

**DECEPTION IN ADVERTISING:
A CASE STUDY OF FRUIT JUICES IN THE
LOCAL KENYAN MARKET**

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A THESIS SUBMITTED IN PARTIAL FULFILLMENT FOR
THE DEGREE OF MASTER OF ARTS IN DESIGN,
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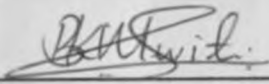
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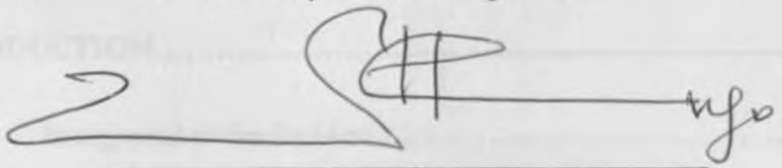
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ABSTRACT

Deception in advertising is an ongoing moral, and in some cases, controversial issue. What may appear to be a harmless advertisement to one person or group may be very misleading to another. With the increase in technology and the ever-increasing use of the Internet, consumers remain prime targets for advertising and marketing practices that are deceptive.

This research thesis first gives background information on deception in advertising and describes different types of deception. It then examines what makes an advertisement deceptive, or what kind of advertisement would be defined as containing information that is deceptive and what role the designer plays in the advertising process/chain. It also gives information about juices and studies done on the production of juices, being that the case study revolves around fruit juices and the deception that occurs in their marketing.

A field research was conducted to establish just how much deception there is in advertising, using fruit juices sold in the local Kenyan market as a case study. From the findings I was able to determine the level of deception the consumer is exposed to and the likely effects. Within the research were sought views of designers on why, if at all, they use deception in the adverts they produce. Discussions with designers, marketers and advertisers were held to understand the point at which deceptive information was incorporated as part of the advertising process. Consumers were also interviewed to get an in-depth into what influences their purchasing powers. Retailers

came n handy when informing me as to whether advertising was crucial in purchases made in their shopping outlets.

The results from the field research proved that deception does exist and led me to conclude that advertising ought to be a moral concern & thus the need to inform consumers of this so that they can make more informed decisions about their purchases; and the need for designers to be held responsible for advertisements they create to market products and services.

1.0 CHAPTER ONE: INTRODUCTION

1.1 BACKGROUND TO THE PROBLEM

As a consumer today, one is exposed to hundreds and thousands of commercial messages on a daily basis. These commercial messages may appear in the form of billboards, newspaper adverts, television commercials, event sponsorship or even emails. These are just a few of the many marketing communication tools that companies use to initiate and maintain contact with their consumers, clients and prospects and advertising is just one of these tools of marketing communication.

The role of advertising in today's contemporary society is to; first make us aware of the availability of products and services; second is to enable us communicate information about products and/or services and third to highlight the value or benefits of various brands, whilst in most cases omitting the negative aspects. Hence as a result advertising is not without its shortcomings which include; its excessiveness and its exploitation of consumers.

“Modern day advertising has become puzzling because it seems to be unrelated to selling anything at all. There is now an obsession with images and feelings and a lack of concrete claims about a product and why anyone should buy it”¹

Persuasive messages are being used daily in advertisements all aimed at winning over consumers. These messages however may carry deceptive information that may have an effect on the consumers, in varying degrees and the designer may not necessarily have any control or even know the various degrees of deception. An example of open lies that consumers are exposed to are the Guinness adverts that run especially during the European Champions Football League that implies that taking a

¹ Arens, W. F. 2004;63

Guinness beer makes you great, with the slogan being 'Reach for Greatness'. However isn't it ironic that one would have to take an alcoholic drink to become or feel great? Great in a drunken state I might add?

There is a new body of knowledge that indicates that deception in advertising does exist, and there is need to create awareness about its existence, so as to make consumers more aware about the need for them to receive all information necessary before they make the decision to buy a product or service.

However, the contention is less about the adverts consumers see and hear, and more about the messages received. Looking at the scenario in the Kenyan market and the world at large, there are so many adverts and brands marketed by advertisers that we as consumers are unable to remember. The 'clutter' of adverts is so much that we (consumers) are unable to determine which ones make it into our consciousness, and which ones end up in our brains industrial dump. To get around the problem of consumers not having a recall of all the adverts they see, designers and advertisers are obliterating the line between marketing communications by creating and delivering adverts that have '*stealth messages*² and as consumers we are often unaware of their persuasive intent.

In Kenya for example, one can talk of the tug-of-war, between the two largest mobile service providers in Kenya, Safaricom and Airtel (formally Zain) that started over two years ago. In their effort to win over as many subscribers as possible for

² Stealth messages – messages that are sly or have hidden meanings or information (en.wikipedia.org/wiki - 2010)

their internet services, both parties enticed people with having unlimited internet access for 7 days at the cost of 'Kshs 999 only'. However when one topped up with Kshs 1000 (being that one cannot get a scratch card of airtime value of Kshs 999), the companies would take up all the cash and one would not get back the extra shilling. One then can imagine all the money the companies made with an estimated population of say a million people using the internet services; that is about one million shillings 'acquired' free-of-charge! Nonetheless, as a side note they stated 'terms and conditions apply', of which I later discovered that amongst them was that the offer was for a limited time and not a permanent offer. This I discovered when I decided to try out the offer. When I purchased the scratch card and loaded the airtime value on my modem, I was unfortunately informed that the offer had ended, and that I should continue with the usual services, (in this case buying a bundle of 250MB for the Kshs 1000 - which was obviously not unlimited internet access). Was I then a victim of a deceptive practice in advertising, unknown to me, the consumer?

Businesses use advertising to inform consumers about the goods and services they are selling in the hope that their advertisements will convince people to buy their products. Manufacturers want to make what they are selling look as good as possible and thus spend lots of money on both branding and running expensive adverts. It could therefore be argued that most "reasonable consumers" know when a seller is exaggerating their content, though at times this exaggeration is done unknowingly by the advertiser. However, more often than not; it is done with the intent to entice the consumer, by misinforming them, making deception in advertising, a relevant marketing, moral and design issue. Moral and ethical dilemmas may occur because

Generally deception in advertising is seen as misleading consumers using implied false claims.⁴ It involves misleading claims that are explicitly stated and implied verbally or visually by omitting the truth.

An example would be an advert run in the Kenyan market⁵ by the soft drink company Coca Cola, marketing their product Novida. The slogan used for the Novida Drink Campaign was “*Get Lifted*” implying that if one consumed the drink, they would get lifted into mid-air. The television commercial went as far as portraying an image of a glass being filled with the Novida in an upside down position, defying the force of gravity. A similar advert by the same company, portrayed people taking Novida and getting lifted into the air. This advert may have misled people into believing that if they consumed the Novida Drink they would ‘get lifted’.

An example of the advert is illustrated on the right.



Figure 1.1: Novida Billboard Campaign on Mama Ngina, Kimathi Street Nairobi, (www.flickr.com – May 30th 2009)

⁴ Arens W. F. 2004:64

⁵ Run in the local Kenyan media between 2009 and 2010

Arens further defines deception in advertising as, "A false or misleading description of fact, which misrepresents the nature, characteristics, qualities, or geographic origin of the goods, services, or commercial activities"⁶.

During a conversation with a friend on the topic of advertising and the deception that occurs in it, she said that she had fallen victim to deceptive practices by giving the example of the personal care product, Dettol soap. She noted that the advert stated that 'Dettol kills 99.9% germs' and thus her query was, "Does that mean that neither I nor my family will ever get sick?". I then asked myself, could this Dettol soap advert be seen as a false claim which is in tandem with a deceptive advert? The advert may not have implied that the family will get sick, but majority of people associate dirt and germs with illness, and thus that kind of query would cross their minds!

Consumers make purchases of several products mainly because of the way they (products) are marketed to them (consumers). An example that formed the case study for this research is the fruit juices sold in the local market. Most of the fruit juices are marketed as being pure and natural with 'no added additives or sugars'. But is this really the case? This will be discussed further in this study.

1.2 PROBLEM STATEMENT

There is a new body of knowledge that indicates that deception in advertising does exist, and there is need to create awareness about its existence, so as to make consumers more aware about the need for them to receive all information necessary before they make the decision to buy a product or service. A case to consider would

⁶ Arens W. F. 2004:65

be the fruit juices in the local market that say that they are '100% pure and natural', but in essence they may not be and this was studied further in this research. There was also the need to determine whether the designer had a responsibility when it came to deception in advertising considering they played a role in the design and marketing of consumer goods and services.

1.3 PURPOSE OF THE STUDY

Advertising has a pronounced effect on society as well as the growth of a country's economy, as it relays communication about various products and services enabling continued business and sales for various stakeholders; as well as fostering a host of social attitudes and laws that have dramatically affected advertising itself. The purpose of this study was to study the possible deception in advertising and in turn create an awareness of the existence of deception in the information provided in these adverts. This was illustrated through a case study of fruit juices sold in the local Kenyan market.

1.4 OBJECTIVES

1. To study the advertising process and find out what constitutes an effective advert and thus determine at what point(s) deception may occur.
2. To establish the role of designers in the advertising process, and determine whether deception occurs with or without their knowledge, and thus identify if the designer has a responsibility when it comes to providing full information about a product to consumers when creating an advert.

3. To determine what influences a consumer's choice when purchasing a product.
4. To prove that deception does occur, by conducting a test on locally available juices to test the levels of Vitamin C and the presence of preservatives.

1.5 RESEARCH QUESTIONS

a. Designer / Marketer / Advertiser / Design Students

What makes up an effective advertisement i.e. what makes one advert stand out over another and what research is done before doing an advert? What is the role of the designer, marketer, and advertiser in the advertising process? Do you input false information when creating an advert? Are consumers aware about the deceptive information that exists in adverts? Should advertising become a social responsibility of the designer?

b. Consumers

Do you understand advertising and does it have any influence in your purchasing power? What for you stands out as an effective advert?

c. Retailers

Does advertising have an influence on sales in your shopping outlet? Is it right for the advertiser to disclose all information about a product to consumers?

1.6 SIGNIFICANCE OF THE STUDY

This study created an awareness of the use of deceptive information in advertisements and the subsequent effect of this deception, if any. This in turn would help consumers make informed decisions about their product purchases. The study would also make design policy makers aware of some of the aspects of design that should be addressed as relates to advertising and its regulations.

This project is an attempt to explore the effect of design on advertising and consumer behavior. It focuses on the design of advertisements and how they are perceived by consumers. The project is a study of the design of advertisements and how they are perceived by consumers. The project is a study of the design of advertisements and how they are perceived by consumers.

CONCLUSION

REFERENCES

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2.0 CHAPTER TWO: LITERATURE REVIEW

2.1 OVERVIEW

“But it promised to melt the fat away! It really did! The advert said so! And so did all the smiling people in the advert’s testimonials! So, why didn’t the fat blocker work?”⁷

That’s because the advert contains deceptive information. This quote is an example of deception in advertising; the consumer’s interest was to lose weight and since the advert proclaimed that the fat blocker would ‘melt the fat away’, the consumer purchased it but in turn got disappointed because it did not as proclaimed in the advert. There is a body of knowledge in Western Countries that explains that deception in advertising is widely used today to separate unsuspecting consumers from their hard-earned cash.

This chapter reviews advertising, its history, the advertising process and advertising techniques. It further explores the body of knowledge of how deception can be framed in an advert and gives examples of some deceptive practices. Being that this research revolves around the case study of fruit juices to prove deception in advertising does exist, literature on juices and definitions of terms is also covered.

2.2 HISTORY OF ADVERTISING

2.2.1. THE WESTERN WORLD

Advertising is the structured and composed non-personal communication of information, usually paid for and usually persuasive in nature, about products, goods, services and ideas by identified sponsors through various media. Thousands of years

⁷ An anonymous blogger on <http://www.baldingblog.com/2009>

ago, most human effort was devoted to meeting basic survival needs; food, clothing and shelter. People lived in small isolated communities where artisans and farmers bartered products and services among themselves. Distribution was limited to how far vendors could walk and therefore 'advertising' depended on how loud they could shout. Because goods weren't produced in large quantity, as the communities were closed and they knew each other, there was no need for advertising to stimulate mass purchases.

During the Industrial era, around the 19th Century, the market place grew larger and became more complex, the demand for products increased, and the need for advertising slowly developed, to enable consumers know of their (products) existence and where to get them. At first, merchants hung carved signs in front of their shops so passersby could see what products were being offered. Most people couldn't read so the signs often used symbols such as that of a boot in the case of a cobbler as illustrated.



Figure 2.1: A Cobbler's Boot at the Merchandiser's shop
(Contemporary Advertising 2004:35)

Several important developments enabled the eventual birth of modern advertising. First the Chinese invented paper and Europe had its first paper mill by 1275. Second in the 1440's, Johannes Gutenberg invented the printing press using movable type in Germany. Among his many contributions to printing were: the invention of a process for mass-producing movable type; the use of oil-based ink; and the use of a wooden printing press similar to the agricultural screw presses of the period. His truly epochal invention was the combination of these elements into a practical system which allowed the mass production of printed books and was economically viable for printers and readers alike⁸.



Figure 2.2: Gutenberg Printing Press invented in 1440s
 (<http://pressproject.mtsu.edu/journal/journal01/FranklinPressPhoto.jpg>)

⁸ McLuhan 1962; Eisenstein 1980; Febvre & Martin 1997; Man 2002

The press was not only the most important development in the history of advertising and communication but it also revolutionized the way people lived and worked. The introduction of printing allowed facts to be established, substantiated, recorded and transported and people no longer had to rely on their memories. Some entrepreneurs bought printing presses, mounted them in wagons and travelled from town to town selling printing services. This new technology made possible the first formats of advertising - posters, handbills and signs; and eventually the first mass medium — the newspaper. In effect, the 'shout' of the vendor could now be multiplied many times more and heard beyond the immediate neighborhood.

In 1472, the first advert in English appeared in form of a handbill tacked on church doors in London announcing a prayer book for sale and 200 years later the first newspaper advert was published, offering a reward for the return of 12 stolen horses. Soon newspapers carried adverts for coffee, chocolate, tea, real estate, medicines and even personal adverts.⁹ These early adverts were still directed to a very limited number of people, the customers of the coffee houses where most newspapers were read. It is clear that this was a sign of lifestyle change and increase in population, where there was a need to advertise and in turn a response to these adverts, inviting people to experience and purchase various products.

By early 1700s, the world's population had grown to about 600 million people, and some major cities were big enough to support larger volumes of advertising, and the greater volume caused a shift in advertising strategy. Samuel

⁹ Arens W. F. 2004:40

Johnson¹⁰ observed in 1758 that, “adverts were now so numerous that they were ‘negligently perused’ and that it had become necessary to gain attention by ‘magnificence of promise’”. This was the beginning of puffery¹¹ in advertising. Meanwhile in the American colonies, the Boston Newsletter began carrying adverts in 1704. About 25 years later, Benjamin Franklin,¹² made adverts more readable by using large headlines and considerable white space and in fact he was the first American known to use illustrations in adverts.

By the mid 1800’s the world’s population had doubled to 1.2 billion. Suddenly, producers needed mass consumption to match the high levels of manufactured goods and thus machinery began to replace animal power. By using machines to mass produce goods with uniform quality, large companies increased their productivity, as materials acquired from colonies were cheaper and more readily available. For the first time, it cost people less to buy a product than to make it themselves and as Arens stated, “People left the farm to work in the city, mass urban markets began to emerge and this further fuelled market development and growth of advertising”.

During this industrializing age, which lasted until the end of World War 1, manufacturers were principally concerned with production. The burden of marketing fell on the wholesalers, who knew the sources of supply, the providers of transportation, market requirements and how to arrange for product shipment to the appropriate location. At this time, one can see that advertising was primarily used as

¹⁰ A famous English literary figure in the mid and late eighteenth century who lived from 1709-1784

¹¹ Puffery refers to exaggerated, subjective claims that can’t be proven true or false, such as “the best” “premier”

¹² Commonly referred to as ‘the father of advertising’

an information vehicle, placing announcements in publications called *price currents* to let retailer customers know about the sources of supply and shipping schedules for commodities. Generally advertising to consumers was the job of the local retailer. Nevertheless only a few innovative manufacturers foresaw the usefulness of mass media advertising to stimulate consumer demands for their products beyond their immediate market areas.

Technological advances continued to enable great changes in advertising. For example photography, introduced in 1839, added credibility and a new world of creativity, as now adverts could show products, people and places as they really were, rather than how an illustrator visualized them. In the 1840's some manufacturers began using magazine adverts to reach the mass market and stimulate mass consumption. Magazines then became an ideal medium because they provided national advertising and offered the best quality of reproduction.

The inventions of the telegraph, telephone, typewriter and later motion pictures, all let people communicate and opened up a whole new world never known before. Manufacturers now had an ever-increasing variety of products to sell and a new way to deliver their adverts and products to the public which led to wholesalers controlling the marketing process as they distributed the manufacturers unbranded commodity products. During the 19th Century markets became saturated because the wholesalers started playing one manufacturer off against the other and this hurt manufacturers' profits dramatically and this could have been the beginning of marketing as we now know it. The manufacturers started looking for ways to wrestle back control by changing their focus from a production orientation to a sales

orientation. The manufacturers dedicated themselves to new product development, strengthened their own sales forces, packaged and branded their products and engaged in heavy national brand advertising.

Radio was born at about the same time and rapidly became the primary means of mass communication and a powerful new advertising medium with great immediacy and suddenly, national advertisers could quickly reach audiences. During this period, each brand sought to sell the public on its own special qualities and *product differentiation*¹³ that time occurred with the introduction of television in 1941. After World War 2, television advertising grew rapidly and in time achieved its current status as the largest advertising medium in terms of advertising revenues, all over the world.

During the postwar prosperity in the 1940s and 1950's a creative revolution ensued in which adverts focused on product features that implied social acceptance, style, luxury and success. Giants in the field emerged - people such as Leo Burnett¹⁴, David Ogilvy¹⁵ and Bill Bernbach - who built their agencies from scratch and forever changed the way advertising was planned and created.

