

Subliminal Advertisements According to Turkish Code

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Abstract:- Advertising aimed at influencing the subconscious and messages hidden in advertisements are called subliminal messages. Subliminal advertisements carry the aim of making a product of advertisement, spreading a belief. We are aware of the reason why we prefer to buy a product that we bought in shopping. In this work, we have studied carefully how the world famous consumption material affects people's subconscious messages and how they are evaluated in Turkish Code and under which code.

Key Words:Subliminal Advertising, subliminal, conscious, legal, sanction.

I. INTRODUCTION

Being an indispensable element of daily life, "ADVERTISEMENT" also constitutes one of the building blocks of the contemporary marketplace. Because, in this day and age, people gain information about various products by means of advertising, and share the impression they had acquired about the product through advertising even with groups of friends (Elden, 2009: 135-136). Being defined as "all kinds of ways tried for introducing, recommending something to people and hereby achieving its circulation, and the text, picture, film, etc. used for this purpose" (Turkish Language Agency Dictionary, 2009: 624), Advertising is "the art of creating measurable impact by retrograding from the envisaged short term targets. The supreme objective of advertising is to give raise to a thought that something has the value of 12 TL even if it is only worth 10 TL" according to Serdar ERENER, the copywriter, highly successful and a popular personality in this field in our country. According to Erenner, it is possible to create, and to bring forth the technically elusive justification of effectuating price differential by means of advertising (<http://ilef.ankara.edu.tr/reklam/yazi.php?yad=90>). Law, as one of the branches of social sciences has interrelation with advertising. However, it embraces many uncompromised definitions as in the cases of almost all branches of social sciences (Ardıç, 2008: 51).

According to ÖZTAN, it is "an entirety regulating the interrelations of people with each other or with the society that they form, and the interrelations of these societies with each other, and comprising coercive rules with specific characteristics" (Öztan, 2001:11) Whereas according to BİLGE "Law is the entirety of social rules regulating the relations of people with each other and with the society, and the compliance of which is reinforced with public force" (Bilge, 2000: 32).

There are rules of law in the community life regulating many areas relating to people and institutions. And advertising forms one of these areas regulated by the rules of law. As advertisement having a significant effect both on economic life and on consumers, it is continuously tried to be regulated. The methods of this regulation are self-regulation, specific rules of law, administrative audits and punitive articles.(Elden, 2009: 170)

Literally, consciousness is defined as sum of instantaneous processes enabling people to understand themselves and the environment around them, and to interpret the events (Sungur, 2006: 170). Subliminal term refers to mental-spiritual processes not reaching the consciousness level due to inhibition of censorship mechanism (Çelik, 2000: 24). The parameters affecting these mental-spiritual processes are love, sexuality and death. When it comes to consumer behaviours, subconsciousness is the region where "why that product is purchased" and "spending money" decisions are made. This is why, advertisers ceaselessly strive to embed the names of their brands and products into subconsciousness of consumers. When consumer wishes to purchase a product, the product being advertised must spring in his mind. At this point, some advertisers use methods to get inside the minds of people faster and more effectively by studying the characteristics of human brain. In this context, attempts are made to canalize the motives and impulses being affective in consumers making decision

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in their subconsciousness. For example, colours have certain correspondences in the subconsciousness of everyone, and these colours certainly affect the decision making mechanism of people. In the subconscious, red is the colour of love, passion and sexuality. In the Magnum ice-cream advertisement, woman model wearing red dress conveys the meaning she is a “passionate woman”. Thereby, the promise “the people ambitious and taking pleasure from life are passionate like the woman consuming the product in Magnum advertising” is given. As from early 1900, discovering that the subliminal motives of the people can be canalized, advertisers together with the specialist working in the field of psychology started to prepare advertisements comprising hidden messages, triggering motives and targeting indulgences (Dundar, 2009: 28-29)

In technical sense, the subliminal concept is the *images and the sounds affecting the subconsciousness of people, being outside the perception of five sense organs*. Subliminal advertising is defined as the creation of advertising messages in promotions made through cinema and television channels, targeting the subconsciousness of consumer with some elements taking place below the perception threshold of people. In these advertisements, the objective is “subliminal persuasion”. Viewers or audience are persuaded to do the things they would not do if they were left alone, through subliminal advertising, that is by using the hidden, ex-perceptive stimulus. Moreover, without realizing, and stealthily. People are influenced in these advertisements viewed without any awareness. Here, the objective of the advertiser lays in these stimulants emerging in a manner to make the conscious to buy that product by stimulating the subconsciousness. (Sungur, 2006: 178)

When the history of subliminal advertising is examined, it is seen that it first emerged in America in 1950s. Advertisement specialist James Vicary claims that in the experiment he carried out the messages flashing very fast on the motion picture screen affect the preferences of people on food, and thus increase the sales of popcorn and coke in movie theatres. In this experiment, “eat popcorn”, “drink coca-cola” slogans appear while the movie is played. It is observed that popcorn and coke sales increased significantly through the slogans addressing the subconscious of moviegoers without perceiving this consciously. (Sungur, 2006:178)

Generally, these types of messages stimulate the subconscious **in three** ways:

- 1- Through the symbols hidden in the visual material,
- 2- Through movie or television images in the form of flashes popping up frequently and in a split of a second not to be perceived with the naked eye,
- 3- Through sensory,

Hidden messages are embedded in Mp3’s as their manipulation, processing and distribution is very easy. We listen to an Mp3 comprising subliminal messages with our ears, but the message hidden inside is listened by our brain.

