN), Newspaper Proprietors Association of Nigeria (NPAN), Outdoor Advertising Association of Nigeria (OAAAN), Broadcasting Organisation of Nigeria (BON). These agencies all have various functions which they are to carry out, for example, one of the functions of the Advertising Practitioners Council of Nigeria (APCON) is to regulate and control advertising, subject to the approval of the Minister of Health, where the advertisement relates to food, cosmetic, beverages and drugs.

However, the rapid growth of online advertising has posed significant challenges to ARCON's regulatory

framework, particularly in Enugu State, where digital marketing practices are increasingly prevalent. The primary issue that necessitates this research is the perceived gap between ARCON regulations and the current practices of online advertising among practitioners in Enugu State. The lack of effective regulation and enforcement has resulted in proliferation of unregulated online advertising, compromising consumer trust and undermining the integrity of the advertising industry. Practitioners often face difficulties in adhering to traditional advertising regulations that may not adequately address the unique aspects of online advertising, such as content creation, dissemination, and audience targeting (Ogunsoji & Olatunji, 2011).

Statement of the Research Problem

The rapid growth of online advertising in Nigeria has introduced significant challenges to the regulatory Council of Nigeria (ARCON). While traditional advertising in Nigeria has long been regulated through legislative laws and industry agencies, the digital space between ARCON's existing regulations and the evolving online platforms. However, many practitioners lack adequate awareness of ARCON's online advertising regulations, leading to non-compliance and the proliferation of misleading, intrusive, and sometimes illegal advertisements. The absence of strict enforcement mechanisms further exacerbates the issues, undermining consumer trust and the credibility of the advertising industry.

Also, many ARCON practitioners remain largely analogue-oriented and struggle to adapt to the rapidly evolving digital communication landscape. The shift towards online advertising requires a deep understanding of digital tools, data-driven techniques, and audience segmentation strategies, yet a significant number of practitioners lack the necessary skills and knowledge to effectively navigate this transition. Additionally, online advertising poses unique regulatory challenges that traditional laws may not fully address, such as content dissemination, consumer data privacy, and the spread of deceptive or inappropriate advertisements. Despite the presence of regulatory agencies like ARCON, the National Broadcasting Commission (NBC), and the Consumer Protection Council, many advertising practitioners struggle with compliance due to regulatory

ambiguities, enforcement limitations, and the evolving nature of digital advertising.

This study seeks to assess the impact of ARCON's regulations on the effectiveness and ethical practices of online advertising among practitioners in Enugu State.

Objectives of the Study

The specific objectives were to:

1. assess the level of awareness of ARCON regulations among Advertising practitioners in Enugu
2. examine the influence of ARCON's online regulations on the advertising practices and strategies of advertising practitioners in Enugu State.
3. identify the key factors that hinder compliance with ARCON regulations in online advertising.

Literature Review

Online advertising also known as digital advertising or internet advertising, is a marketing strategy that involves promoting products, services or brands through digital channels on the internet. The form of advertising leverages various online platforms and technologies to reach and engage target audiences. It has become a fundamental component of modern marketing due to the widespread use of the internet and digital devices. Choi and Rifon (2012, p.45-53), while stressing on online advertising, classify online advertising into the following;

- a. **Floating adverts:** According to Choi & Rifon, a floating ad is a sort of internet advertisement that appears uninvited, overlaid over a user-requested website, and then fades or becomes unnoticeable after a set amount of time (specifically 5-30 seconds). The most basic floating advertising, according to the authors, display over the web page, either full screen or in a smaller rectangular window, and may or may not provide an escape mechanism, such as close buttons. More advanced versions,

according to Choi and Rifon, can be any shape or size and contain noises, animation, and interactive elements.

- b. **Expanding adverts:** When a person clicks on one of these adverts, it expands. According to Choi & Rifon, the advertising do not enlarge simply by hovering over hyperlinks, as some other advertisers do, but they can take a long time to download, which can negatively impair the visitor's experience on that page.
- c. **Wallpaper adverts:** Choi & Rifon observed that this is an advert which changes the background of the page being viewed.
- d. **Trick Banner:** According to Choi & Rifon, a banner advertisement is a sort of web advertising that tries to deceive consumers into clicking by simulating an operating system message.
- d. **Pop-up ad:** Choi & Rifon, observe that pop-up ad is a new window which opens in front of the current one, displaying an advertisement, or entire webpage.
- e. **Pop-under:** According to Choi & Rifon, the op-under is similar to a pop-up, except that the window is loaded or sent under the current window, preventing the user from seeing it until one or more active windows are closed.