Rosser Reeves of the Red Bates Agency introduced the idea that 'every advert must point out the product's USP (unique selling proposition) - features that differentiate it from competitive products'. However the USP was used over and over until consumers started finding it difficult to see what was unique anymore. Finally, as

¹³ Product differentiation — seeks to portray brands as different from and better than the competition by offering consumers quality, variety and convenience.

¹⁴ Leo Burnett (1891-1971) A famed American born advertising executive whose advertising agency became the 10th largest in the world with branches all over including Kenya – Wikipedia 2008

¹⁵ 15 David Ogilvy (1911 — 1999) A British born advertising executive labeled as 'the most sought after wizard in today's advertising industry'

more and more imitative products showed up in the marketplace all offering quality, variety and convenience, the effectiveness of this strategy wore out. Companies turned to a new mantra - *Market Segmentation*¹⁶ towards the late 1950's.

In 1960s advertising's emphasis shifted from product features to brand image or personality as advertisers sought to align their brands with particularly profitable market segments or niche. With increased competition however in market segmentation, a new kind of advertising strategy evolved in the 1970's where competitors' strengths became just as important as the advertisers. Jack Trout and Al Ries trumpeted the arrival of the positioning era. They acknowledged the importance of product features and image, but they insisted that what really mattered was how the brand ranked against the competition in the consumer's mind - how it was positioned. *Positioning strategy* proved to be an effective way to separate a particular brand from its competitors by associating that brand with a particular set of customer needs that ranked high on the consumer's priority list.

The most important factor was competition, intensified by lower trade barriers and growing international trade. As high profits lured imitators into the market place, each offering the most attractive product features at lower cost, consumers became the beneficiaries of more choices, higher quality and lower prices. This goes to show that around this era, advertisers felt the need to do just about anything to win over consumers, including adding deceptive information in their adverts.

¹⁶ The process of defining and subdividing a large homogenous market into clearly identifiable segments having similar needs, wants, or demand characteristics. (<http://www.businessdictionary.com/definition/market-segmentation.html>)

The priests of positioning Al Ries and Jack Trout foresaw this competitive struggle in the mid 1980s. In their book *Marketing Warfare*, they portray marketing as a war that businesses must be prepared to wage. On the demand side, newly affluent consumers concerned themselves more with the quality of their lives. With their basic commodity needs already met, they were now interested in saving time and money and social causes that represented the kind of people they aspired to be. An avalanche of adverts - especially in toiletry and cosmetic industries - was aimed at the “me”¹⁷ generation. This generation was into self-fulfillment, fun and lifestyle products.



Figure 2.3: Examples of adverts aimed at the ‘me’ generation

(www.emmapeelpants.wordpress.com) (www.revrock.blogspot.com)

The explosion of new technologies in the last decade of the 20th Century has affected advertising considerably. With cable television and satellite receivers, viewers can watch channels devoted to single types of programming. This shift has

¹⁷ A generation born during the 1946 to 1964 Baby boom era in America; Jogging and other health and diet trends went mainstream with them as well as discos and nightclubbing during the 1970s

transformed television from the most widespread of mass media to a more specialized medium. Now small companies and product marketers that appear to a limited clientele can use television to reach audiences with select intense.



Figure 2.4: Example of a Satellite Dish used for cable television

(http://www.allconnect.com/blog/wp-content/uploads/2011/09/CableTelevision_2.jpg)

Computer technology in the 21st Century has had a huge impact as well. The first electronic al computers were developed between 1940 and 1945 in the United Kingdom and United States.¹⁸ Originally they were the size of a large room, consuming as much power as several hundred modern personal computers. Modern computers are millions to billions of times more capable than early machines and occupy a fraction of the space. Personal computers, the internet, e-mail, electronic bulletin boards and eco-marketing gives advertisers new media for reaching potential customers. An example of one such local Kenyan market is illustrated below.

¹⁸ Ifrah, Georges 2001:11

The image shows a dark-themed website for 'zuku'. At the top left is the 'zuku' logo. Below it, three main service categories are highlighted with prices in white text on dark backgrounds:

- BROADBAND**: 1,499/- with a button labeled 'BROADBAND DEALS'.
- CABLE TV**: 999/- with a button labeled 'CABLE TV DEALS'.
- BUNDLES**: 2,499/- with a button labeled 'BUNDLE DEALS'.

Below these, a section for 'Zuku FIBRE - now in Kileleshwa, Kilimani and Lavington' features a 'TRIPLE PLAY FIBRE DEALS' button. At the bottom, there is a 'FIBRE COVERAGE MAP' and a promotional banner for 'THE BOURNE IDENTITY' movie.

Figure 2.5: Examples of advert done using computer technology
 (<http://skylinedesign.co.ke/wp-content/uploads/2011/04/14-zuku.jpg>)

However one can ask is this technology falling into the wrong hands? Are deceptive practices in advertising as a result of advancement in technology?

Below is a summary of the history of advertising, from past to present:

YEAR	DEVELOPMENT IN ADVERTISING
1400's	<ul style="list-style-type: none"> • Carved signs hung in front of shops • Use of trader's individual marks — trademarks/logos • Traders painted commercial messages on prominent rocks along streets • Invention of Printing Press — that led to first format of advertising (posters, handbills, road signs)

1700's — 1800's	<ul style="list-style-type: none"> • Adverts made more readable by use of large headlines and considerable white space. • Use of illustrations alongside text— mainly to accommodate both the literate and illiterate. • Machinery replaces animal power and thus mass production with uniform quality and thus increased company productivity. • Photography introduced and adds credibility and opens up a new world of creativity.
1900's	<ul style="list-style-type: none"> • Introduction of telegraph, telephone, typewriter and motion pictures and by now literacy levels had increased. • Radio was born in 1920's — a means of mass communication and powerful advertising medium with great immediacy. • 1941 — Introduction of television. The second largest advertising medium after newspapers.
21 st Century	<ul style="list-style-type: none"> • Cable television and satellite – different programming • Computer Technology – internet, email and electronic bulletin boards give advertisers new media for reaching potential customers • Cellular Phones – integrate many functions into one device keeping us in touch with one another

Table 2.1: Summary of the History of Advertising (Western World)

2.2.2 HISTORY OF ADVERTISING IN KENYA

The media in Kenya is a diverse and vibrant growing industry. It includes four major daily newspapers, more than 20 FM radio stations and four main broadcasting stations with the Kenya Broadcasting Corporation (KBC) – being the only nationwide broadcaster.

The political transition from British colony to an independent country was mirrored by changes in the mass media in Kenya. In 1963 when Kenya became independent the vast majority of broadcasts on government-owned radio and television stations were imported British and American programmes, but this was set to change. Kenyan culture was promoted via the mass media under the presidency of Jomo Kenyatta as more programmes were broadcast in Swahili and there was a focus on African music and dance. Likewise, newspapers covered more African traditions and culture.

The press later suffered under Kenyatta's successor Daniel Arap Moi and his one-party state, which was written into the constitution in 1982. A clampdown on journalists led to arrests and imprisonment as state officials were worried about the media challenging the government. The scene changed and the press expanded markedly with the birth of multi-party politics in 1992, which was a response to pressure from Kenyan activists and the international community. The daily newspaper market increased to four when the People Daily was set up and the alternative press -commonly called the *gutter press*¹⁹ - also emerged. Harsh criticism of

¹⁹ Press that engages in sensational journalism - especially concerning the private lives of public figures (www.wordnetweb.princeton.edu/perl/webwn)

the state by the press went hand-in-hand with the emergence of opposition politics and this environment was a far cry from the conformist media of the earlier era. Yet journalists were still intimidated, threatened and imprisoned by the government and in May 2002 a new unpopular media bill was passed. It required publishers to purchase a bond for 1million Kenyan shillings before publishing. The move scared off a number of small time publishers, especially in the magazine sector, as they could not afford the bond.

2.2.2.1 Print Media (Newspapers and Magazines)

There four major daily newspapers published in Kenya in the past years include:

1. The Daily Nation - established in 1960 and published by the Nation Media Group (NMG). The NMG also owns Nation TV and Easy FM radio and The East African - a regional weekly paper with its core market in Kenya, Uganda and Tanzania. NMG is the largest media house in Eastern and Central Africa.
2. The Standard (formerly the East African Standard) - established in 1902. It is owned by the Standard Group.
3. People Daily - established in 1992. It is owned by the opposition politician Kenneth Matiba.
4. Kenya Times - established in 1983 by the KANU party - the party of former Kenyan President Daniel Arap Moi.

However other newspapers have been introduced into the market in recent years for example The Star (owned by Radio Africa Group – who own a number of

radio stations); The Business Daily (owned by NMG) and The County Weekly (owned by The Standard Group). These media houses make most of their revenue through advertising.

Kenya has a number of magazines most of which are published monthly and a few are bi-monthly. The magazines cover a range of topics such as business, lifestyle, politics, entertainment, media and other societal issues.

2.2.2.2 Electronic Media (Television and Radio)

Television broadcasting in Kenya started in 1961 with the government-owned Kenyan Broadcasting Corporation (KBC); the only service with nationwide coverage. It used to be paid for by taxpayers, but over the years started generating its own revenue through advertising. The KBC was formed in 1961 and in 1964 was nationalized under an Act of Parliament to become the Voice of Kenya (VOK). In 1989 its name was changed back to the KBC after another Act of Parliament.

Other leading broadcasting stations that have been formed over the years include:

1. Kenya Television Network (KTN) became the first private TV station in Kenya when it was allowed to broadcast in Nairobi in 1989. It is owned by the group which runs The Standard newspaper - a group of businessmen associated with the former Kenyan President Daniel Arap Moi.
2. Nation TV is owned by Nation Media Group (NMG) -the same owners of the Daily Nation and The East African newspapers- and began broadcasting in 1999.

3. Citizen TV - owned by business magnate Samuel Macharia - a pro-government figure.

Radio is the most influential form of media in Kenya as radios can be found in very remote areas, unlike televisions which are concentrated in urban areas and watched by the wealthy who also own satellite dishes. There are more than 20 FM radio stations in the country. As the radio market is now saturated, radio stations are no longer attractive as an investment. Stations operate mainly in Nairobi and its surrounding areas. The broadcasts of most commercial radio stations are made up of light entertainment, including talk shows, phone-ins and music.

Looking at this it is clear that Kenyans are exposed to various advertisements because of the availability of various advertising channels and media. Other forms of media include outdoor advertising like billboards, vehicle branding, and supermarket displays via LCD screens as well as internet and TV cable services via the DSTV cable service.

2.3 THE ADVERTISING PROCESS

Barbara Stern at Rutgers University sees advertising as a form of structured, literacy text. The Stern model recognizes that in advertising, the source, the message and the receiver all have multiple dimensions.

“To begin with, the sponsor does not usually produce the message. That is the typical role of the sponsors’ advert agency. Commissioned by the sponsor to create the advertising message, these people exist in the real world but are completely invisible to the reader/viewer, even though they play a key role in composing the text and tenor of the message”.

Barbara's statement implies that the sponsor - the owner/manufacturer of the product being advertised - plays no significant role in coming up with the messages to be incorporated in the advert, but will have the last say on what goes out — depending on whether the advert is convincing enough. The sponsor's role is also to provide the necessary resources required to produce the advert. It then can be argued that the messages can get deceptive at the hands of the advertiser/designer but probably due to lack of 'enough' knowledge about the product.

According to Arens, when one considers the emotions, attitudes and motives that drive particular customers in their target audiences, the creative team develops the persona and message, along with any images and text that will act as communication symbols. They then place these words and visuals in the structured format most suitable to the medium selected for delivering the message. Receivers of advertising are also multi-dimensional. First, within-the-text, every advert presumes some audience is there. These implied consumers/audiences who are addressed by the adverts' persona are not real. They are imagined by the adverts creators to be ideal consumers who go along with whatever beliefs the text requires.

When we move outside-the-text of the advert, though, the first audience is, in fact a group of decision makers at the sponsor's company. These sponsorial consumers are the gatekeepers who decide if the advert will run or not. So before an advert ever gets a chance to persuade a real consumer, the adverts authors must first persuade the sponsor's executives and managers who have the responsibility for approving the campaign and funding.

The actual consumers are people in the real world who comprise the advert's target audience. They are the people to whom the sponsor's message is ultimately directed. Actual consumers do not usually think or behave the same as the implied consumer or even the sponsorial consumer. Thus, the advertiser must be concerned about how the actual consumer will decode the message.

2.3.1 The Advertising and the Design Process²⁰

In light of the advertising design process the four elements used include:

1. **The target audience:** These are the specific people the advert will address. Advertisers need to know who the end user is, who makes the purchases and who influences the purchasing decision. But the question would be just how much research is done or is required to get 'accurate' knowledge of the end user?
2. **The product concept:** These are the 'bundle of values' the advertiser presents to the consumer. These include the product qualities and cost of the product among others. But just who provides 'the bundle of values' and is this information provided what the designer/advertiser relies on to create an advert? My case study on juices (to be covered later in this study) describes this partly in terms of product quality.
3. **The communication media:** These are the vehicles that might transmit the advertiser's message. They include the traditional media such as radio, television, newspaper, magazines, billboards, point-of-sale plus the internet

²⁰ Arens, Schaefer, Weigold; 2011;102

and in an integrated communications programme, direct marketing public relations, special events, sales promotion and personal selling. The question however is, to what extents are they (media) 'doctored' and at what stage?

4. **The advertising message:** This entails what the company plans to say in its adverts and how it plans to say it, both verbally and nonverbally. This is a combination of copy, art and production elements. So just who is responsible for this? The copywriter, the marketer, the sponsor or the advertiser/designer?

The advertising agency and the client must understand and agree to these four elements before any creative work is started. In most agencies, the account management group is responsible for developing the advertising strategy. They then prepare a creative brief to communicate the strategy to the creative team — the designers. The creative brief serves as the creative team's guide for writing and producing the advert. The creative brief identifies the benefits to be presented to consumers, but it does not cover execution. How the benefits will be presented is the creative team's job and this is where the designer comes in. A designer's job is to be creative, as creativity enhances advertising by powerful use of imagery, copy and even humour where necessary.

To be persuasive, an advert's verbal message must be reinforced by the creative use of nonverbal message elements (which is said to be 70% of the communication we receive). Designers govern the use of these elements (colour, layout, and illustrations) to increase vividness. With the advent of technology, the computer and

software available, this comes rather easy to achieve. Artwork can also stimulate emotions. Colour for example, can often motivate consumers, depending on their cultural background and personal experiences.

Arens states that advertising's responsibility to inform is greatly enhanced by the creativity of a designer. Good creative work makes advertising more vivid and he believes vividness attracts attention, maintains interest and stimulates consumers' thinking. Based on this statement, it is clear that Arens advocates for a designer doing whatever it takes to attract the consumer to the advertised product- including using deceptive information. Nevertheless, creativity in advertising is not all bad. In some instances creativity helps advertising remind a consumer about the existence of a product or service.

"Imagine using the same invitation without any innovation, to ask people to try your product again and again year after year? Your invitation would become stale very quickly — worse it would become tiresome. Only creativity can transform your boring reminders into interesting, entertaining advertisements."²¹

A classic example is the soft drink - Coke. Over the years, Coca-Cola Company has run adverts one after the other, with a new theme each time, not because the market is not aware of its existence but because they want to remind the market that they are still around.

2.3.2 Advertising and the Marketing Process

Advertising helps the organization achieve its marketing goals whereas marketing helps push the sponsors/manufacturers product to the

²¹ Arens W. F. 2004:70

targeted consumers. Therefore companies and organizations use many different types of advertising, depending on their particular marketing strategy. The marketing strategy will determine who the target of advertising should be, where the advertising should appear, what media should be used, and what purposes the advertising should accomplish.

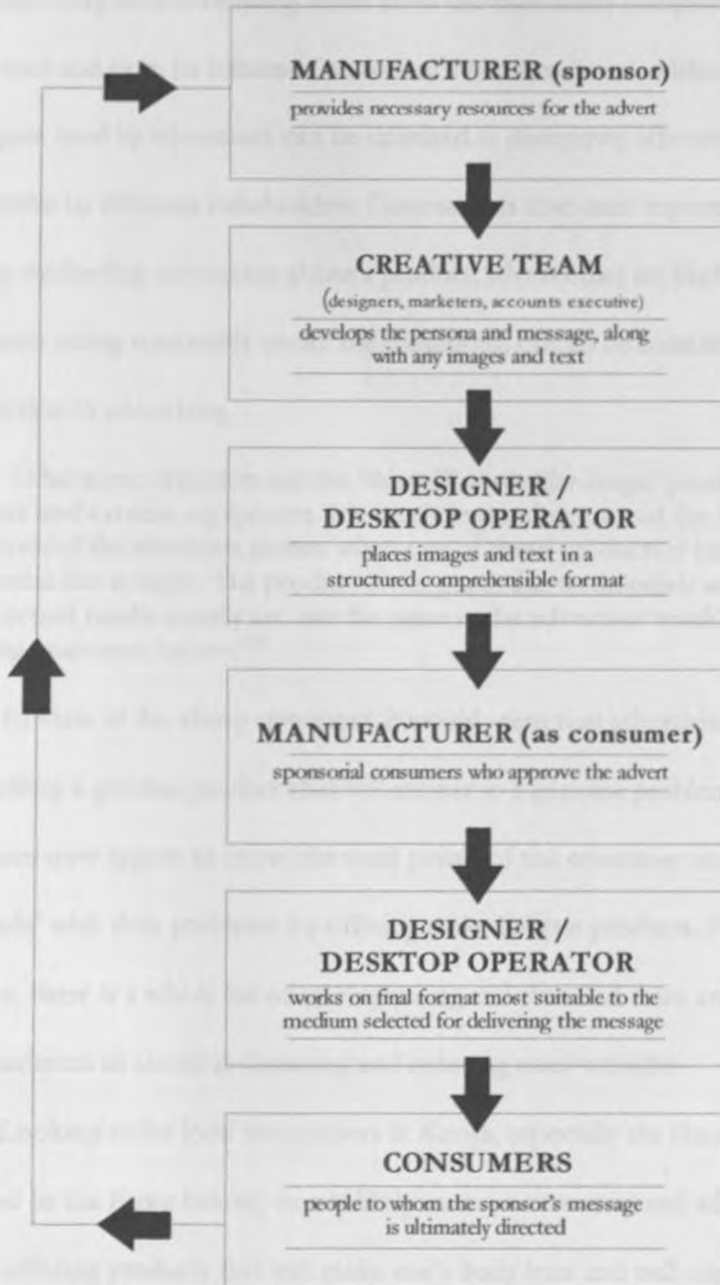
a. Identifying Target Markets & Audiences:

Marketing and advertising are the same in that a firm's marketing activities are always aimed at a particular segment of the population — its target market. When we see an advert that doesn't appeal to us (consumers), it may be because the advert is not aimed at any of the groups to which we belong. Advertising professionals must understand how people act and think — and why they buy what they buy. This requires understanding of consumer behavior. The better the advertiser understands the buying behavior of people, the better it (advertiser) can bring products into the collective consciousness of prospective customers.

b. Implementing Marketing Strategy:

Once the organization determines the target market for its products, it designs a strategy to serve that market profitably. The marketing mix includes those elements over which the marketer has control; product, price, distribution and communication.