Examples relating to subliminal advertisement

“Gilbey’s London Dry Gin” advertisement published on the inside back cover of Time on 5 July 1971. In the advertisement, “SEX” is printed on the ices inside the glass. It is determined that **Gilbey’s made 1.5 m dollar sales through** this advertisement. Upon this, a research is carried out on this advertisement, and when this advertisement is shown to test subjects, 60% described the effect stimulated on them with expressions such as “satisfaction”, “sexual compulsion”, “excitement”, “romance”, “sensuousness”. Whereas the version of the advertising not comprising any hidden message are not described in this manner (Sungur, 2006: 179).

Another example



Above is an advertisement on yellow pages in England: Laid By The Best.. The picture is very innocent, but when it is turned upside down, it is very clear that this is not so. This picture is recognized as one of the oldest examples of persuasive subliminal advertisement.



Another example,



This time, similar situation appear in drink advertisements. A drink bottle being held like this is not seen that often. The way the bottle is held here in the drink advertisement evoke male genital organ (www.pentangle.blogcu.com/bilinc-altuna-yonelik-etkileme-ve-subliminal-reklamlar/2416061.)

Our subconscious is like the unseen portion of an iceberg. The hidden system in our mind is affected by many things without us realizing it. It is affected especially from the 25. Frame, which is mostly used for advertising purposes in movie theatres. (www.medyaloji.net/haber/bilincalti_reklamlara_dikkat.)

One second image in motion picture comprised of twenty four frames. Human eye can not perceive these twenty four frames separately, but integrates all of them in his brain. If those using subliminal advertisement technique have embed the same image on twenty four frames and have embed a different image on the twenty fifth frame, human eye can not perceive this, but the hidden message is sent to the brain, without them being aware of this. The films directed towards the orientation of consciousness are highly widespread (Sungur, 2006: 179).This method is used in many cartoon films watched **by children**. Obscene hidden contents and subliminal messages are frequently used in cartoon films. Those using this method either use kids ad babies

shown sensitivity or woman sexuality. The fact also being unfolded scientifically is the observation of serious personality disorder among the people excessively exposed to sexual stimulus. Thus, care should be taken even when watching a film. Also, as the female figures are shown exaggeratedly in many cartoon films in a manner to evoke sexuality, children are becoming acquainted with these stimuli, and the age of reaching puberty is also decreasing due to contacting with certain things at an early age. Exposure of children at an age of not being to separate the good from the bad, or not having juridical capacity (*juridical capacity means attribution of consequences of an act committed by a person to the same person* Oğuzman/Seliçi/Oktay, 1999: 36.) to these kinds of things shatters the personality development of the child. When examined more than half of the cartoon films contain violence. The child watching these films beginning to practice these on his/her friends. So that, even the phenomenon of death becoming something ordinary for the child.
(www.medyaloji.net).

Assessment of Subliminal Advertisement in Legal Terms

“Regulation on the Principles and Procedures for Radio and Television Broadcasting” No.25082 which became effective after being published on the Official Gazette on 17 April 2003 is a regulation oriented towards defining broadcasting principles and procedures obliged to be abided by broadcasting organizations within the framework of provisions stipulated in Law No. 3984 on Establishment of Radio And Television Enterprises and Their Broadcasts and European Convention on Transfrontier Television Broadcasting. Under the heading of Definitions of the Regulation:

Subliminal Advertising: is defined as advertisements created by using very short images through technical devices in television broadcasting, and comprising messages relating to promotion of products and services that the watchers of television can only perceive with their subconscious (www.rtuk.gov.tr).

Again, in 15th article of the Regulation,

Advertising and Tele-Shopping Created by Employing Subliminal Techniques

Article 15- Any kind of advertising comprising messages relating to promotion of products and services that the watchers of television can only perceive with their subconscious by using flashes of images in television broadcasting through various technical devices (www.rtuk.org.tr) provision is included in the Regulation.

With this provision, permission is not given to subliminal advertising as they constitute contradiction to fairness and honesty principles.