The Advertising Practitioners Council of Nigeria was established in 1988 by the Advertising Practitioners Council of Nigeria Act of 1988 to regulate the advertising industry in Nigeria. For over three decades, APCON played a crucial role in promoting ethical and quality advertising practices in the country. In 2019, the Nigerian government

announced plans to reform and transform APCON into a new regulatory body, called Advertising Regulatory Council of Nigeria {ARCON}. This move was aimed at addressing the challenges and limitations of APCON, including its restrictive scope, inadequate funding, and limited enforcement powers. On August 6, 2020, the Nigerian government officially established ARCON through the Advertising Regulatory Council of Nigeria Act of 2020. . Advertising Regulatory Council of Nigeria (ARCON) replaced APCON and assumed its responsibilities, with a broader mandate to regulate advertising in Nigeria.

Scholars such as Ogbede (2012, p.17), Nwosu (2020,p.8), and Nnaae (2012,p.23) have noted the lack of particular rules on online advertising in Nigeria. According to these studies, countries with inadequate regulatory frameworks are vulnerable to harmful and uncontrolled advertising to citizens. Because internet advertising is subject to applicable jurisdiction norms, more structured and implemented regulatory restrictions create more beneficial effects..

Challenges of ARCON in Regulating Online Advertisements

One of the biggest challenges facing businesses in today's digital landscape is ad fraud. Ad fraud refers to the practice of generating false clicks or impressions on ads, which can result in businesses paying for clicks or impressions that are not genuine. Ad fraud is a growing problem in the online advertising industry and can result in significant losses for businesses. To combat ad fraud, businesses need to work with reputable advertising platforms and implement measures such as ad verification and fraud detection.

Akingbolu (2019, p.15) demonstrates that Nigeria currently lacks such a law governing online advertising. According to Akingbolu (2019, p.15), the ARCON memo states that regulation should be limited to ARCON members, implying that agencies are unwilling to regulate online advertising. This means that even ARCON members may be forced to resign if they decide that the freedom of ARCON is more beneficial, even if it has a negative impact on society. Malicious advertisers, publishers, and website owners will put society at risk.

Also, many other online users with an android phone or laptop with access to the internet are free to post whatever they want without fear of any legal consequences. There is no legal definition of an online advertiser or publisher in Nigeria today. It also does not define the responsibilities or essential relationships that must exist in the digital advertising industry between these parties in the event of defective advertising. For example, who will be held liable for defamatory advertisements? When is the advertiser or the publisher liable for defamatory advertising, or are both liable? When is the advertising agency in charge? These are some of the issues that must be addressed in the legal framework in order to effectively regulate online advertising.

In the light of some of these challenges, the Nigerian Council of Advertising Practitioners (APCON) in 2019 released a memo threatening not to allow any advertising to be published on social media platforms. The note also states that the Advertising Standards Panel (ASP) has discovered that certain brands are posting communication materials in the digital space without fulfilling their required obligations. The memo states that all communication materials, regardless of medium, must be approved by ARCON before they can be published. This memo reiterates that APCON regulates all ads posted on platforms, including YouTube, Facebook, Twitter, and all websites. According to Akingbolu (2019, p.16). Some advertisers complain that verifying ARCON takes too much time and money.

Empirical Review

While existing research provides valuable context and broader perspectives on advertising regulation in Nigeria, the specific experiences and views of practitioners in Enugu state have been largely unexplored. This gap is particularly notable given the potential for regional variations in regulatory awareness, compliance, and impact. For instance, Adeyemi et al. (2024a) conducted a comprehensive examination of user-generated content in digital media advertising in Nigeria. Their study revealed a diverse range of formats in user-generated advertising, including posts, videos, photos, reviews, word-of-mouth referrals, artwork, and music. This variety underscores the dynamic and evolving nature of digital advertising in Nigeria, presenting both opportunities and challenges for regulators. The

findings highlight the need for flexible and adaptable regulatory frameworks that can accommodate the diverse forms of user-generated content while maintaining standards of quality and ethics in advertising.

In a follow-up study, Adeyemi et al. (2024b) investigated the platforms used for user-generated advertisements in Nigeria. They identified Facebook as the primary platform, followed by YouTube, WhatsApp, Twitter, and Instagram. This platform diversity highlights the complex ecosystem within which ARCON must operate. The dominance of social media platforms in user-generated advertising suggests that awareness and perceptions of regulations may vary depending on practitioners' preferred platforms. It also underscores the challenge for regulators in monitoring and enforcing standards across multiple digital channels, each with its unique features and user behaviors.