The flowchart below gives a summary of how a product is advertised from the clients brief down to the consumer who purchases it.



Flowchart 1: Flowchart illustrating the advertising process

2.4 DECEPTION IN ADVERTISING

As seen from the history of advertising and its impact on lifestyle, much of the controversy over advertising stems from the ways many companies use it as a selling tool and from its influence on society's tastes, values and lifestyles. Specific techniques used by advertisers can be criticized as deceptive, offensive and exploitative by different stakeholders. Commercials that omit important information, or make misleading statements about a product; adverts that are likely to mislead consumers acting reasonably under the conditions, can all be considered to be a form of deception in advertising.

"The worst offenders are the 'this-will-work-like-magic' products; weight-loss diet plans and exercise equipment. It's nearly impossible to read the tiny fine-print at the bottom of the television screen when one of these products is being aired on a commercial late at night. The product looks good, the testimonials sound credible, but the actual results usually are not the same as the advertiser would have an unwitting consumer believe"²²

In view of the above statement, it would seem that advertising is no longer about selling a genuine product that will answer to a genuine problem. Instead advertisers now appear to know the weak points of the consumer and are willing to 'play cards' with their problems by offering make-believe products. For example here in Kenya, there is a whole fad of staying young and slim and there are many products being marketed all aimed at slimming and reducing ones wrinkles.

Looking at the local newspapers in Kenya, especially the classifieds section (as illustrated in the figure below), one is likely to come across several advertisements that are offering products that will make one's body lean and well-toned omitting the

²² Commentary on the website - Consumervoiceusa.com

fact that one may have to use several bottles of the product or that perhaps not all body types will respond well to the said product, and these purchases are all aimed at enriching the manufacturer.

A181 Beauty

NEW PRODUCTS
0728-111112 / 0728-477771

- Tummy Flat & Shape 800/=
- Almed Slimme 1,000/=
- Weight Gain 800/=
- Hair Growth 900/=
- Pmnt Strength 1,300/=
- Instant Power 200/=
- African Viagra 1,300/=
- H-booster 1,600/=
- Fibroids 2,500/=
- Men care 500/=

FREE DELIVERY COUNTRYWIDE

ALMED HEALTH PRODUCTS
0728 - 111112 / 0728 - 477771
Nakuru: 0711 555777

New Arrivals

Figure 2.6: Classifieds Section's advert in local newspaper

(The Daily Nation, Tue, 11th January 2011)

“Some people would say the advertising industry as a whole is without ethics, but this isn't true. Good advertising people know that truth in advertising is just as successful in getting people to purchase goods, as is its deceptive counterpart. It is the industries, like those producing the “cure-all” products and the “weight-loss” products that cause the trouble; because it is their greed, and not their ethics that fuels their fires, making deception an integral part of their game plan”²³

²³ Ellen.K .2008 — a subscriber on the website www.consumervoicusa.com

I appreciate what Ellen has to say about ethical advertising; nevertheless, although ethics should always be the number one factor in human interactions, for advertisers when it comes to money, other things come into play. Most advertising campaigns play fair, stick to the rules, and simply try to outgun the competition. Some choose to take the low-road though, and slip in half truths and outright lies.

This is not a new phenomenon; businessmen have been around since the beginning of trade, always looking for an edge. However, like everything else, there seems to be more deception these days than in the past, maybe it is because adverts are more available, and therefore appear to be worse. Whatever the reasons, anytime a 'lie' is told, there are wheels set in motion that tend to crush consumer confidence. For example as aforementioned where a consumer tried a fat blocker that did not work, it only deepened her frustrations of being 'fat'. Deception can occur as a result of how consumers perceive the advert and its impact on their beliefs; however the difficulty of determining just what constitutes deception is complex. The concern in this study is the extent to which advertisers/manufacturers are deliberately untruthful or deceptive and the consequences of this deception; and just how much this can be attributed to designers and their naivety as well as their training when it comes to advertising.

A classic example of deception in advertising is the bold-print/fine-print play as in the case of the Safaricom advert illustrated in the figure below. The bold print in the advert shows that one gets free airtime when one redeems their 'bonga points' and goes further to explain how many of these points are redeemed for each specific airtime value. The fine print however states that 'terms and conditions apply', and the

terms are that one has to purchase airtime and spend at least Kshs 10 of this airtime to get 1 (one) 'bonga point'.



The advertisement features a smiling woman on the left talking on a mobile phone. The central text reads: "Redeem your Bonga Points for FREE AIRTIME" and "DIAL *126*2#". A table in the bottom right corner shows the redemption rates for points. The Safaricom logo is in the bottom right corner of the ad.

POINTS	AIRTIME VALUE
100 POINTS	= 20/=
500 POINTS	= 100/=
1,000 POINTS	= 200/=

Figure 2.7: Safaricom Bonga Points Newspaper Advert

(The Daily Nation, 15th December 2010)

UNIVERSITY OF NAIROBI
ADD - LIBRARY

According to Arens, advertising is generally considered to contain some deception if:

1. It is a representation, omission, or practice that is likely to cause a substantial segment of potential customers to have a false belief about the advertiser's or a competitor's product.
2. The deception is material—it is likely to influence the purchasing decision. Consumers are likely to have chosen differently if there had not been the deception.
3. Someone has been or is likely to be injured as a result of the deception. The party harmed is usually a business that has lost sales to the advertiser or by a lessening of the goodwill associated with its products.

Lindstrom, in his book *Buyology*, talks about Neuro-marketing and how advertisers are able to use this to influence the purchasing power of consumers. In an effort to prove just how easily influenced people are if one is able to get into the mind of the consumer, he conducted a research on smokers to establish whether the graphic warning displays on the packs had any effect on their tobacco use - in this case to deter them from further consumption. The idea was to reveal how the brain works and in turn prove the hidden truths behind how branding and marketing messages work on the human brain, how our true selves react to stimuli at a level far deeper than conscious thought and how our unconscious minds control our behavior.²⁴ By the use of fMRI²⁵ and SST²⁶ the human brain's reaction was studied

²⁴ Research conducted in London, England in 2006 at the Centre of Neuroimaging Sciences

²⁵ fMRI - functional Magnetic Resonance Imaging

²⁶ SST - Steady State Topography

when subjects were shown various visuals, which included decayed/rotting lungs and large warning signs on the harmful effects of smoking.

Studies from the research revealed that actually the visuals on the pack stimulated ‘the craving spot’ of the subjects’ brain - meaning the visuals actually subconsciously encouraged further smoking — so that the ban on cigarettes did not actually work. In fact the study subjects left the laboratory and went straight to smoke a cigarette, including those who had not touched one in months.

Another similar test was conducted by Dr. Read Montague²⁷ dubbed the Pepsi/Coke Test, subjects were made to taste two fizz drinks and decide which they preferred. The cups in which the fizz drinks were contained were not labeled and the subjects were not informed of the brands they had tasted until afterwards. When the drinks were tasted, the subjects initially liked the Pepsi, but when the brands were revealed to them, the subjects preferred the Coke drink. The explanation given for this was that emotions tied to the brand Coke were as a result of how the subjects’ brains encode things of value. Simply a brand that engages us emotionally will win every single time.

“Most of the brain is dominated by automatic processes, rather than deliberate thinking. A lot of what happens in the brain is emotional not cognitive”. George Loewenstein²⁸

This would explain why we as consumers make most purchasing decisions, not out of thought but more out of the relationship one has with the brand. Neuro-marketing is not about implementing ideas in people’s brains or forcing them to buy what they don’t want to buy; it’s about uncovering what’s already inside our heads —

²⁷ Director of Human Neuro-imaging at Baylor College of Medicine in Houston

²⁸ A behavioral economist from Carnegie Mellon University states

our buyology²⁹. In short, traditional research methods like market research and focus groups are no longer up to the tasks of finding out what consumers really think. Loewenstein says in his research that this is because our irrational minds (flooded with cultural biases rooted in our tradition, upbringing and a whole lot of other subconscious factors), assert a powerful but hidden influence over the choices we make.

“Because adverts are about trying to get people to trust in the product being shown, the words used to describe it are often selective and imply more than they actually state as fact. Thus, anti-ageing creams ‘appear’ to reduce the signs of ageing they do not actually get rid of wrinkles. Images are often used to ‘prove’ how effective the product is when in reality the images are manipulated to show a person before and after they have used the product. There might be a model on screen with dull, lifeless hair, but as soon as she uses the latest shampoo her hair is shiny and manageable, or so the images would suggest³⁰”.

Advertising is all about getting into people’s heads to make them think that they need a specific item and that the item on show is the best on offer. This goes in line with marketing. This sometimes leads advertisers to exaggerate the benefits of using that product, although they do so in such a subtle way that unless people are really paying attention they can easily be drawn into believing what is being said. Looking at the scenario in the Kenyan market, there are numerous brands being introduced on a daily basis all promising to make one look more youthful, lighter skinned or prevent one from aging, which is highly unlikely because it is human nature to age.

²⁹ Subconscious thoughts, feelings and desires that drive the purchasing decisions we as consumers make every day of our lives.

³⁰ Arens W. F. 2004:73

An example of such a product is the cream - Clear Tone Skin Lightening Cream sold in supermarkets in Kenya. It is a banned product by Kenya Bureau of Standards (KEBS) because it contains hydroquinone, a bleaching agent. Surprisingly though it is still found in shops and supermarket shelves.



Figure 2.8: One of the beauty products in the Kenyan market

(Photo courtesy of author, 16th June 2011)

“A real estate agent may want to sell your home; she sizes up its charms, snaps some pictures, sets the price, writes up a seductive advert, shows the house aggressively, negotiates the offers and sees the deal through its end — and she gets a nice cut, a percentage from the sales made. The agent knew how to ‘maximize’ the house’s value. The estate agent has no background in design but still draws up an advert that is good enough to find her clientele, and this is purely due to the fact that she has exposure to computer and the graphic software needed to create an advert”.³¹

³¹ Levitt S. D. (2006) is an economist who teaches at the University of Chicago and is the coauthor of the book *Freakonomics*, alongside Stephen L. Dubner.

From the above example, the question is, do designers have control over moral and ethical advertising - with all the software on computers available to non designers? Technology has also been the downfall for many a designer. Many people who are computer literate and are able to access the graphic software needed to create adverts are now terming themselves as designers, without the necessary training needed to do a 'good' design.

“An expert in a field is far better than the layman on whose behalf they are acting. As the world has grown more specialized, countless experts have made themselves indispensable. But experts are human, and humans respond to incentives. How any given expert treats you therefore, will depend on how that expert's incentives are set up” – Lindstrom

Looking at the marketing and advertising strategy, Lindstrom highlights how this strategy is vulnerable to deception in that advertisers will go to great extents to have their products purchased by consumers, even if it means 'lying' a bit. Levitt adds that information is a beacon, a cudgel, an olive branch — all depending on who wields it and how. Information is so powerful that the assumption of information, even if the information does not actually exist, can have a sobering effect. Sins of information - most of them involve an expert, or a gang of experts, promoting false information or hiding some information; in each case the experts were trying to keep the information asymmetry as asymmetrical as possible. One characteristic of information crimes is that very few of them are detected. Experts depend on the fact that you do not have the information they do. Or that you are so in awe of their expertise that you would not dare challenge them. Armed with information, experts can exert a gigantic, if unspoken leverage; fear. The gulf between the information we publicly proclaim and the information we know to be true is often vast.

Marketing and advertising strategy are professional in the use, transformation and manipulation of information; hence deception can occur without it being very obvious to the target. In every advert passing across a message is always the key thing. And because the sweeter the message the more likely the audience is to respond, the advertiser is tempted to add information that may not be true but is likely to catch the attention of the consumer.

The human brain is capable of recalling images before the images register in our consciousness - they appeal to our dreams, fears, wants and desires, and subliminal advertising is all about recall. When you are aware of the brand, you immediately raise your guard and become conscious, but when not aware, your brain is no longer on high alert and it responds subconsciously and enthusiastically. This is how logo free advertising works. For example a brain scanning company called Neuroco carried out a study for 20th Century Fox Cinemas that measured subjects' electrical brain activity and eye movement in response to commercials placed inside a video game. During a virtual stroll through Paris, volunteers viewed adverts on billboards, bus stop shelters and the sides of buses to see which best got their attention. The results according to the experiment were that none of the adverts caught their attention. The researcher found that all the visual saturation resulted only in glazed eyes, not higher sales. So even though subliminal advertising works, visual overload or pollution does not improve sales. Today we are more visually over-stimulated than ever before, as a result the more visual stimulation we are exposed to the harder it is to capture our attention.

Since research shows that all the visual saturation is ineffective, further breakthroughs indicate that visual images are far more effective and more memorable when they are coupled with another sense - like sound or smell or taste - *sensory branding*³². From tests conducted, when a pleasant fragrance or taste matches up with an equally appealing and congruous visual image, we not only perceive it as more pleasant, we are also more likely to remember. Could this be the tool that advertisers and designers use to attract consumers to their products? When we look at the product packages at shops doesn't the more appealing package catch your eye and make you want to try the product? As earlier discussed in the advertising and design process, the 'bundle of values' the advertiser presents to the consumer greatly influences their (consumers) purchasing decisions.

"Of all our other senses, you think before you respond, but with scent, your brain responds before you think". For example, modern supermarkets now place bakeries close to the entrance. The purpose is to evoke powerful feelings of comfort and domesticity as well as getting you hungry enough to make a purchase.³³

Lindstrom further gives an example of how he traveled to Saudi Arabia on an assignment to brand eggs. The hosts needed advice on how to create eggs that would most appeal to the visual senses. It seemed consumers perceived brown eggs as more organic, more natural. They also needed the inside to be the perfect yellow. For ethical reasons, Lindstrom couldn't support the idea of adding artificial colouring to the grain. Nevertheless he used a vitamin mixture to produce yolks of various yellow shades. Colours can be very powerful in connecting us emotionally to a brand, case in

³² Sensory branding - Branding that puts into consideration all the human senses

³³ Pam Scholder Ellen, Georgia State University Professor

point, yellow yolks of eggs. The more the yolk is yellow the more it appeals to consumers. Lindstrom noted that majority of the farmers added colour to the food grain of the chicken so that they could lay eggs that had yellow yolks! The notion is that the more yellow the egg is the more nutritious it is, however it is wise to note that mass produced eggs have less nutritional value.

Looking at the above discovery it goes to show just how much manufacturers are willing to go to sell their wares. This begs the question; has mass production reduced the quality of food and 'make-up' is now required to make food or any other product appealing to the consumer? The unfortunate thing is that they give a brief to designers and advertisers to market their products as being of high quality, probably without giving full information of the products manufacturing process and/or contents.

The meeting between Science and Marketing makes us have a better understanding of what is behind the advertising assault — Deceptive Advertising — that plays on our hidden preferences, unconscious desires and irrational dreams, and that exerts such an outsized influence on our behavior, each and every day. Fact is that most marketing, advertising and branding strategies are a guessing game — and those adverts that happen to meet success are considered pure genius.

Most of our consumer behavior is unconscious and therefore most of our buying decisions aren't remotely conscious. Our subconscious brain makes the decision and most of the time we aren't aware of it. When things are branded, our brains perceive them as more special and valuable than they actually are. Lindstrom gives a story of a piece of rock - a part of Berlin Wall - that was smuggled out of the

country after the wall's destruction in 1989. It was presented as a gift to a prominent person at his birthday party. The receiver of the gift was told that it was an authentic moon rock, a chunk of the roughly six ounces of Lunar detritus that Neil Armstrong and his fellow astronauts brought back home with them during 1969 Apollo II mission. He received the gift with so much pride not knowing that he had been deceived, all because of how it was 'branded and marketed'.

5. Final Thoughts

2.4.1 Deceptive Practices in Advertising

In advertising, incentives in adverts are used so often to attract consumers. An incentive is a bullet, a lever, a key - an often tiny object with astonishing power to change a situation. An incentive has simply been defined as a means of urging people to do more of a good thing and less of a bad thing. However, every incentive has its dark side. Whatever the incentive, whatever the situation, dishonest people will try to gain an advantage by whatever means necessary. It is believed that a thing worth having is a thing worth cheating for. Cheating may or may not be human nature, but it is certainly a prominent feature in just about every human endeavor. Cheating is a primordial economic act; getting more for less. An incentive will make you buy what you had intended to. For example when you are convinced to buy two products of the same brand and get one product of a similar brand free; you are tempted because you feel you are gaining something more.

Conclusion

Figure 2.7: L'Oréal Advertising the Volume and

Weight of each styling cream

www.oreol.com/usa/pressroom, July 2010

Below are some examples of acts that constitute unfair or deceptive practices in advertising as explained by Arens' definitions;

1. False Promises
2. Incomplete Information
3. False and Misleading Comparisons
4. Visual Distortions
5. False Testimonials
6. Partial Disclosure
7. Small-print Qualification

1. **False Promises:** This is whereby a product being offered promises to deliver when in essence it is unable to. An example is a product that promises to restore one's youth when the truth is that growing old is inevitable; the only thing that the product does is to reduce further aging and wrinkling.