Also in the Regulation No. 25138 with the heading Principles and Application of Commercial Advertisements and Announcements, which became effective after being published in the Official Gazette on 14 June 2003; these kinds of advertisements are prohibited due to constituting contradiction to fairness and honesty principles:

Fairness and Honesty

Article 7 — It is fundamental that advertisements are fair and honest according to the considerations indicated below.

a) Advertisements cannot be in the form abusing the confidence of consumer or taking advantage of their lack of experience and knowledge.

b) Advertisements; which are created by using electronic device or another apparatus that are giving very short flashes of images or changing the advertisement’s structure into a form not to be realized or known by the viewer, and assuring the viewer to perceive them with their sub-consciousness; cannot be broadcasted.

(www.rtuk.gov.tr)

European Convention on Transfrontier Television

It is beneficial to mention the European Convention on Transfrontier Television as an international legal regulation prepared both for regulating the rights and liabilities of television channels of European countries towards each other, and also for protecting the European identity of the European televisions especially in the presence of American television broadcasting. This regulation having the attribute of being an international convention, signed by Turkey in 1992 and approved and put into effect in 1994, has the characteristics of being a legal regulation which should be known by the relevant institutions and organizations (Aziz, 1995: 19.). Direct reflection of convention on our domestic law substantiated with Law No. 3984 on Establishment of Radio And Television Enterprises and Their Broadcasts, which was put into effect on 13 April 1994. All of the fundamental principles taking place in the European Convention on Transfrontier Television also take place in Law No.3984.(www.rtuk.org.tr)

Law Proposal

A law proposal is submitted to Turkish Grand National Assembly by AKP Adana MP Atilla Basoglu on 10 March 2005. In his proposal, Basoglu indicated that hidden propaganda being made to consumers through

infrared light and low frequency advertising, and wanted to prevent hidden propaganda made by using “subliminal” method with electronic devices through television programmes, films, advertising and musical works. Basoglu stated that the people exposed to subliminal propagandas go to shopping centres and purchased the products that they never thought of, and returned home, or have positive or negative opinion about a country or a society without being aware of this. Basoglu said: “this advanced propaganda system may be revealed with advance technological devices. Fifty five countries have prohibited this system, but we still don’t have a single law on this matter”. According to the law proposal presented to Turkish Grand National Assembly “People using special equipment and methods causing subconscious impact on perception of consumers shall be punished with at least ten years heavy imprisonment and at least six thousand Turkish Lira judicial fine”. Proposal stipulates that no special equipment and method must be used in radio, television, video, sound, film and all kinds of similar communication products including double tracks recordings, which might cause subconscious effects on the perception of consumers referred to as subliminal advertising and message (Sungur, 2006: 180-181).

Led by UK in 1964, USA in 1974 (especially when the reactions due to the increase in subliminal messages oriented towards the children became overwhelming, Federal Trade Commission prohibited the use of techniques pursuing the objective of effecting sunconsciousness), 55 countries put their people under protection against these techniques. It is determined that ATN television broadcasting in Ekaterinburg province of Russia giving messages in the form of “Sit down and Watch ATN”, and this caused its broadcasting licence being cancelled for a period of 2 months. Upon encountering with subliminal messages in a television advertisement in 1973, advertisements comprising hidden messages are prohibited by Canadian Radio-Television and Telecommunication Commission. Nevertheless, in early 80s this prohibition is removed in Canada, as no scientific data could be found in the direction of subliminal messages actually being effective, and currently broadcasting of subliminal advertising is free in Canada (Çelik, 2000: 78)

In respect of the legal regulation we attempted to explain above, “LAW NO.6112 ON ESTABLISHMENT OF RADIO AND TELEVISION ENTERPRISES AND THEIR BROADCASTING SERVICES” became effective upon being published on the Official Gazette on 03 March 2011. “Law No.3984 Establishment of Radio And Television Enterprises and Their Broadcasts” became obsolete following the entry into force of this law. In this case, the problem of effectiveness of Regulation No.25082 on “the Principles and Procedures for Radio and Television Broadcasting”, which is a regulation oriented towards determination of broadcasting principles and procedures of “Law No. 3984 on the Establishment of Radio And Television Enterprises and Their Broadcasts” would be in question. However, this issue is stated in Law No.6112, in such a way that;

Annulled and Inapplicable Provisions

ARTICLE 48 – (1) Law No. 3984 on Establishment of Radio And Television Enterprises and Their Broadcasts dated 13/04/1994 is annulled.

Regulations

PROVISIONAL CLAUSE 2 – (1) Regulations required to be put into effect pursuant to this law are prepared by the Supreme Council within six months following the publication date of this law, and are put into force upon being published in the Official Gazette. Implementation of current provisions of regulatory act not being contrary to this Law is continued until these regulations are put into force (www.rtuk.org.tr).

Therefore, it can be said that the provisions of the current regulation not being contrary to new law are in force until the new regulation put into force, and herewith, the regulation relating to subliminal advertising currently being in force and valid.

II. CONCLUSION

All in all, subliminal advertising has been prohibited in Turkey and in many parts of the world, but no structure has been established to supervise the matter whether this kind of advertising, serials, film and documentaries contain subliminal message or not.

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