Okafor's (2023) investigation into consumer perceptions adds another layer to our understanding. The high level of consumer trust in regulated advertisements (72%) suggests that practitioners may see value in compliance as a means of building credibility with their audience. However, this consumer benefit must be weighed against the operational challenges identified by Nwosu (2021), potentially creating a complex cost-benefit analysis for practitioners.

The comparative analyses by Smith and Nkosi (2020) and Williams (2019) offer valuable international perspectives. The perceived efficiency of South Africa's regulatory body compared to Nigeria's APCON (now ARCON) may influence practitioners' expectations and critiques of the current regulatory framework. Similarly, the success of combined self-regulation and government oversight models in the US and Europe could inform practitioners' views on potential regulatory approaches in Nigeria.

Theoretical Framework Institutional Theory

Institutional theory, articulated by DiMaggio and Powell (1983), focuses on how institutions establish norms, values, rules and routines that influence organizational behavior. This theory is crucial for understanding how ARCON, as an institution regulator, shapes the online advertising landscape in

Enugu state. It emphasizes the role of regulatory bodies in creating a legitimate environment for practices through coercive, mimetic, and normative mechanisms.

Coercive Isomorphism: This aspect of Institutional theory refers to the pressures exerted by regulatory bodies to enforce compliance, ARCON's regulations can be seen as coercive forces that require online advertisers to adhere to specific standards, thus ensuring ethical practices.

Mimetic Isomorphism: This occurs when organizations imitate successful practices to gain legitimacy. Online advertisers may mimic best practices endorsed by ARCON to enhance their credibility and effectiveness.

Normative Isomorphism: This arises from professional standards and networks. ARCON's role in setting normative standards influences the professional conduct of online advertisers, ensuring that their practices align with accepted ethical guidelines. Institutional theory justifies this study by providing a lens through which the impact of ARCON's regulatory framework can be examined in terms of compliance, legitimacy, and the establishment of industry norms.

Methodology

Survey design was used in the study. This design is most suitable because it is appropriate for collecting data that describes the perceptions, attitudes, and opinions of a specific population (Creswell, 2014). Population of this study comprises two distinct groups relevant to the study. The Advertising Practitioners in Enugu state and ARCON regulatory officials in Enugu State. which is 200, according to the data obtained from the ARCON Enugu State chapter. Going by the population size of the study, the census approach was adopted, allowing us to examine every individual within the population rather than relying on a sampled subset. Also, purposive sampling was employed. Focusing on those practitioners who are active in the industry and likely to be aware of the online advertising regulations. The questionnaire was used as instrument for data collection, copies of the questionnaire were administered to the respondents and collected back by the researchers.

Data Analysis and Presentation

Response Distribution for Awareness and Understanding

Statement	SA	A	D	SD	UD	Total
I am fully aware of ARCON regulations	60 (32%)	80 (43%)	30 (16%)	12 (7%)	3 (2%)	185 (100%)
I regularly keep updated on changes	27 (15%)	36 (19%)	97 (53%)	15 (8%)	10 (5%)	185 (100%)
I can easily explain regulations	29 (16%)	104 (56%)	30 (16%)	20 (11%)	2 (1%)	185 (100%)
Awareness influences my compliance	50 (27%)	103 (56%)	15 (8%)	10(5%)	7 (4%)	185 (100%)

Field Survey: 2024

The data in Table 4.2 reveals that 75% of respondents (combining SA and A) are fully aware of ARCON regulations, However, only 34% regularly keep themselves updated, suggesting a gap between awareness and active engagement with regulatory changes. Notably, 83% believe their awareness positively influences compliance, indicating a strong perceived relationship between knowledge and practice.

Response Distribution for the influence of ARCON's online regulations on the advertising practices and strategies of advertising practitioners in Enugu State

Statement	SA	A	D	SD	UD	Total
Changed online advertising practices	57(31 %)	91 (49%)	21 (11%)	14 (8%)	2(1%)	185 (100%)
Altered advertising strategies	93 (50%)	50 (27%)	32 (17%)	10 (5%)	0 (0%)	185 (100%)
Influenced targeting and engagement	53 (29%)	89 (48%)	28 (15%)	15 (8%)	0 (0%)	185 (100%)
Impacted creative aspects	61 (33%)	105 (57%)	13 (7%)	6 (3%)	0 (0%)	185 (100%)
Crucial factor in campaign development	90 (49%)	75 (40.5%)	19 (10%)	1 (0.5%)	0 (0%)	185 (100%)

Field Survey: 2024

The responses in Table 4.4 indicate substantial influence of ARCON regulations on advertising practices, with 80% reporting changes in their online advertising practices and over 70% noting alterations in their strategies. The impact on creative aspects is particularly notable.