Figure 2.9: Image depicting the before and after use of anti ageing cream.

(www.seniorsaloud.blogspot.com, July 2011)

Looking at the picture above the advert convinces one that the use of the anti aging cream being advertised will remove wrinkles and freckles as seen on the left and make one appealing and even toned as indicated on the right. The question is; does using this product guarantee this?

Another good example of products that may promise but may not necessarily deliver is the marketed whitening of teeth using certain toothpastes. The manufacturer promises that the toothpaste will whiten your teeth within a few weeks or even days (as indicated in the image below) but the truth is that the toothpastes only whiten teeth slightly by removing surface stains, such as those caused by drinking coffee or smoking.



Figure 2.10: Colgate Whitening Toothpaste

(www.thehindubusinessline.in July 2011)

“However, whitening toothpaste can’t change the natural color of teeth or reverse discoloration caused by excessive exposure to fluoride during tooth development, penetrating surface stains or decay. Whitening toothpaste is generally safe for daily use, but excessive use might damage tooth enamel. If you’re considering using a whitening toothpaste, look for a brand that has a seal of approval from a reputable dental firm which indicates that the toothpaste is effective at removing surface stains and reducing tooth decay.”³⁴

2. **Incomplete Information:** An example of this is when a manufacturer may market his furniture as being made of solid oak when only the top of the table is what is made of oak and the rest of hardboard. Another example is like the advert illustrated on the right where the service provider talks about having 30 days of unlimited internet at the rate of Kshs 199. However what is not disclosed is for how long this offer lasts.

yuNet!

Unlimited internet* for 30 days
for only Kshs.199

Dial *156# to pick your bundle

• 3 days for Kshs. 29 • 15 days for Kshs. 99

Get yuNet! today

yu

*Only for browsing on your mobile phone. (90-4MB/s. 400Kbps)
Send an SMS with the word "Internet" to 120 to get your settings.
Terms and Conditions apply. See also the details from www.yu.co.ke

Figure 2.11: Yu Internet Bundle Newspaper Advert
(The Standard Newspaper, 16th December 2010)

³⁴ A Ian B. Carr MD, Department of Dental Specialties at Mayo Clinic, is a consultant in the Division of Prosthodontics and a professor of dentistry at the Mayo Clinic College of Medicine.

3. **False and Misleading Comparisons:** To give an example, the pharmaceutical companies would for instance say, “Unlike Aspirin, Panadol doesn’t upset the stomach”. However the real reason is that they may just be comparing one painkiller over the other as part of competition between pharmaceutical companies. An example is in the new panadol package illustrated below (highlighted is the marketing line — easy on the stomach). Considering that the two drugs are meant to do the same job - treat or reduce pain - some people may react to the chemical components of aspirin as it also acts as a blood thinner (and thus should not be used in patients where coagulation is a worry), and it causes gastric irritation. True as this may be, the competing company (manufacturers of panadol) may use this to negatively market the aspirin drug.



Figure 2.12: Panadol Extra Pack

(www.pharmacy-365.co.uk - August 2011)

4. **Visual Distortion:** With the advancement in technology, visual distortions are used 'everyday'. Using trick photography and computer manipulation, a model's look may be enhanced to make her look like the product being marketed is responsible for the 'glowing youthful skin'. But the model may not necessarily be a consumer of the advertised product — it's all computer work using Adobe Photoshop³⁵, done by the designer. The figure below shows how computer graphic software is used to manipulate images.



Figure 2.13: A model's edited face used to advertise a beauty product
 (http://www.digitalphotoguides.com/tuts/flawless_fleshfinal.jpg - June 2011)

By use of electronic tools in the software such as brushes and swatches, a designer may add layers of colour and texture to the original skin and tone of

³⁵ Adobe Photoshop is a graphics editing program/software developed and published by Adobe Systems Incorporated.

the model to give a new look as shown on the right side of the picture below. The texture and colour of the model on the right is dull and uneven, but looking at the right side of the picture, the models skin is glowing and the texture smooth and evened out.

5. **False Testimonials:** The marketers for various brands may imply that a product has the endorsement of a celebrity or an authority who is often not a bona-fide user. A good example is the Malta Guinness Energy drink that the manufacturer, East African Breweries Limited, selected Esther Wahome, a leading gospel artist in Kenya as the brand ambassador. Esther was to market the Malta brand by ensuring that the product was the only drink she would take when in public. However Esther was pregnant around that time, and it is known that energy drinks are not good for unborn children, mostly due to the high levels of sugar leading to diabetic problems (pregnant women are prone to diabetes and high blood pressure during pregnancy) and the assumption would be that she never took the drink to protect her unborn baby.

The picture below shows Esther during the launch of the Malta Guinness Campaign, at which she was named as the Guinness Malta Brand Ambassador.



Figure 2.14: Malta Guinness Brand Ambassadors - DJ Adrian and Esther Wahome
(www.hotsecretz.blogspot.com, July 2010)

6. **Partial Disclosure:** This is when certain facts are stated about an advertised product whilst omitting other material information that may become fatal. For example marketing a product as a skin-lightening cream and not saying that an ingredient Mercury, a bleaching agent, is the main reason for the skin lightening which is actually harmful to the skin. The picture below shows an advert of a lady who is unhappy about her look but once she starts using the skin lightening product she is pleased with her look.

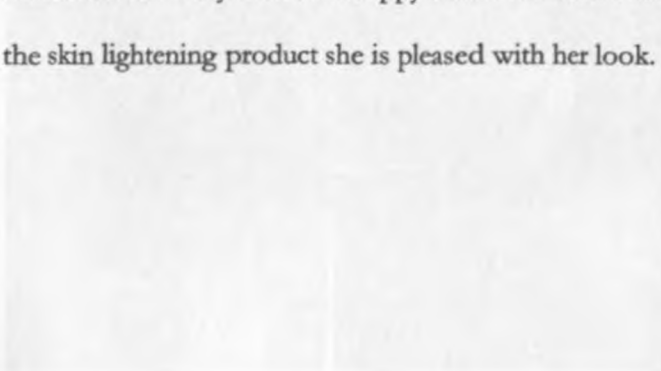


Figure 2.15: Advert effects of skin lightening cream
(www.hotsecretz.blogspot.com, July 2010)



Figure 2.15: Road Sign Advert of Fair & Lovely Face Cream
(www.worldhaveyoursay.wordpress.com October 2010)

Below however is a picture of a woman whose skin has been affected by a skin lightening cream, after she stopped using it.



Figure 2.16: After effects of skin lightening cream
(www.worldhaveyoursay.wordpress.com October 2010)

7. Small-print qualification: This involves making a statement in large print only to qualify or retract it in obscure, small or unreadable type elsewhere in the advert. A good example of such an advertisement is in the air transport sector, where the airlines advertise that they have a cheap rate for a return-flight to a certain destination, making it look very affordable. But in fine/small print they indicate that the rates are exclusive of taxes and other costs, and when you go and book the flight, the costs double the advertised rates!

Another example is as illustrated below where one gets 11 months of unlimited internet at the rate of Kshs 499 when one buys the Yu modem. However the terms and conditions (in small print) are not disclosed whereby upon further enquiry, the offer only applies if you pay upfront for the 11 months and not on a monthly basis!

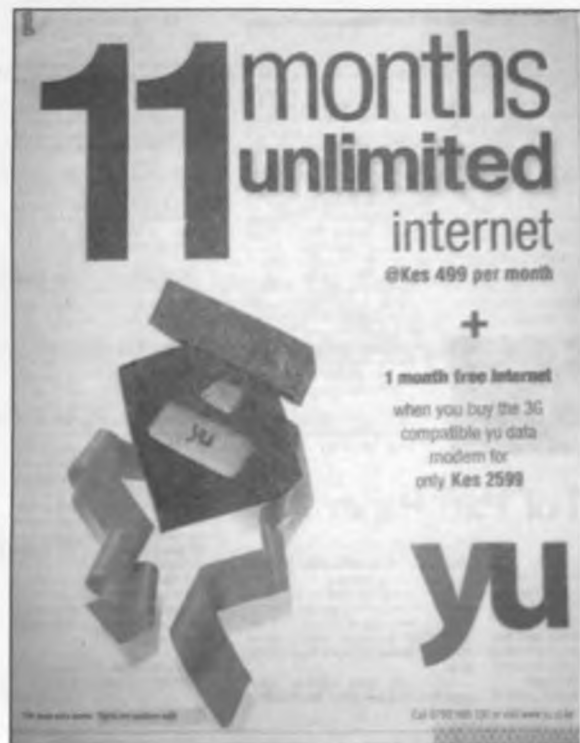


Figure 2.17: Yu Internet Bundle Offer
(The Standard Newspaper, 3rd December 2010)

2.5 PROBABLE REASONS FOR DECEPTION

A famous psychologist, Ernest Ditcher, asserted in 1960s that a product's image, created in part by advertising and promotion is an inherent feature of the product itself. This implies that, while an advert may not address a product's quality directly, the positive image conveyed by advertising may imply quality — and can make the product more desirable to the consumer. Advertising not only adds value to a brand by educating/informing customers, but also reveals new uses for a product e.g. Kleenex was originally advertised as a make-up remover and later as a disposable handkerchief.

“Many of our words are emotional, social or psychological rather than functional. One way to communicate who we are is through the products we purchase and display. By associating the product with some desirable image, advertising offers people the opportunity to satisfy those psychic/symbolic wants and needs”.³⁶

Arens summarizes by saying that the probable reasons for deception is the increase in advertising largely due to technological advances, the population's educational level and increase in population and revolutionary changes in lifestyles.

2.6 PACKAGING AS A FORM OF ADVERTISING: CASE STUDY OF FRUIT JUICES

When one refers to deception in advertising, a product or service a manufacturer or advertiser is marketing comes to mind. I chose to study one product that was consumed on a high scale by consumers mainly because of its health benefits i.e. Fruit juice. This was because it is known that fruits have great health benefits and

³⁶ Arens W. F. 1994; 32

so do juices made from natural fruits. The sales slogan on the packaging of these fruit juices stated that therein is "100%" pure and natural fruit juice and as a consumer that is what one always wants from a product. The second reason for narrowing down to this product is that testing the contents would be easier to prove if the consumer was being given the full information, through a laboratory test. A third reason was that I, being a designer and having worked in the advertising field, have created adverts for fruit juices all aimed at enticing the consumer to purchase because they were healthy and nutritious, and thus wanted to test if what I was marketing to the consumer was actually true. Examples of adverts (Splash Fruit Juice) done are attached in Chapter 6.0 Appendices.

Packaging is the science, art and technology of enclosing or protecting products for distribution, storage, sale, and use³⁷. Packaging also refers to the process of design, evaluation, and production of packages. The product's package is a component of the product element and is also an exhibitivite medium that can determine the outcome of retail shelf competition. Packaging may be a brand's one differential advantage and it's the marketer's last chance to communicate at the point of sale. The main purposes of packaging include; physical protection of the product, containment, information transmission and marketing.

Packaging plays a very vital role in marketing the product, key among them is:

1. **Identification:** Packaging is such an important identification device that some companies use the same package and label design for years. This is because the unique combination of trademark — reinforced by the package

³⁷ Marcus, G. H. 2002;16

design — quickly identifies the product's brand and differentiates it from competitors e.g. the Coca-Cola bottle.

2. **Consumer Appeal:** Consumer appeal in packaging is the result of many factors - size, colour, material and shape. Certain colours have special meanings to consumers. A package's shape also offers an opportunity for consumers appeal based on humour and/or romance. Some companies design packages with a secondary use in mind. Some jars, once emptied, can be used for holding other items for example juice bottles can be used to store water or milk.
3. **Design:** Packaging encompasses the physical appearance of the container and includes design, colour, shape, labeling and materials. Packaging communicates both verbally and nonverbally. For example, one bread manufacturer decided that a green wrapping would connote freshness, but the customers associated it with mold! An attractive package can create an immediate relationship with the customer, influence in-store shopping decisions, help set the product apart from competitors and inform customers of the products features and benefits. The package designer must consider what consumers regard as prestigious. This is especially important for so-called non-rational products - cosmetics and perfumes, sports accessories, confection gifts and certain luxury products - in which fantasy, impulsiveness or mystique may overrule rational choice.

To sell products off the shelf, packages must use shape, colour, size, interesting visuals or even texture to deliver a marketing message, give product information and indicate in-use application, as illustrated on the package below. Packages continue promoting the product in the home, reinforcing the brand's image, so they open and close with minimal effort and are easy to handle.

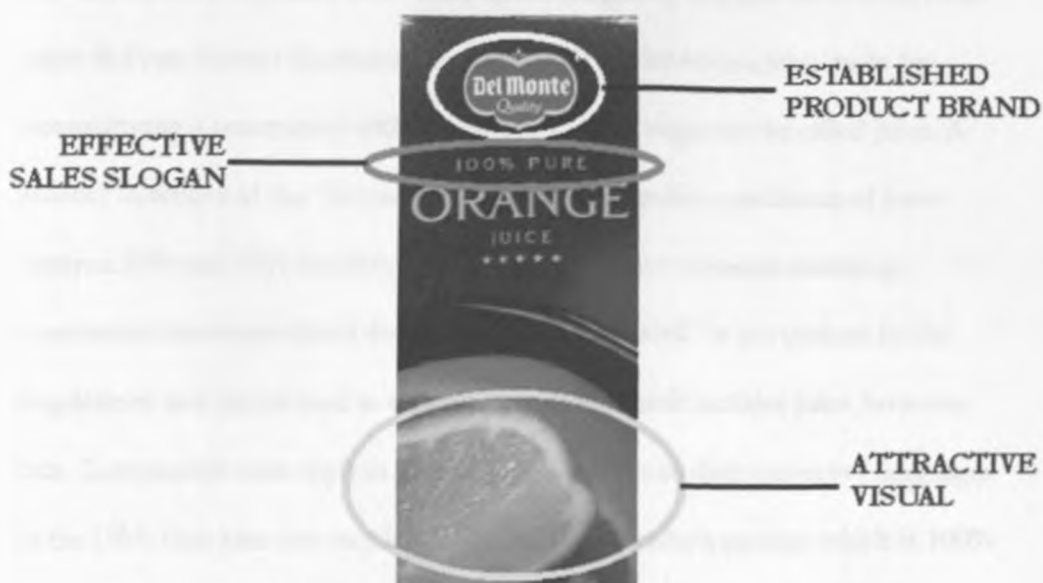


Figure 2.18: A Fruit Juice pack and its 'selling' aspects

(Photo Courtesy of Author – July 2010)

2.6.1 Introduction and Definition of Juice

Juice is the liquid that is naturally contained in fruit or vegetable tissue. Juice is prepared by mechanically squeezing or macerating fresh fruit or vegetable flesh without the application of heat or solvents. For example, orange juice is the liquid extract of the fruit of the orange tree. Juice may be prepared in the home from fresh fruits and vegetables using a variety of hand or electric juicers. Many commercial

juices are filtered to remove fiber or pulp. Common methods for preservation and processing of fruit juices include canning, pasteurization, freezing, evaporation and spray drying.

In the United Kingdom for example, the name of a fruit or fruits followed by juice³⁸ can only legally be used to describe a product which is 100% fruit juice, as required by the Fruit Juices and Fruit Nectars (England) Regulations and the Fruit Juices & Fruit Nectars (Scotland) Regulations 2003. However a juice made by reconstituting a concentrate without any additive like sugar can be called juice. A product described as the “nectar”³⁹ of a fruit must contain a minimum of juice between 25% and 50% for different fruit juices. A juice or nectar including concentrate must state that it does. The term “juice drink” is not defined in the Regulations and can be used to describe any drink which includes juice, however little. Comparable rules apply in all EU member states in their respective languages. In the USA fruit juice can only legally be used to describe a product which is 100% fruit juice. A blend of fruit juice(s) with other ingredients, such as high-fructose corn syrup, is called a juice cocktail or juice drink⁴⁰. According to the Food and Drug Administration (FDA), the term “nectar” is generally accepted in the U.S. and in international trade for a diluted juice to denote a beverage that contains fruit juice or puree, water, and which may contain artificial sweeteners.

Based on the above definitions, it is clear to see that fruit juice labels may be misleading, considering that most of the juices commercially sold are labeled as fruit

³⁸ Juice - liquid naturally contained in a fruit or vegetable tissue and prepared by mechanically squeezing the fruit or vegetable without the application of heat or solvents.

³⁹ Nectar - beverage that contains fruit juice or puree, water, and which may contain artificial sweeteners

⁴⁰ Juice drink - any drink that contains juice, however little

juice yet they are not the real fruit extract and are processed before being packaged for sale.

2.6.2 Just what is the content in fruit juices?

Dave Hall, a graduate of University of Florida (1986) with degrees in chemistry and journalism did an experiment to determine just how much sugar there was in fruit juice and their health implications. This arose after a controversy in Florida where parents were concerned about the vending machines at their children's schools that were dispensing sodas like coke and pepsi. The parents claimed that the sugar levels were too high and thus suggested that the soft drinks be replaced with "natural" beverages like fruit juice - but only "healthy" fruit juice, meaning juice with no sugar added. With this in mind Dave decided to conduct the experiment using orange, apple, cherry and grape juice as examples. He found out that even with no sugar added fruit juice contains about the same amount of sugar as the soft drink, because apples, oranges and grapes are naturally full of sugar.⁴¹

The table below compares the sugar in 12 ounces of fruit juice (no sugar added) with 12 ounces (one can) of Coca-Cola. If you look at the nutrition label on a fruit juice pack, the "carbohydrate" is mostly sugar. Four grams of sugar carbohydrates equal approximately 1 (one) teaspoon of sugar.

⁴¹ www.hookedonjuice.com

12 ounces of	Coca-Cola	Orange Juice	Apple Juice
Total carbohydrates	40 g	39 g	42 g
Carbohydrates from sugar	40 g	33 g	39 g
Sugar (teaspoons)	10 tsp	8 tsp	10 tsp
Calories	145	165	165

Table 2.2: Comparison of sugar levels between soft drinks and natural juice

What does the chart tell us? It tells us that no matter which juice you choose, they all have more calories than the same amount of Coke. It tells us that juice — 100 percent juice, no sugar added — contains about the same amount of sugar (or even more —50 percent more for grape juice) as the same volume of Coke.

Ashurst summarizes: “Whether fruit juice is ‘100 percent juice’ or not is almost beside the point — both kinds are loaded with sugar and calories. If it’s ‘100 percent juice’ the sugar is from the fructose that’s naturally present in fruit its ‘10 percent juice’ most of the sugar is in the form of high —fructose corn syrup. Snacking on sugary beverages all day long, whether they are soft drinks or fruit juice, is not a good thing, for kids or adults. Over-consumption of sugar contributes to obesity and diabetes, and this is a major health concern”⁴².

The deceptive aspects that we can pick from this research are that the parents were purchasing the juices based on the fact that they were labeled as being natural and healthy drinks. The fact that the juices already contained high amounts of sugar — almost as much as of soft drinks — is reason enough to doubt that the juice is a health drink for the children. Further one can question as to whether the juice is natural considering that it must have undergone some form of processing for it to be

⁴² Chemistry & Technology of Soft Drinks and Fruit juices, 2nd ed.:9

packaged for sale. As aforementioned, juices undergo various processes some of which include canning pasteurization, freezing evaporation and spray drying for purpose of storage and preservation. However isn't the consumer told that the juices are pure, natural and without any additives, meaning they are squeezed 'from the fruit to the pack'.

According to Ashurst, the majority of fruit juice is made by reconstituting juice concentrate with water to a composition similar to that of the original state. This process involves the extraction of water from the original juice extract and later the juice is reconstituted to fruit juice by addition of only water. He however adds that enzymes and finishing treatments are widely used in the processing of fruit juices to obtain products of a particular specification as well as to prolong their shelf life. He further adds that adulteration of fruit juices is widespread.

"As with any commodity, juice manufacturers can secure considerable financial benefits from adulterating fruit juices. The fact is that consumers are being defrauded; an adulterated fruit juice sold as fruit juice is not as labeled on the pack".

Adulteration can either be by: over dilution of juices with water, use of cheaper solid ingredients particularly sugars and blending of cheaper with more expensive juices. As far as nutritional value of fruit juices go, Ashurst says that fruit juice is important in human nutrition far beyond its use as a refreshing source of liquid. Many fruits contain a variety of minor ingredients, particularly vitamins and minerals, as well as carbohydrates, which are the predominant solid components. Some of these nutrients occur in higher concentrations in fruit juices than in other foods. Ashurst adds that there is even experimental evidence that indicates that

ascorbic acid (Vitamin C) of natural origin is apparently superior to that of synthetic origin.

Bearing this in mind, it is sad that consumers may be purchasing juices in the market thinking that they are making purchases that are genuine. Because the juice packs are labeled as being 100% pure and natural, and perhaps because of the additional health benefits, the consumer may be led to make a purchase not knowing that what is stated on the pack may not be so. Further, some of the packs are labeled as being without any additives but going by the literature about how juices are processed, it is clear that a few additives are added, some of which include sugars to sweeten the juice and preservatives to prolong their shelf life, and in turn these may have negative health implications to consumers; either diabetes in the case of added sugars or skin allergies in the case of preservatives.

RESEARCH DESIGN AND STUDY DESIGN

The purpose of research was necessary to provide a particular consumer information about the fact that the juice is not real. A correlation study is necessary to study consumers and products. Therefore, as explained by chapter one, a study of the fact about the product from the perspective of consumers (study) This could help in identifying any kind of health problems or diseases caused by using the product or related to the products about their quality, etc. to make a rule. The

3.0 CHAPTER THREE: RESEARCH METHODOLOGY

3.1 OVERVIEW

Within this chapter I formulate methods that were used within the research to collect data and information relevant to the study. Interviews, questionnaires, observation and focus discussion groups, were some of the instruments used. The field research was conducted over a 3 month period sampling a group of designers and marketers, design students, retailers and consumers as indicated in the time plan in the Appendix 6.1.

The research covered a case study of fruit juices sold in the local market. This described and investigated the contents of what was contained in the fruit juice packs to determine whether what was advertised as being contained therein was so. This in turn helped to prove that indeed consumers were being deceived on the products they purchased and consumed and the level of deception they were exposed to.

This chapter also discusses the Research Design, Research Site, Sample Population, Research Instruments, Data Collection and Data Analysis procedures.

3.2 RESEARCH DESIGN: CASE STUDY DESIGN

This method of research was necessary to provide a particular consumer product that would augment the fact that deception does exist. A case study seeks to describe a unit in detail, in context and holistically. Therefore as explained in chapter one, a study of the fruit juices in the market were the products to observe/study. This would help in determining just how much information manufacturers were willing to reveal or conceal to the consumers about their products, so as to make a sale. The

research further went into conducting a laboratory test on the preferred fruit juices by the consumers to establish whether the information and content displayed on the pack was as contained in the actual product. The fruit juice samples were tested for Vitamin C and the presence of preservatives.

3.3 RESEARCH METHODS

The study was undertaken as both a qualitative and quantitative research and dealt with various stakeholders in the design and advertising profession, as well as consumers of the fruit juice products. Using random sampling method, a sample population was used in the field research as it was not possible to study every member in the whole population. Sample selection or sampling made it possible for the researcher to carry out the research because sampling saved time, money and gave the researcher accurate solutions and answers to the research questions within a short period of time.

The target population relevant to the study was categorized as follows:

- **Designers and Marketers (20)** from various design firms and advertising agencies (to know if they understood the implications of deceptive messages if any)
- **Retailers (20)** who stock the products — in this case juices - at various retail outlets (to know if they were aware of the quality of the juices they were selling)

- **Consumers (100)** of products advertised often — including the juices (to know if they believed/ relied on adverts to influence their purchase of the advertised products)
- **Students (60)** of design institutions (as a morality issue; to know if they were aware of the social responsibility of advertisers and designers and if this is incorporated in their training as professional designers)

The table below summarizes the sample population and their numbers in each category:

CATEGORY	SEX	NUMBER
Designers and Marketers	Male	12
	Female	8
Consumers	Male Adults	35
	Female Adults	50
	Children	15
Retailers	Male	10
	Female	10
Design Students	Male	30
	Female	30
TOTAL		200

Table 3.1: Summary of Sample Population for the study

The research tools that I used to conduct my study included; Questionnaires, Interviews, Observation, Focus Discussion Group and Laboratory tests on juices.

The table below summarizes the research tools I used and the reasons for each:

INSTRUMENTS	ADVANTAGES	DISADVANTAGES
Questionnaires 1. Structured 2. Unstructured	1. Easy to analyze quantitatively 2. More varied and deeper ideas about the topic	1. Respondent does not give their views on the topic 2. Harder to analyze quantitatively
Interviews	1. Obtain in-depth information and 2. Clarity is sought immediately	More time and money spent
Observation	1. Suitable when studying behavior 2. One mingles with the population without seeking their consent	One has to be careful not to draw attention to oneself
Focus Discussion Groups	1. Understand differences in perspectives 2. Test reactions to actual or proposed services 3. Understand what factors influence opinions or behavior.	One cannot be ensure confidentiality

Laboratory tests: 1. Vitamin C Determination 2. Sulphur Dioxide (Preservative) Determination	1. Helped in obtaining the actual levels of Vitamin C in the juice 2. Test the presence of any preservative in the juice	Expensive to conduct and the need to book a laboratory and hire qualified laboratory technicians.
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Table 3.2: Summary of Research Methods used for the study

1. Questionnaires:

Unstructured as well as structured questionnaires were considered for this research. The questionnaires were administered to the 3rd and 4th year Graphic Design Students from University of Nairobi. The questionnaires were hand delivered because of their proximity to me, where I am a student as well. Those targeted were 50 students of which all were returned and the information relayed was sufficient for purpose of analysis.

2. Interviews:

The interviews were targeted at designers & marketers of which 50 people were consulted with each taking approximately 15 minutes; retailers, 20 in number with each interview taking approximately 10 minutes and consumers, 100 in number with each taking approximately 5 minutes. The responses were immediate and I was able to personalize the questions and thus get the responses I wanted despite being time consuming and a bit expensive as I had to meet travel costs, communication

costs as well as entertainment costs where necessary. I conducted the interviews through face-to-face interviews as well as over the telephone with the interviewees in cases where the respondents were unable to meet me in person.

3. Observation:

I participated by being a shopper in shopping outlets, so as to study the behavior of those making purchases of juices to determine what influenced their buying decision and their preferred fruit juice drinks. I mainly was an onlooker and made sure not to draw attention to myself since the people being observed may have acted the expected way and thus get incorrect data. I conducted this study over a period of two months at different kiosks and supermarket and at various times of the month and day. The purpose of observation was to establish as to whether customers were drawn to buy a product mainly by the advertising of the product or if they made purchases because of being loyal to the brands that they purchased.

4. Focus Discussion Group:

I had a focus group discussion group with the third year Graphic Design Students at the University of Nairobi's (UoN) School of the Arts and Design. The reason for selecting the students from this institution was because UoN was the oldest design training school in the country and thus the education standards there are expected to be quite good. The session took approximately an hour.

5. Laboratory Test:

A laboratory test was conducted to establish whether the fruit juices mentioned by the consumers as being their favorite were really '100% pure and natural' as indicated on the package. The tests were to establish whether they indeed were pure juices; if they had any additives and as to whether the nutritional information given on the pack was as stated. The fruit juice samples, four in number from the leading brands in the local market, were tested for Ascorbic Acid (Vitamin C) using reagents⁴³ (Metaphosphoric Acid Solution) and for Sulfur Dioxide (preservative) using the titration method (Jensen, 1928). The tests took approximately one week.

3.4 DATA COLLECTION

Data collection is the only reliable way to evaluate the responsiveness and the effectiveness of the study, and thus promote decision-making based on solid evidence rather than on isolated occurrences, assumption and emotion. Data was collected considering the research questions earlier formulated around the research study. The data collected helped in identifying areas in the research topic that needed improvement, in this case the need for truthfulness in adverts. The data was also helpful in highlighting a situation and therefore creating awareness about there being deception in advertising. This would in turn help influence legislative policies and regulations that would look into the ethical practice of advertisers, designers and marketers for the welfare of the consumer.

⁴³ Reagent – A substance or mixture for use in chemical analysis or other reactions

3.4.1 Sources of Data

The researcher used the two main sources of data collection:

1. **Primary Sources:** This was the information gathered from the respondents. This was done through questionnaires, interviews, observation and experimental studies.
2. **Secondary Sources:** This involved the collection and analysis of published material and information from other sources like internet, unpublished journals and articles.

4.0 CHAPTER FOUR: DATA COLLECTION AND ANALYSIS

4.1 OVERVIEW

This chapter presents and analyses the findings of the study carried out on deception in advertising. The study population was made up of designers and marketers, retailers, design students and consumers all totaling 200 people. The study was analyzed, interpreted and integrated based on the questionnaires and interviews alongside observations, focus discussion groups and laboratory tests findings.

4.2 FIELD FINDINGS

4.2.1. INTERVIEWS AND QUESTIONNAIRES

As aforementioned, the categories that I considered when using the above mentioned research methods included designers and marketers, consumers and retailers. Their responses are summarized as follows:

4.2.1.1 DESIGNERS AND MARKETERS

The reason for targeting these groups was because I needed to get an understanding of their role in the design process and to know as to whether they believed or realized if deception did occur in advertising and to what level. Some of the questions posed to them and the responses were analyzed thematically as shown below:

a. What makes up an effective advert?

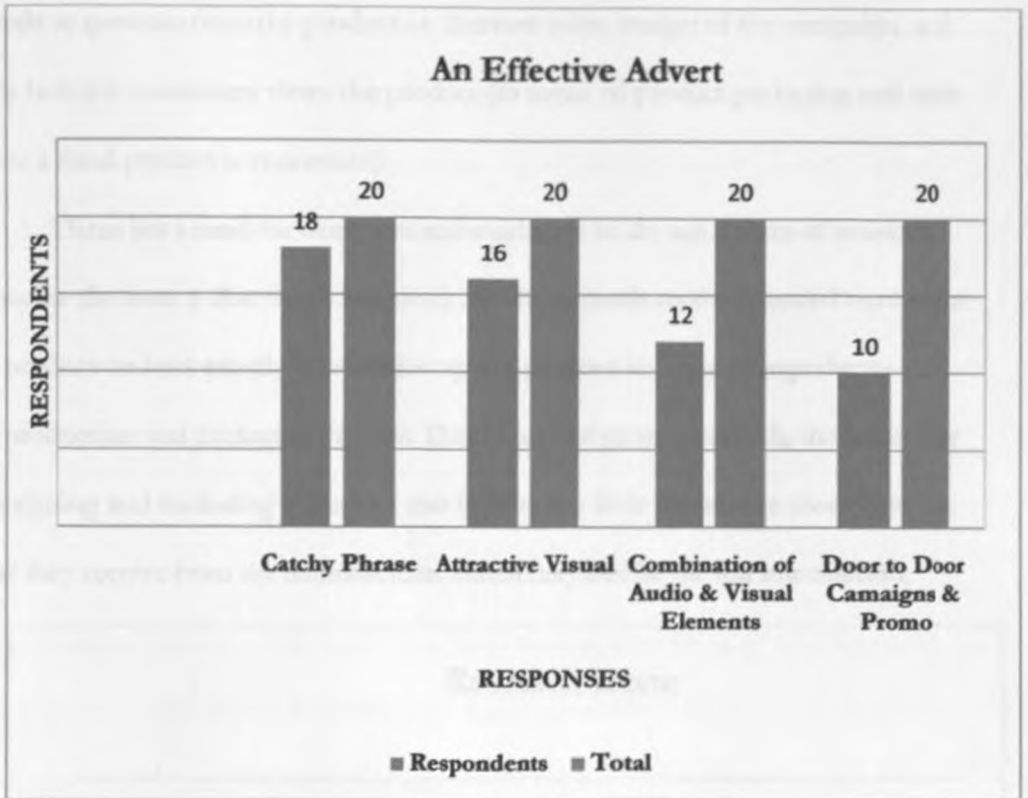
Most of the designers seemed to agree that an advert is seen as attractive when it contained the following elements; a catchy phrase or sales slogan, an emphasis on the product's positive qualities, attractive visuals and images as well as sound and music/jingles in audio and audio visual adverts. Out of the twenty people interviewed twelve of them said that audio visual adverts/television commercials are the most effective means of advertising a product. The reason given was that the advert remained etched in the viewers mind due to the combination of visual as well as audio especially where a catchy jingle was used.

"70% of what is seen is retained in the brain memory, and thus this is why we (design firm) always advice a client to have a television commercial alongside with other forms of adverts they run"⁴⁴.

Other designers said that door-to-door campaigns and supermarket promotions worked just as well, because the clients and targeted market were able to sample the products and make a decision there and then as to whether to purchase the product or not.

The bar chart below gives a summary of the responses by the designers on what constitutes an effective advert.

⁴⁴ Stephen Musila – Head Designer, Madline Concepts Limited



Bar Chart 4.1: Summary of responses by designers and marketers on an effective advert

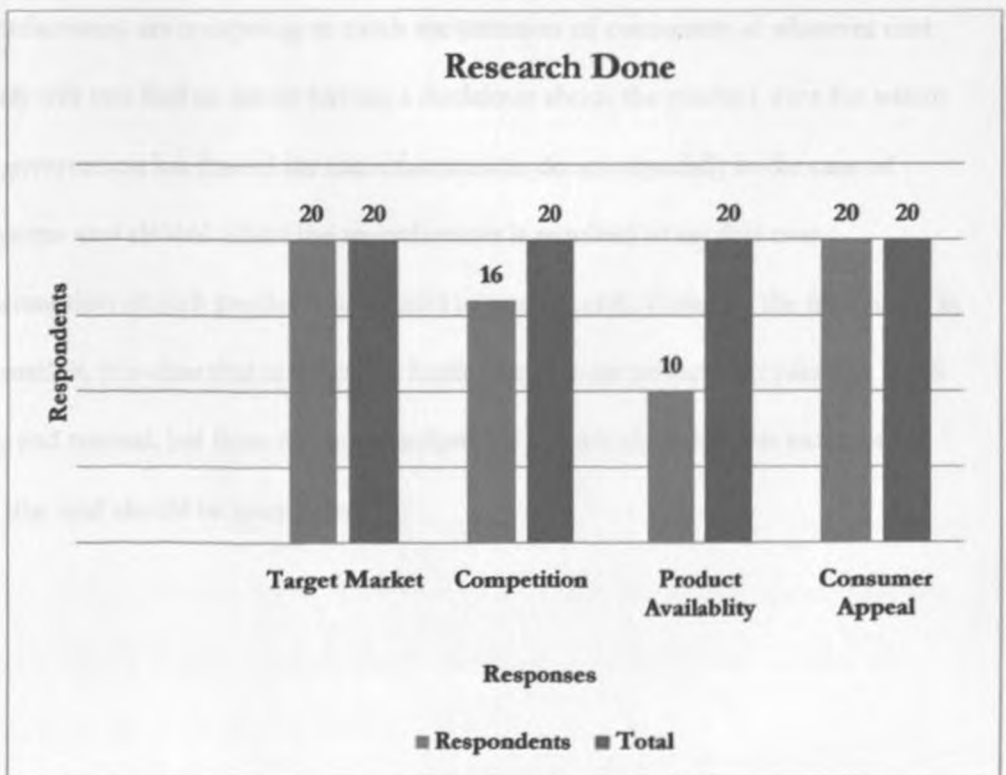
b. Research done before doing an advert

All the 20 professional designers and marketers interviewed seemed to agree that designers have control over adverts. Reasons given included; designers were best suited to communicate effectively, designers were able to translate the client brief well and that some clients gave the designers the freedom to come up with a creative concept that would achieve the aim i.e. to sell the product.

All of respondents agreed that research was done, not on the products qualities but more on target market for the product, competitors of the product and how best to make it stand out of the crowd, product availability, what the client

intends to generate from the product i.e. increase sales, budget of the campaign, and lastly how the consumers views the product (in terms of product packaging and taste where a food product is concerned).