Key factors that hinder compliance with ARCON regulations in online advertising

Statement	SA	A	D	SD	UD	Total
Complexity makes compliance difficult	60 (32%)	87 (47%)	20 (11%)	15 (8%)	3 (2%)	185 (100%)
Limited access to updated information	42 (23%)	103 (55.5%)	22 (12%)	13 (7%)	5 (2.5%)	185 (100%)
Cost is a significant barrier	105 (57%)	50 (27%)	20 (11%)	10 (5%)	0 (0%)	185 (100%)
Lack of clear enforcement mechanisms	70 (38%)	84 (45%)	20 (11%)	10 (5%)	1 (1%)	185 (100%)
Insufficient training and guidance	114 (62%)	41 (22%)	18 (10%)	12 (6%)	0 (0%)	185 (100%)

Field Survey: 2024

The data in Table 4.5 highlights significant barriers to compliance, with 79% citing complexity as a challenge and over 70% indicating limited access to updated information. Cost appears to be the most significant barrier, with 70% of respondents strongly agreeing or agreeing.

Discussion of Findings

How does the level of awareness of ARCON regulations impact the compliance behavior of Advertising practitioners in Enugu?

The study reveals that practitioners with higher awareness levels consistently demonstrate increased compliance with ARCON regulations. This correlation is particularly evident in cases where professionals maintain a comprehensive understanding of specific requirements, enabling more effective implementation of regulatory guidelines. Furthermore, the study indicates that regular exposure to regulatory updates significantly contributes to better compliance outcomes. The data suggests that practitioners who can effectively

articulate and explain regulatory requirements demonstrate a deeper understanding, which translates into more consistent compliance behaviors.

To what extent have ARCON's online regulations influenced the practices and strategies of advertising practitioners in Enugu State?

The findings confirm substantial impacts on advertising practices across the industry. Practitioners have implemented strategic adjustments to align their operations with regulatory requirements, including significant modifications to targeting and engagement approaches. Creative processes have undergone adaptation to accommodate regulatory considerations,

and campaign planning now incorporates enhanced attention to regulatory requirements from the initial stages of development.

What key factors hinder compliance with ARCON regulations among online advertising practitioners in Enugu State?

The research identified several significant barriers that impact practitioners' ability to maintain consistent compliance. The complexity of regulations emerges as a primary challenge, often creating substantial implementation difficulties for practitioners. Limited accessibility to updated regulatory information represents another significant obstacle to consistent compliance. Cost considerations play a crucial role in determining the extent of compliance implementation, with some practitioners finding full compliance financially challenging. The study also reveals that the clarity of enforcement mechanisms significantly influences practitioners' motivation to comply with regulations.

Findings

The study found that advertising practitioners in Enugu generally possess a fair level of awareness about ARCON's regulatory framework. However, the extent of this awareness varies depending on factors such as professional experience and regular exposure to regulatory updates.

The study also, confirmed that ARCON regulations have led to shifts in advertising strategies. Advertising firms have adjusted their targeting, creative, and campaign management practices to align with regulatory expectations. Practitioners noted that these changes, while necessary, often introduced additional layers of complexity in planning and executing advertising campaigns.

Several challenges were identified as barriers to full compliance. These include the complexity of regulations, financial constraints, lack of access to updated regulatory information, and the perceived burden of compliance. The study noted that smaller firms and less resourced practitioners were more likely to struggle with meeting compliance requirements.

Recommendations

The Advertising Regulatory Council of Nigeria (ARCON), should consider organizing regular workshops, webinars, and training sessions for advertising practitioners, particularly those operating at smaller scales or in more remote areas.

The Advertising Regulatory Council of Nigeria (ARCON), should recognize agencies that actively align their strategies with regulatory standards. This could involve an annual award or certification programme that acknowledges agencies maintaining ethical advertising standards, thereby motivating others to follow suit.

Findings showed that practitioners face challenges in accessing the tools or resources needed for compliance with ARCON's standards. To support the practitioners, ARCON should provide grants, subsidies, or partnerships with tech providers to ensure they have access to necessary compliance resources, like software for digital ad review or training on compliance technologies

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