There lies a need for designers and marketers to do some form of research. However the issue is that they (designers) just do research on the intended market for the product and not exactly what makes up the product in terms of ingredients and the production and packaging process. Due to lack of proper research, the advertiser is designing and marketing a product that he/she has little knowledge about save for what they receive from the manufacturer which may not be the full information.



Bar Chart 4.2: Bar Chart 4.1: Summary of responses by designers and marketers on research done for an advert

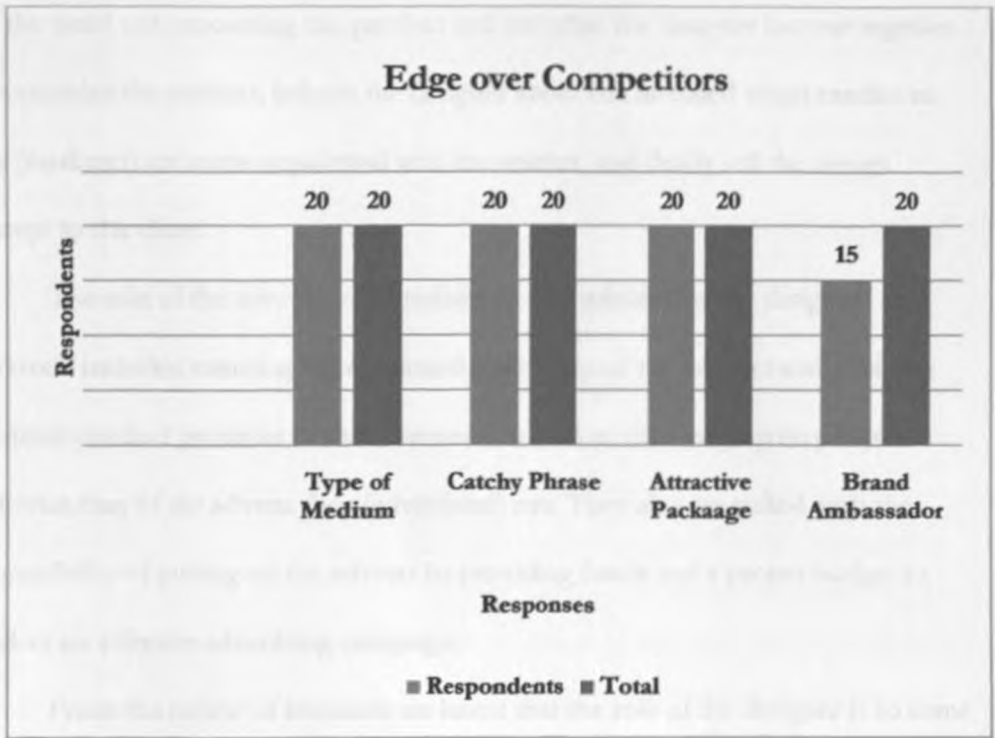
c. How adverts are made to stand out from those of competitors

Some of the responses from the designers to this question included; Size of the advert (the larger the advert the more catchy and attractive it is), a very catchy phrase or sales slogan, a lot of emphasis on the positive aspects of the product, advertising in several media, having very beautiful visuals/images, having a celebrity or famous person marketing the product, and thinking out of the box.

“Imagine having a blimp floating in the air across the city, like a hot air balloon, marketing roasted maize... imagine how fast that product would catch on the public?”⁴⁵

Looking at the range of adverts in the local market today, it is quite clear that manufacturers are competing to catch the attention of consumers at whatever cost. Rarely will you find an advert having a disclaimer about the product, save for where the government has forced the manufacturers to do so, especially in the case of cigarettes and alcohol where the manufacturer is required to say that over-consumption of such products is harmful to one's health. Going by the fruit juices in the market, it is clear that most of the leading brands are selling their juices as 100% pure and natural, but from the test conducted it is quite clear that this statement is not true and should be questioned.

⁴⁵ Dominic Nyaga – a designer at Reinvent Creatives.



Bar Chart 4.3: Summary of responses by designers and marketers on designing adverts with an edge over another

d. The Role of the Designer, Marketer and the Advertiser

Responses to what the role of the designer is included: creating effective visual communication material for the target audience, coming up with the concept of the advert and developing it to the final output and putting together the client's idea into a great advert that is understood by the target audience that will achieve the intended action i.e. selling the product.

As to the role of the marketer, their responses were: an understanding of the market trends and competing product brands and devising a way best to sell their brand to this market, and thus inform and advice the client accordingly, the marketer

lets the word out concerning the product and use what the designer has put together to popularize the product, inform the designer about the intended target market as they (marketer) are more acquainted with the market, and finally sell the design concept to the client.

The role of the advertiser/manufacturer as explained by the designers and marketers includes: ensuring the continued availability of the product and avoiding deceptive product promises to the consumers as well as following up on people's understanding of the adverts they (advertisers) run. They also are tasked with the responsibility of putting up the adverts by providing funds and a proper budget to conduct an effective advertising campaign.

From the review of literature we learnt that the role of the designer is to come up with a creative way of packaging a product and marketing it after the creative team comprising of an art director (who in most cases is a designer), marketer and accounts executive have done a thorough market research on the product. The concept is then given to the designer to come up with a creative way of making it appealing to the consumer. Going by this it is clear that the designer may not be responsible for the information to be incorporated in the advert but how he/she packages it is what appeals to the consumer and in turn a purchase is made.

Below is a summary of responses from designers and marketers about the various roles they play in the advertising process.

PERSON	RESPONSIBILITIES
DESIGNER	<ol style="list-style-type: none"> 1. creating effective visual communication material for the target audience 2. coming up with the concept of the advert and developing it to the final output 3. putting together the client's idea into a great advert that is understood by the target
MARKETER	<ol style="list-style-type: none"> 1. understanding of the market trends 2. letting out the word concerning the product /popularize the product 3. inform the designer about the intended target market
ADVERTISER/MANUFACTURER	<ol style="list-style-type: none"> 1. ensuring the continued availability of the product 2. avoiding deceptive product promises to the consumers 3. following up on people's understanding of the adverts 4. responsible for putting up the adverts by providing funds and a proper budget

Table 4.1: Summary of responses by designers and marketers on roles of designers, marketers and advertisers

e. Influences on consumers' choice of product

The responses given by this population seemed to be very similar. Some of the responses given include; the cost of the product, the package (an attractive one seemed to sell faster with obvious reasons), a brand promise - as quoted by one of the designers, 'makes one look younger and healthier'. Other responses included; quality of the product, availability of the product (some products tend to disappear from the market and one has to keep searching for them at various retail outlets), attractive adverts, value for money and promotional offers and sampling of the product at various retail outlets like supermarkets and shopping malls.

Based on the responses that I got from the consumers on what influenced their purchasing power, the responses were quite similar ranging from attractive packaging to promotional offers and promises made by the manufacturer about the product. It seems that the designers are very aware of what will attract a consumer and thus will go to whatever level to market a product; even if it means promising to deliver something that the product really does not.

f. Importance of proper message delivery in an advertisement

Most respondents said that it is really important to say the truth about a product or service being offered giving false promises.

"The taste of the Ribena is very refreshing as illustrated on the package, but I always wonder if indeed it actually is enriched with Vitamin C? On the other hand the 'Afia' juice is branded so to suggest healthy but, how can it be healthy yet it has added sugar and preservatives. My preferred fruit juices are Delmonte and Pick n Peel because they are labeled as being 100% pure fruit extracts, so they must be real fruit juices".⁴⁶

⁴⁶ A marketer at ADCC, an advertising agency based in Westlands Nairobi

However one of the designers raised concerns as to how designers and marketers advertise and convince the consumers of how good a product is but in the long run the products end up being harmful and thus losing out on one's consumer base.

Despite the designer being the one coming up with the adverts and finding very creative ways of doing so, they too have their own reservations of the limit to which they are allowed to do so. They realize that they too are consumers and are swayed by advertising when making purchases and they would like to believe that they are buying the best of the product and not just a gimmick. This begs the question, shouldn't the designer feel obligated to deliver the truth to all consumers by questioning the contents of the products they advertise and package.

4.2.1.2 CONSUMERS

a. Advertising and its influence on purchasing power

Most of the consumers defined advertising as an informative tool that helps them know about what products are in the market and their reach-ability. They added that the adverts create a buzz about a product or event and draw attention to the product depending on how catchy and creative the advert is. Majority of the respondents added that advertising played a major role in the products they opted to purchase. One of the consumers said that an advert backed by facts and scientific proof highly influenced his buying power. He gave an example of mineral water adverts where they (manufacturers/advertisers) backed up the product with health tips on the positive effects of drinking water to our bodies. Another gave the example

of 'pure and natural juices' that said that they are health drinks 'made from real fruits' and were filled with Vitamin C that was very essential to our bodies — case in point, Splash Juice.

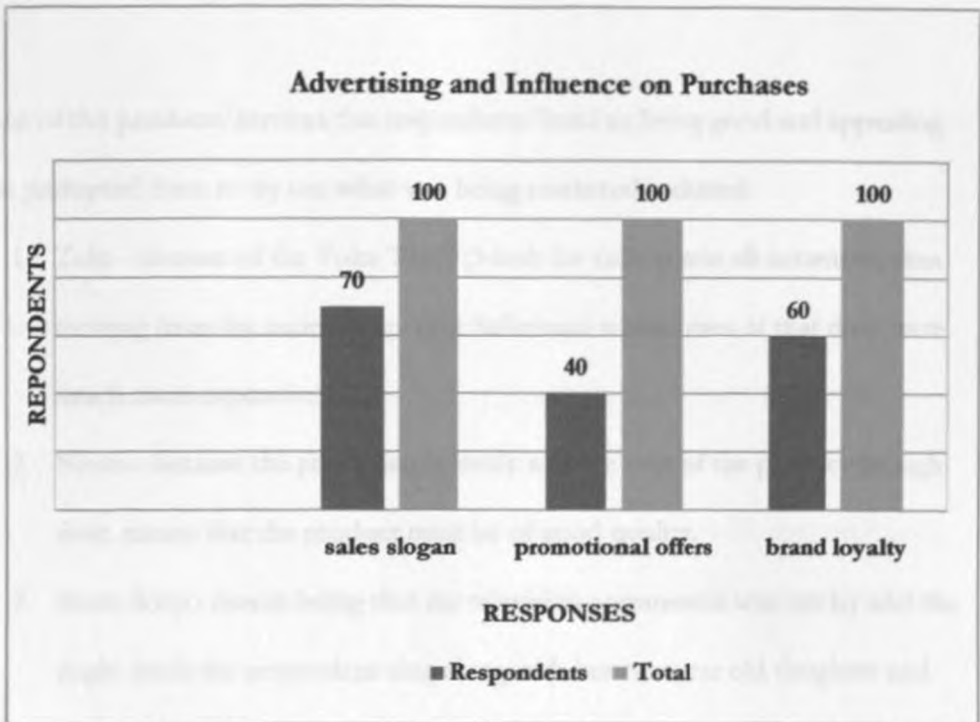
A fraction of those interviewed however said that advertising played a very minor role in their purchasing decisions because from experience, they purchased products because of a promotional offer and ended up being disappointed after trying out the said product. They believe in brand loyalty and word of mouth and thus have stuck to particular brands for the products they consume.

As much as consumers are influenced by advertising when making purchases, it is very necessary for them to question just what they are being sold to, for the sake of their health and well being. However it is without doubt that consumers are now starting to be aware of products in the market and are making wiser decisions about their purchases after being disappointed one too many times by purchases they have made because of offers and then end up feeling cheated.

...and a final point of notes based on their own subjective responses. A summary of this responses is as discussed below.

Comparison of purchase decisions by consumers	
Product Packaging	Price Packaging
Brand Name (Logo)	Group Products (Experience)
Productive Labeling and Colors	Personal Characteristics, Trends
Word Brand	
Productive Symbols and Visuals	

Table 4.3: Comparison of purchase decisions by consumers.



Bar Chart 4.4: Summary of responses by consumers on influence of advertising in their purchases

b. What constitutes an effective advert?

Consumers seemed to be aware of what constituted a good advert and what made a bad advert, of course based on their own individual opinions. A summary of their responses is as illustrated below:

GOOD ADVERT	BAD ADVERT
Attractive Packaging	Poor Packaging
Promotional Offers	Cheap Products(Cost-wise)
Expensive Looking and Costly	Poor and Unattractive Visuals
Catchy Slogans	
Attractive Models and Visuals	

Table 4.2: Comparison of good vs. bad adverts by consumers

Some of the products/services the respondents listed as being good and appealing thus prompted them to try out what was being marketed included:

1. Zain - because of the Vuka Tariff (3-bob for calls across all networks, thus moving from the main competitor Safaricom whose rates at that time were much more expensive)
2. Nivea - because the packaging is lovely and the cost of the product though dear, means that the product must be of good quality.
3. Nuru Soap - reason being that the television commercial was catchy and the jingle made the respondent sing along with her two year old daughter and thus she went out to buy the product and try it out.
4. Safaricom - because they spend quite some money on their adverts which are very appealing and their promotional offers especially the bonga points and internet bundles are worth trying out.
5. Delmonte - the sales slogan for the juices was 'our fruits are chosen not picked' meant that only the best fruits are used to produce the juice and thus it is of good quality.
6. Sprite - the respondent is an avid lover and player of the basketball sport and the advert focused around basketball. The advert portrayed that the players of basketball would take a sprite just before and after the game and the association of the soft and the game made the respondent try this product and be associated with it
7. Ribena - being that it is filled with 'Vitamin C goodness', the respondent was convinced enough that the product was good for both her and her son, and it

was made even better by the introduction of different nutritious flavours. ‘A plus for the product’, she said.

Some of the adverts the respondents listed as being bad and disappointing were:

1. Ariel - the advert was poorly done and one could see especially in the television adverts that the person was speaking and the words being heard were not synchronized, meaning the advert was done in one language and then a voice over done. This made it look like the product was not ‘Kenyan-Owned’ and thus not very trusting of the product.
2. Oyo Mchuzi Mix - the food portrayed in the adverts did not look appetizing at all, and if that is what the food looks like after using the product then it is not worth the purchase.
3. Knorr Sukuma Wiki Cubes - this advert informed the consumer that if they added a cube into their kales (sukuma wiki) when cooking then they would get a beefy taste to the vegetables. The respondent who gave this advert as an example said that there was a reason they are vegetables and taste so, so why would they want to have a different taste from that. Why not just go out and buy meat. He also noted that the people in the adverts looked well off and thus could afford the meat as opposed to trying to alter the taste of the vegetables.
4. Soap and Cleaning Detergents - the respondent said that the adverts looked quite unreal in the sense that the products gave the impression that the

products were very powerful in removing tough stains and wondered what effect this had on the bare hands of those using these products.

c. Most preferred Juice Brands

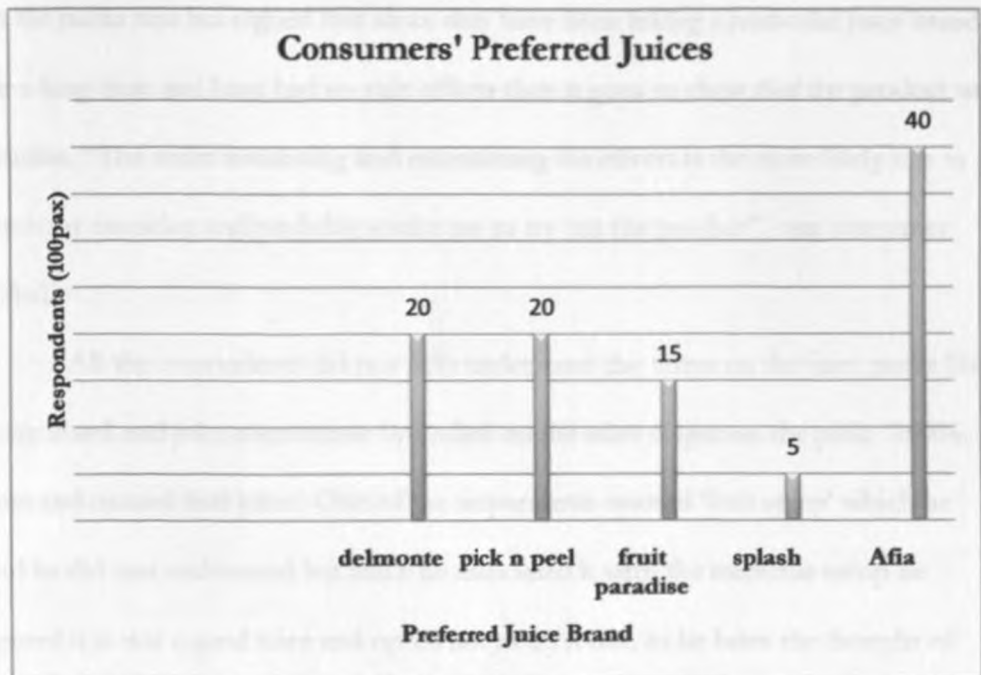
From the responses most of the consumers preferred 'pure and natural' juices as opposed to concentrates that needed dilution. They seemed to believe that the concentrates were made using artificial flavours and thus opted not to take them as they were not 'healthy drinks'. Most of the respondents named Delmonte, Pick n Peel, Fruit Paradise, Splash and Afia.

Reasons for these selections included; they have no artificial additives, the packaging is attractive, they are pure and natural, they have a refreshing and sweet taste, they do not leave an 'ashy' taste in the mouth and they cost more than the concentrates. There was a general perception among the consumers that the more a product cost the more the likelihood of it being of high quality.

Majority of the respondents affirmed that adverts had made them try out the products, mainly because of the creative way the adverts were run. Those that named Delmonte said that because the manufacturer/advertiser portrayed the fact that 'our fruits are chosen not picked' meant that they carefully made the juices and the promise that they are 'pure and natural' made them try out the juices and after tasting they were not at disappointed.

The minority said that they did not try out the juices because they had tried them before and were not impressed by the taste. Those who named Quencher

mentioned the fact the juice has artificial flavours with one saying that they developed a sore throat every time they took the juice so opted never to take it again.



Bar Chart 4.5: Summary of responses by consumers preferred juice brands

d. The Information provided on the package and its influence on purchases made

Most of the respondents said that the information on the packs is enough to influence their purchasing power. They argued that there are governing bodies that exist that ensure that the information provided is true and so the manufacturer would not contradict this as they are likely to be penalized. The respondents also mentioned the institution KEBS, who they (consumers) believe are given the mandate to ensure

that the consumers' rights are upheld, by ensuring that products meet required standards.

A few people however were not very sure about how genuine the information on the packs was but argued that since they have been taking a particular juice brand for a long time and have had no side effects then it goes to show that the product was genuine. "The more interesting and entertaining the advert is the more likely it is to catch my attention and probably entice me to try out the product", one consumer added.

All the respondents did not fully understand the terms on the juice packs like, pasteurized and juice concentrate but relied on the sales slogan on the pack, '100% pure and natural fruit juice'. One of the respondents quoted 'fruit syrup' which he said he did not understand but since he associated it with the medicine syrup he figured it is not a good juice and opted not to try it out, as he hates the thought of medicine.

Another respondent said that being that he did not understand the terminologies, he relied on his taste buds to make an 'informed' decision. He said that his biggest influence is the samples that are offered at supermarkets. If he likes the taste, he goes ahead to purchase it.

Other respondents said that it would be really nice if the advertisers would be more open about their products and disclose the contents of the products they are marketing and not just say 'terms and conditions apply' or putting it in fine print. They added that the manufacturers should be straightforward from the beginning so that the consumers of these products can make an informed decision from the

beginning. Other suggestions included; being more realistic in their adverts in terms of the benefits of the product, really studying their target markets, providing a contact person within their companies so that consumers can give a feedback about the product, providing a source (like a website), where total information on a product is disclosed, having user review forums either online or at a panel and also the use of social networks like face book and twitter to create a 'relationship' between the consumer and the product's manufacturer.

4.2.1.3 RETAILERS

a) Fastest Selling Juice Brands

The responses from various shopping outlets as to the most preferred juices by consumers were as tabulated below:

SHOPPING OUTLET	FRUIT JUICE BRAND MOSTLY PURCHASED
Uchumi Supermarket (Adams & Ngong Rd Branches)	Pick n Peel Afia
Nakumatt Supermarket (Lifestyle & City Hall Branches)	Pick n Peel Delmonte Minute Maid
Tuskys Supermarket (Pioneer & T-Mall Branches)	Afia Delmonte
Kiosks and Neighbourhood (Ngong & Rongai Areas)	Afia Quencher

Table 4.3: Summary of Consumers' Purchases of fruit juices in shopping outlets

b) Effectiveness of Advertising on Sales

Retailers especially of the bigger shops seemed to agree that branding of shelves and promotional offers played a very major role on the purchasing influence of the shoppers. They had made an observation that whenever they had offers of price-cuts or free gifts with every purchase of products even juices, shoppers had a tendency to buy those more. They also noted that the packaging of some of the juices influenced the buyers especially the more attractive ones.

As for the smaller outlets, not much advertising was done save for one or two occasional posters, advertising the availability of that product at that particular shop. They noted that the influencing factor for the purchase of the juices was the availability and the cost of the juice. The cheaper it was the more likely it was to be purchased, though in with some clientele the more costly it was the more likely it was to be purchased. This could be mainly due to the targeted market at any one point for each of the juice brands.

c) Disclosure of Information about products

Retailers revealed that manufacturers did not disclose full information about their products, because they were not really obligated to. They (manufacturers) just gave the juices to their distributors who then would bring them to the shops and so long as they (manufacturers) had paid for shelf space, the retailers had no business inquiring about the products as they had been approved by KEBS. The

manufacturers would just monitor the sales through their sales people and marketers and thus know when and where to increase production and distribution.

“It is extremely important for the manufacturers to give full information because in my case shoppers come and ask me on the best juice to purchase and base their decision on my response, and I do not have the full information about the product, I just base it on the brand that is selling the most”.⁴⁷

In the larger outlets, consumers peruse through the aisles and have a look at what is on the shelf and make their decision of purchasing here. They also note that some people make decisions based on seeing what a fellow shopper has picked and assume that that is the better product from what they may have considered taking. Advertising is mostly left to the manufacturers and advertiser and so the supermarket/outlet has no influence on the purchasing power of the consumer, save for stock the product. As for the smaller retail outlet, the consumers also just inquire on what is available and purchase it, based on cost and quantity. Some however, ask the shop attendants the best option Out of the available juices and base their purchase decisions on what the attendant advices.

4.2.1.4 STUDENTS

a) Understanding of Effective Advertising

Majority of the students said that an effective advert is one that impacts the targeted audience and in turn makes them have a positive response to it. An effective advert should engage the audience fully to the point where the consumers feel

⁴⁷ A Shop Assistant from Nakumatt Supermarket, Junction Branch, Nairobi who preferred anonymity

obligated to purchase the product being advertised. One of the students added that an effective advert pushes the limit of creativity enough to arouse a response from the audience.

Surprisingly all the students interviewed said that they are not informed or trained on how to do an advert, rather they are told to come up with concepts for adverts and then they discuss the ideas as they progress. Others said that they gained experience from exposure working in design firms to run an effective advert.

In my opinion, it is very crucial to inform the students on their responsibility as designers when creating adverts to market products. They should be able to understand the product fully before embarking on how to market it to consumers. They should know the health implications and the effects of these products so that they are able to be held responsible and accountable for any eventuality.

b) Research necessary before doing an advert

Some of the things students mentioned as being necessary for students before they did an advert included; market research i.e. knowing your target market (their income level and preferences), looking at what the competition is doing for their adverts and in turn working on something better and more enticing/attractive to get a response.

However, it would be good for the students to be taught that it is necessary as part of research, to get frill information about the contents in a product. This would then enable them to design accordingly giving the consumer all the information about the product.

c) Social Responsibility of a designer

All the respondents believed that advertising was indeed a social responsibility of the designer and added that it was the role of the designer to inform and educate the consumers about products they are likely to purchase by giving them truthful and full information about the said products

d) Examples of Poor or Ineffective Adverts

1. Watches indicated as being 'water resistant' - The student who gave this response said that he tried one and it 'died' almost immediately. He added that the advertiser should have concentrated more on other aspects of the watch like its affordability among other things.
2. Dettol Advert - The student noted that the adverts are portrayed as being for the high end market and thus very expensive products — the advert should be able to accommodate the lower end of the market.
3. Redbull Advert - Redbull is an energy drink that is marketed as being an energy booster. The student said that when he was younger the advert used to run a lot and it was illustrated with animated figures saying that Redbull Energy Drink 'gives you wings'. He later tried it hoping that he would 'fly' but nothing happened.
4. Niko na Safaricom Advert - The student who gave this response claimed that the advert was copied from a foreign advert, and was disappointed that Safaricom spent so much money on advertising yet their services are extremely expensive.

4.2.2 OBSERVATION

As mentioned in Chapter Three, the main reason for choosing observation as a research method was so that the researcher could monitor the buying behavior of consumers at the various retail outlets. The following observations were made:

1. Most of the buyers just read the front of the juice package and then make their purchase based on the literature they read. They then compare the literature amongst brands and make a decision, cost of the juice notwithstanding.
2. Other shoppers would make purchases based on promotional offers for example 'Buy Two Litre juices of a certain brand and get a 500ml juice of the same juice free'.
3. Some of the shoppers were noted to be asking the shop assistants for help where it came to choosing one brand over another.
4. Children had a major influence in the brand/type of juice that was purchased by the parent/guardian.

4.2.3 LABORATORY TEST

The laboratory test on the sample juices, conducted at the University of Nairobi's Food and Science Technology Department's lab involved testing for Vitamin C content and any presence of Preservatives. The Orange Juice packs from leading brands in the local market were randomly selected from leading supermarkets in Kenya, for purpose of this laboratory test. The leading brands tested were Delmonte, Splash, Pick and Peel and Fruit Paradise.

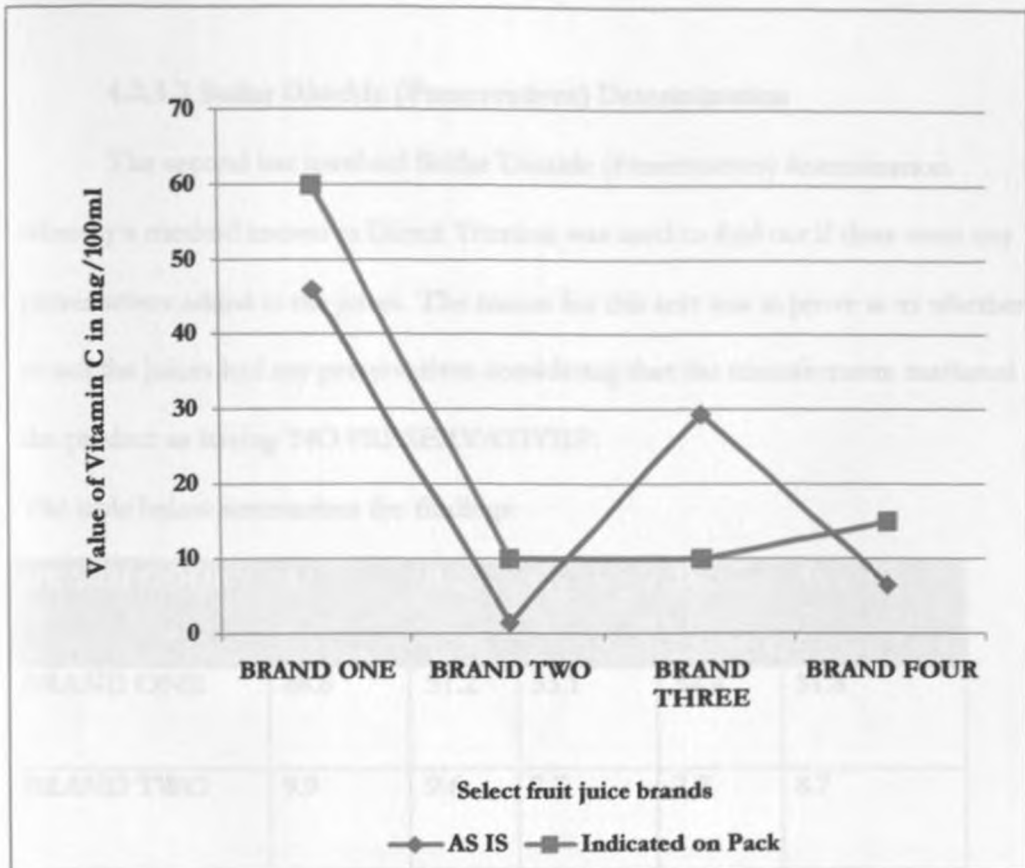
4.2.3.1 Vitamin C Determination

The first test involved Vitamin C determination in the sample juices by determining the amount of Vitamin C contained and comparing the results with what was stated on the pack. The following table gives a summary of the findings.

BRAND CODE	A	B	C	D	AVE	Indicated on Pack
BRAND ONE	45.7	48.7	46.4	46.4	46.05	60
BRAND TWO	1.29	1.29	1.48	1.61	1.42	10
BRAND THREE	28.46	29.10	30.14	30.27	29.29	10
BRAND FOUR	5.80	7.44	6.44	6.44	6.44	15

Table 4.4: Findings of the Juice Samples tested for values of Vitamin C

In the above table, the leading brands were tested and as indicated, the samples were each tested four times for statistical analysis i.e. A, B, C and D. The results obtained were analyzed against what was stated on the package as indicated on the extreme right column. A proper analysis is illustrated in the line chart below.



Line Chart 4.1: Analysis of the Vitamin C determination in select fruit juice brands

As one can see, the Vitamin C levels were way below what was indicated on the juice package and this begs the question, is the consumer who is purchasing these juices getting value for their money? As for brand three, the levels were higher than indicated. As explained to me by Mr. M^oThika, the lab technician assisting with the test, the reason for this is that during the processing of the fruit juices, some nutrients may be lost and thus the manufacturer may decide to add synthetic Vitamin C to replace the lost one. Additionally, as the juice stays longer on the shelf, the Vitamin C levels degenerate, mainly due to heat and thus the levels on brand three are added so that by the date of expiration, the Vitamin C levels are not lower than those indicated on the pack.

4.2.3.2 Sulfur Dioxide (Preservatives) Determination

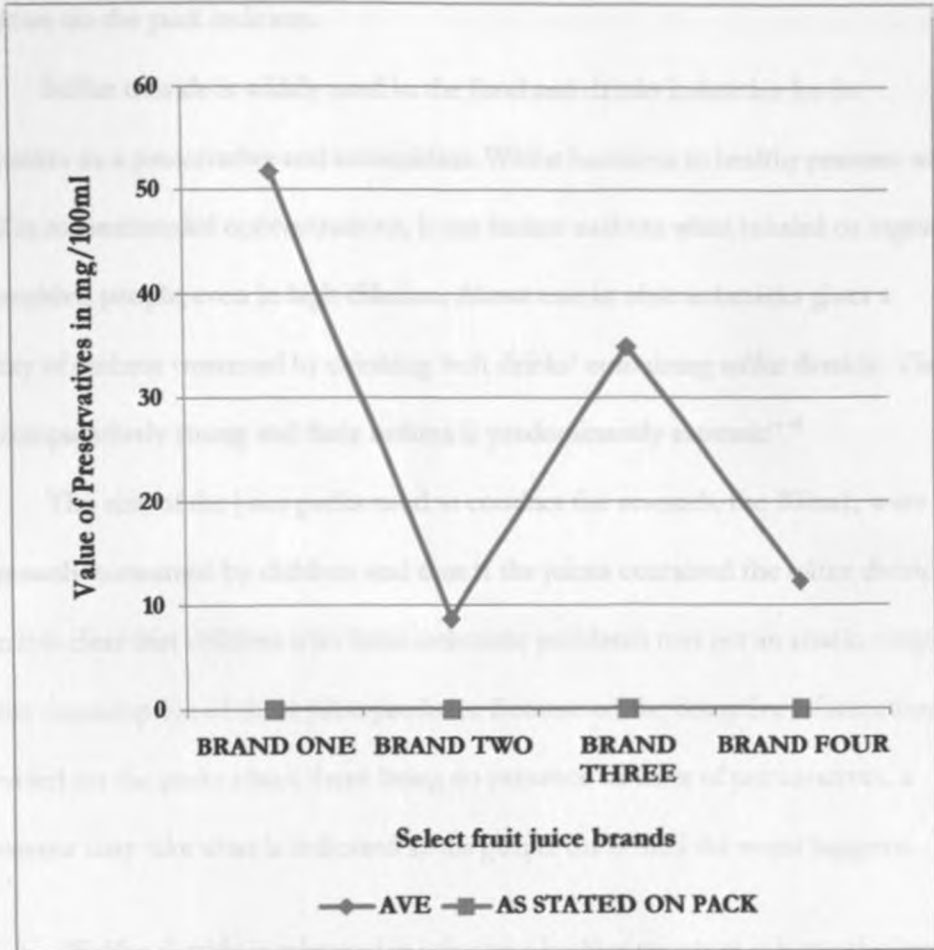
The second test involved Sulfur Dioxide (Preservatives) determination whereby a method known as Direct Titration was used to find out if there were any preservatives added to the juices. The reason for this test was to prove as to whether or not the juices had any preservatives considering that the manufacturers marketed the product as having 'NO PRESERVATIVES'.

The table below summarizes the findings:

BRAND CODE	A	B	C	D	AVE
BRAND ONE	48.6	51.2	53.1	54.4	51.8
BRAND TWO	9.9	9.6	7.7	7.7	8.7
BRAND THREE	36.5	36.5	33.3	33.3	34.9
BRAND FOUR	11.5	12.2	12.8	12.8	12.3

Table 4.5: Findings of the Juice Samples tested for presence of Sulfur Dioxide (Preservative)

This test was to detect the presence of sulfur dioxide in the juices, a preservative commonly used in juice drinks for purpose of prolonging shelf life of juices and maintain the colour of juices. A summary of the findings is illustrated in the line chart below.



Line Chart 4.2: Analysis of the Sulfur Dioxide (preservative) determination in select fruit juice brands

From the results above it is clear that there was presence of preservatives in the fruit juices, considering that the literature on the pack had indicated that there were no preservatives used at all. The legal standard rate for preservatives in foods and juices is 200ppm/100mg and the results showed that the preservatives present were below the recommended standard. Nevertheless this does not dispute the fact

that there is the presence of preservatives in the juices, contradicting what the literature on the pack indicates.

Sulfur dioxide is widely used in the food and drinks industries for its properties as a preservative and antioxidant. Whilst harmless to healthy persons when used in recommended concentrations, it can induce asthma when inhaled or ingested by sensitive people, even in high dilution. About one in nine asthmatics gives a history of asthma worsened by drinking 'soft drinks' containing sulfur dioxide. They are comparatively young and their asthma is predominantly extrinsic".⁴⁸

The size of the juice packs used to conduct the research, the 200ml, were commonly consumed by children and thus if the juices contained the sulfur dioxide, then it is clear that children who have asthmatic problems may get an attack, simply by the consumption of these juice products. Because of the deceptive information provided on the packs about there being no presence or trace of preservatives, a consumer may take what is indicated as the gospel truth until the worst happens.

"Sulfur dioxide is tolerated in otherwise healthy people as it is metabolized by oxidation into sulphate and comes out with excretion as urine and sweat. However products with Sulfur Dioxide are not recommended for people who have kidney or liver ailments as well as asthmatic children".⁴⁹

This then begs the question, are we aware of just what we as consumers are taking into our bodies and as designers what measures are being taken to ensure that we take up our social responsibility to inform consumers about these kinds of products, some that may be hazardous to our bodies.

⁴⁸ BrJ Dis Chest(1980) Apr,74(2):128-34

⁴⁹ Professor J. Imungi of the University of Nairobi's Food and Science Technology Department, Upper Kabete Campus, Nairobi

4.3 SUMMARY OF FINDINGS

As mentioned in Chapter two — literature review, ‘juices’ are branded thus but from the definition of terms, we learn that a juice is the actual extract direct from the fruit without any additives. From the test done on the juices, it was revealed that what was actually packaged and advertised as a pure and natural juice was not what was contained within the pack. This is explained further as follows:

4.3.1 Consumers’ Preferred Juice Brands



Figure 4.1: Leading juice brands in Kenya
(Photo taken by author, 6th January 2011)

As per the research findings, the main juice brands most preferred by the consumers were Pick n Peel, Fruit Paradise, Afia,, Splash and Delmonte as illustrated in the photograph above.

The reasons given included; the packaging was attractive, the visual images looked appealing, the juice packs were labeled as being 100% natural and pure fruit juice and the cost also influenced their preference because some consumers stated that the more costly the juice the more likely it was to be genuine in its marketing aspects. Based on our earlier understanding of the term 'juice' it is right to say that the manufacturers and/or advertisers are not being straight with the consumers of these products. This fact is proved by the findings in the laboratory test which disclosed that indeed the juices are not quite pure juices but have been extracted, processed and repackaged at different levels.

Another misleading fact is that the fruits' images used in the packs look very enticing but the truth of the matter is that the image has been photo edited to make it look more enticing, as earlier discussed in Chapter Two whereby we learnt that Visual Distortions is one of the Deceptive practices that advertisers practice to market a product. The unfortunate thing is that the consumer will purchase the product because they believe that the 'fruit juice' contained in the pack must have been squeezed out of a fruit that looks as 'healthy and juicy'.

To best understand just how much deception has been used in the packaging of these juices, knowing that product packaging is a form of advertising, I did an analysis of the package in detail as explained below.

4.3.2 LITERATURE ON THE PACKS



Figure 4.2: Literature on front of juice packs an attractive sales slogan
(Photo taken by author, 6th January 2011)

The above photos of the preferred juices as mentioned by consumers interviewed illustrate just how much they (consumers) are deceived. Looking at the circled areas of the packs in the figure above one notes that the 'juices' contained inside the packs are marketed as being 'PURE or NATURAL JUICE'. Based on the literature earlier covered as regards the definition of the term juice, and from the Findings in the lab test, this is untrue as the liquids contained therein are infact juice drinks. This is further illustrated below where we get to see that the ingredients of the 'fruit juices' have an additional element which makes the 'fruit juices' not pure.



Figure 4.3: Literature on side of juice packs - ingredients

(Photo taken by author, 6th January 2011)

Based on interviews and talks I conducted with the laboratory technician from the Food and Science Department at the University of Nairobi's Upper Kabete Campus, Mr. J. M^oThika, most of the information given on the packs of the juices sold in the local market is not purely the truth. To quote him:

“The vitamin C levels in most juices are not as stated on the packs. From the tests I have done on some of the juices, the Vitamin C levels are much lower than what is indicated on the pack.”

This then drove me to actually have samples from the supermarkets tested so as to prove his point and it turned out that M^oThika was right.

Another laboratory technician from the Institute of Nuclear Science Department, University of Nairobi, Mr. Bart mentioned that some of the juice brands in the market do not retain the same standard and quality in their juices. He mentioned that the quality varies depending on the quantity and location where the juice is being sold. He explained that based on the target market the quality varies i.e.

for the upper class area the quality is good and for the lower end market, the quality is compromised. He also added that the quality of juice packaged as 300ml is not as good as that packed in 1 Litre tetra-paks.

Prof. Jasper K. Imungi, the Chairperson at the Department of Food and Science at the University of Nairobi, during a discussion about my research gave me some insight on the production of juices. He mentioned that majority of juices in the market may not be complying with the standards set by The Kenya Bureau of Standards (KEBS). KEBS is a Statutory Organization of Government, established by an act of parliament Chapter 496, and is the National Standards Body (NSB) and as such is mandated by the Act to among other things; protect consumers through handling of consumer complaints. However it is good to note that KEBS can only act if a consumer raises a viable claim or complaint. The consumer may however not have the required resources to prove that a product/service is not delivering as it should and thus the consumer just perseveres.

KEBS has been given the authority by the Government to regulate the production and importation of goods in to the market by setting the right standards for products. KEBS is mandated to do regular checks on products on and off the shelf. Mr. M'Thika however mentioned that KEBS most often than not book an appointment with the manufacturers on the day they are to go to their factories for inspection. The downside of this is that the manufacturer is likely to have only products that meet the expectations on that day and after these products have been certified as being in order, the manufacturer may then alter other products that are to be put in the market for sale!

One of the Quality Assurance Regulations of KEBS indicates that 'Quality assurance officers are expected to draw samples during scheduled and unscheduled (whenever there are complaints) visits to factories for testing at the well-equipped KEBS laboratories. In case the samples do not comply with the required standards, the manufacturers are advised on how to meet the requirements of Kenya standards. In this way therefore, manufacturers are trained on how to add quality into their products'.⁵⁰

Looking at this regulation, M'Ithika's claim that KEBS do not do much to protect the consumer is true, considering that the unscheduled visits and tests are only done if and when a complaint is made.

Speaking to the Director of the School of the Arts and Design at the University of Nairobi, I learnt that he too has been deceived into purchasing a juice brand he once tasted and loved. From his experience he narrated how he had travelled to a five star hotel in Naivasha and sampled the fresh juice served there. So pleased was he with the taste that he asked the manager of the hotel how they produced/manufactured the juice. The manager confessed that they did not produce the juice but actually bought it from a company with the brand name Enca, then emptied them into their juice dispensers. When he travelled back to Nairobi he went into a local supermarket and purchased the same juice brand he had been informed about. To his utter surprise the juice was not as tasty and was very dilute (as aforementioned in the literature where juices are adulterated by over-dilution with water). From his experience it is clear to say that different target markets get different

⁵⁰ <http://www.kebs.org/index.php?opt=qai>

qualities of products just as explained by the technician from the Institute of Nuclear Science and Technology (INST).

4.3.3 SURFACE GRAPHICS ON PACKS

One of the main attractions that the consumers and the designers talked about when it comes to advertising is an attractive and appealing package. Looking at the pictures in figure 4.1 it is evident that the designer made creative packages aimed at getting the consumers attention, including the mention of the fact that the juice is 100 % pure and natural. The fruit images are attractive and give the feel of a refreshing and healthy drink. They give the impression that what is contained inside the package is the squeezed juice from the fruit.

However based on the findings, the 'pure juices' are not as indicated on the juices but have additives which then disqualify them from the fact that they are natural and pure, thus the consumers are being deceived on the purchase they are making.

5.0 CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

5.1 CONCLUSION

It is quite clear that consumers are drawn to purchase products and services by the way they are packaged and marketed. An appealing advert or package, a strong sales slogan as well as attractive visuals are just but some of the aspects that make a consumer want to try out a product. The down side of this is that the consumer may not really delve into knowing the actual contents within the product they are purchasing. It gets worse when the contents of these products may be harmful to the consumer, as in the case of the juices that were tested and showed that preservatives do exist in some of these juices that may have some serious health implications to people sensitive to sulfur dioxide. However consumers should be aware that there are regulations that cover their rights and responsibilities as pertains to products/services they consume.

In Kenya, the rights of the consumer are enshrined in a number of Parliamentary Acts, all of which are presently being consolidated by means of The 2007 Consumer Protection Bill⁵¹. They are designed to ensure that consumers are provided with full information, including the price and quality, of any product or service they may wish to purchase, and to ensure that they are safe and meet international standards.

The Consumer Education Programme, an initiative of the Communication Commission of Kenya, states that the consumer has certain rights in relation to the purchase of products or services, all of which are protected by the Kenyan

⁵¹ www.kenyalaw.org

constitution. However, many consumers feel that they have little power in the marketplace, especially when they are forced to come into conflict with large and powerful organizations. Thus, in many cases, their rights are violated. To protect themselves against this, consumers are advised to know and understand their rights, and to insist that they are respected at all times.

Some of the Consumer Rights and Responsibilities in Relation to Misleading Advertising according to the law ensure that⁵²:

1. Any claims relating to how an item should operate or its place of origin must be true
2. Any claims relating to the time in which a service is provided, the effect of the service and the responsibilities of the service provider must be true
3. Any claims relating to the price (actual, previous and recommended) must be true. Such prices should be portrayed as the total price and there should be no hidden charges.
4. Make reasonable decisions and exercise responsibility when exercising his/her freedom of choice in the market place
5. Be informed, avoid making hasty decisions, avoid making decisions based on misleading advertising claims
6. Make due enquiry as to standards, quality, value, style and model. Similarly in relation to repairs, spare parts, labour and other related terms
7. Obtain information on the product or service and observe the experiences of others in relation to the same

⁵² http://www.cck.go.ke/consumers/consumer_protection

8. Compare price, quality, standard and features with competing products
9. Refrain from entering into any 'get rich quick' schemes
10. Review the relative benefits of 'free gifts' in relation to the purchase price

Protect all communications equipment and facilities within their vicinity

Should the consumer believe that he/she has been misled by the terms or contents of an advertisement, they should:

1. Point out the error and demand that the vendor match the claims made in the advertisement
2. Refuse to complete the sale
3. Report the trader to the appropriate regulatory authorities

In the Kenyan Constitution, the consumer is protected by a number of rights mentioned in Chapter Four, Article 46 and they read as follows:

Consumers have the right—

1. to goods and services of reasonable quality;
2. to the information necessary for them to gain full benefit from goods and services;
3. to the protection of their health, safety, and economic interests; and
4. to compensation for loss or injury arising from defects in goods or services.

Another consumer organization that Kenyan consumers may not be aware of and may help in curbing deceptive practices is the Consumer Federation of Kenya (Cofek). Cofek is Kenya's independent, self-funded, multi-sectoral, non-political and

non-profit Federation committed to consumer protection, education, research, consultancy, litigation, anti-counterfeits campaign and business assessment and rating on consumerism and customer-care issues.⁵³ Cofek was successfully registered on 26th March 2010 as a membership society under Cap 108, Laws of Kenya. Its members are ordinary consumers and professionals spread across the country; who work towards a fair, just and safe marketplace for all Kenyan and regional consumers.

Designers also play a very crucial role in advertising as seen from the research and in turn have a major role in influencing the purchasing power of consumers.

Designers need to appreciate this fact and thus take it upon themselves to make sure that they have all the information necessary when doing an advert and even packaging various products as they may be marketing a product that is likely to do harm to consumers, never mind that they themselves are consumers of various products.

The advertising industry as a whole needs to take a good look at itself. Consumers are bombarded with advertising at all levels on a daily basis. The result of deception in advertising creates cynicism within those of us who eventually turn a deaf ear to this type of endless promotion. Going by the findings from the research, it is clear that consumers should become wary of what purchases they make and their health implications, otherwise consumers become distrusting of these products.

“This negative impact from deceptive advertising underscores the value of manufacturers who build their businesses based upon customer satisfaction, and loyalty. Given time, those who advertise in deceptive ways fall by the wayside. Manufacturers with the fore site to build their businesses on sound business practices are usually the survivors. Unfortunately, a few of their weaker brothers will fail due to their inability to overcome a negative marketplace. That is too bad, for them, and for us (designers/marketers)”⁵⁴

⁵³ <http://www.cofek.co.ke/>

⁵⁴ www.marketingbout.com

From the above extract, it is clear that everyone should be alert to the dangers of deception in advertising, techniques employed by advertisers in order to get us to buy the latest goods and services. Yet, many of us still end up falling for the same old tricks, as advertisers find innovative ways of tapping into our subconscious desires. No matter how alert the audience who watch television advertisements or look at magazine advertisements and billboards is, there are still plenty of people prepared to believe the claims that are made in advertisements, which is exactly why large companies are prepared to spend so much money on advertising.

Deception exists in almost all forms of advertising including packaging and from this research we can see that as consumers we can be deceived to purchase just about any product and not necessarily the beauty products that we may now all be aware of. Even in the 'fruit juices' that we believe in being pure and healthy, a little bit of deception is incorporated so that we (consumers) can pick one brand over the other. Consumers need to be familiarized with the contents of products they consume so as to enable them make informed decisions about what they are consuming and the health implications should one opt to buy the product.

5.2 RECOMMENDATIONS

Opening up a consumer's forum where the manufacturers can load full information about their products that consumers can access before they make a purchase would be the first recommendation that can be looked into. This will make the consumer feel safe about the product they are purchasing and the manufacturers' validity will be established. The consumers also need to be educated on their rights

and responsibilities as consumers. It is clear from the research that there exist consumer protection bodies that consumers can consult when unsure about the products they are consuming or purchasing. The consumer bodies too need to advertise and market themselves more because as it stands, consumers do not know of their existence, and this would in turn tame the deceptive practices that are currently ongoing.

From the research, it is quite clear that the designer may not necessarily know that they are deceiving consumers by their creative ways of marketing products and thus the designer needs to be made socially responsible. This can be achieved by having a designer acquire full knowledge of what exactly it is that they are marketing or creating an advert for. This is because, from the study done, the consumer's attention is firstly drawn by the beauty and aesthetics of a well packaged and marketed product; before knowing the health implications of the product they purchase. The designer needs to do further research as to the products they intend to market to consumers as they too are also consumers of some if not most of these products.

The government should facilitate a regulatory board like an Advertising Council to work closely with COFEK, KEBS, CCK⁵⁵ that will look at advertising and the production of quality goods and services that are not harmful to consumers. This will help to pin down manufacturers that may deceive consumers by empowering designers to report to the council when they come across a product that they may have doubts about before they do an advert for them. Currently the Marketing

⁵⁵ Communications council of kenya

Society of Kenya (MSK) is the only regulatory body that exists in Kenya that targets mainly marketers but advertisers are also eligible to register with them. MSK started as the Advertising Society in 1962 and later became the Marketing Society of Kenya in 1968. The society's core objectives are to develop, acknowledge and practice marketing, provide services to members and offer a platform for self regulation for practicing marketers. MSK's mission is to continually promote professional marketing standards, establish a practitioner code of ethics and provide interactive for marketers. Looking at this it is clear that no code of ethics exist that would govern how designers and marketers alike should conduct their professions and thus the need to look into a governing/regulatory body. However it is good to note that marketers and advertisers have been given the role of self regulation and this could probably be one of the reasons as to why they may 'mislead' consumers with adverts and thus are not held responsible for any wrong done.

There is also the need for design students, as part of their training, to be familiarized with the social responsibility of a designer, so that in future they are able to question the manufacturer as to what they are producing for the market they intend to sell their products to. This will also go in tandem with the registration of an advertising council, from which students will be able to learn and be aware of the legal standards and requirements set to run an advert, as well as the understanding of the consumer rights present.

6.0 APPENDICES

6.1 TIME PLAN

ACTIVITIES	Mnth 1				Mnth 2				Mnth 3				Mnth 4				Mnth 5				Mnth 6				Mnth 7				Mnth 8				Mnth 9				Mnth 10				Mnth 11															
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4																
Introduction & Literature Review to formulate problem	█																																																							
Meeting with Supervisor & Proposal Presentation to School Board									█																																															
Corrections from presentation & Literature Review to formulate theoretical framework.													█																																											
Final Proposal Presentation																					█																																			
Corrections from presentation & Literature Review to formulate instruments for analysis & handing in of Final Proposal																									█																															
Pilot testing, Fieldwork & Data Analysis & presentation to school board																																	█																							
Compiling & handing in of Final draft thesis & final presentation to school board																																									█															
Corrections & handing in of final thesis																																																	█							

6.2 SAMPLE QUESTIONS

Below are some of the questions the researcher is looking at using to conduct a pilot test for the research.

6.2.1 Designers and Advertisers

1. What makes up an advertisement? (Design elements among others)
2. Which advertising method has more effect or response from the consumer?
Why is this so?
3. a) Does a designer have any control on the information put in an advertisement? b) Does the designer do a research and understand the product before working on a campaign? What information does the designer gather in their research? c) Whose role is it to come up with the advertising concept of a product?
4. a) How in your opinion do you make an advert stand out against another advert of a similar product? b) What is the role of the designer? c) What is the role of the marketer? d) What is the role of the advertiser?
5. Based on experience and/or research you have conducted, what influences a consumer's choice in the product that they purchase?
6. Do you have any thoughts of whether a product is delivering what it says it is? Use an example of juice adverts like Afia , Pick n Peel and Picana among others.

6.2.2 Retailers

1. a) Which are your fast moving juice brands?
- b) Does advertising have any influence on the sales of the advertised products?
2. Do the manufacturers of these juices provide to you information about the product, the pros and cons of the juices?
3. Besides advertising and promotions, what other ways do consumers get to know about the juices that are available in your shops?
4. a) Do you take any measures to ensure that the juices that you stock in your shops are genuinely as stated in the adverts or on the packets they are contained in?
- b) Do you think that it necessary to be fully informed of the contents of the juices that you stock in your shop?

6.2.3 Consumers

1. What is your take on advertising?
2. What is the determining factor of why you buy the products that you do?
3. Do adverts have any influence on your purchasing power?
4. Do you believe all the information that is carried in the advert? Give a reason for your answer.
5. Would you give examples of adverts that have left a recollection in your mind, adverts that you thought passed across the message well?

6.3 QUESTIONNAIRE FOR STUDENTS

I am a M. A. Design student and my thesis is on deception in advertising. I would appreciate if you answer the following questions as they will assist me in conducting my research. Thank you.

1. What do you consider as effective advertising and why?

.....

.....

.....

.....

2. As part of training, are you informed on the best ways of running a successful advert, including the brief/copy to put in the adverts?

.....

.....

.....

3. a) Do you believe that advertising is a social responsibility?

.....

- b) Do you see the designer as part of it?

.....

4. In your opinion, what kind of research should be done before running an advertisement of a product, using any brand of juice as your product of choice?

.....
.....
.....

5. Have you ever felt misled by an advert? Give the example and state what you wish would have been done differently to promote the product.

.....
.....
.....

Betty K. Mwiti, M.A.Design

6.4 SAMPLES OF FRUIT JUICE ADVERTS DONE BY RESEARCHER



© 2007, Advertising, 4th Edition, McGraw-Hill Publishers

Advertising, Descriptive advertising, Behavioral Study of a Legal Concept

© 2007, The Science of Persuasion, Thomas Aronson, Fred, Prentice

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