

Portrayal of Lasciviousness; an Analysis of Indian TV Ads

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Abstract: Advertisement is the process of communicating the most persuasive selling message possible, to the right potential consumer of products or services at the right time and place, at least possible cost. Advertisement acts as a bridge between potential seller and buyer. Advertising is a pervasive, powerful force shaping the attitudes and behaviour of the present society. The modern market economy has also seen a boom in the Advertising industry. In order to beat the competitors in the highly competitive and fast market; combined with the motive of grabbing eyeballs in an instant and getting talked about at large even for not-so-good reasons, at times advertisers goes beyond the traditional role of 'fair and truthful' information and portrays obscene, undesirable and unethical scenes that have a detrimental effect on the society. The researcher cites elaborate instances of such violations of advertising ethics in context of Indian Television. The researcher also highlights the laws and codes already in place but their lack of implementation and specifically, the lack of awareness on the part of the viewers have made the scene worse. The research paper concludes with effective suggestions through which the problem can be dealt with in an efficient way.

Keywords: Television advertisements, obscenity, Media, ethics, violation.

I. Introduction

Objectives

1. To give a detailed analysis on the concept of Law of Obscenity.
2. To compile comprehensive case studies of occasions where television advertisements had obscene overtones or lascivious undertones.
3. To find out if such portrayal affects the right of any section of the society specially women.
4. To find out if there is any law or code against such obscene portrayal of advertisements.

Research Question

Why advertising code of ethics and Media laws are not being able to curb down the portrayal of obscene visuals in television advertisements in India?

Research Design

The research is a Descriptive and Diagnostic one. We have done case studies of advertisements that contain clippings; most of which have a seductive undertone or obscene overtone. Moreover it will be an exploratory study as not much literature was available on the topic and the study in this field is a new one so we have to explore the possible ways in which we can protect the rights of those involved and also find measures to curb the open airing of such visuals; which apart from being embarrassing for family viewing, can also have negative impact on child viewers. The data are mainly collected through secondary sources like books, newspapers, magazines and internet sources and primary sources like interviews.

II. Obscenity in advertisements: Underlying concepts

Media is regarded as the fourth pillar of democracy, and therefore, it is supposed to behave in a responsible and ethical way. Hence, the advertisers are obliged to not come up with advertisements which mislead, misinform, misguide the consumers or offend good public taste.

Unfortunately, there have been instances where Indian advertisers have come up with certain advertisements which have shocked public conscience and have subsequently been banned on the grounds of public decency or morality, for instance, the 1991 advertisement of *Kamasutra* Advertisement which featured Pooja Bedi and Marc Robinson in a steamy shower scene, or, the 1993 advertisement of *MR coffee* which showed Malaika Arora and Arbaaz Khan being cosy with each other, or, the 2007 advertisement of *Set Wet Zatak* deodorant which showed a woman getting seduced by a man wearing the advertised deodorant, or the infamous *Amul Macho's* underwear advertisement which depicted a woman having sexual fantasies while washing her husband's underwear etc. And now, the advertisement of '*18 again*' is yet another addition to this gamut of obscene advertisements.

The television ads – for *Axe body spray*, and *Cool talc* and deodorant by *Set Wet Zatak* – were found to be both “obscene” and “indecent” by India’s advertising watchdog, according to Indiantelevision.com. The

advertisements, which have been the subject of many viewer and government complaints, showed women overcome by desire when faced with men wearing the various scents being showcased. The 21 strong Consumer Complaints Council – part of ASCI – decreed the ads should be taken off screen following their meeting, given there was no possibility of modifying the scenes deemed as offensive. In one ad, a woman dentist is shown unbuttoning her shirt while treating a scantily clad male patient wearing Zatak deodorant. Another shows a tailor's son applying the apparently potent talc prior to taking a woman customer's measurements with lascivious intent. The third offender is based around an excited female security guard over zealously frisking a man wearing Axe deodorant.

Allan Collaco, general secretary, ASCI said: "There is very little to modify in these ads. Hence, they have been asked to go off-air immediately." In May, the Ministry of Information and Broadcasting asked ASCI to ensure that the adverts are either modified or taken off air, because they offended "good taste and decency". The Ministry said that these and some other deodorant adverts portray women as "lustily hankering after men under the influence of such deodorants" and that the "depiction and portrayal of women in these ads is overtly sexual." India's advertising code states that "cable operators should ensure that the portrayal of the female form... is tasteful and aesthetic and within the well-established norms of good taste and decency." In India, Article 19(1) (a) of the Constitution confers on all its citizens a right to freedom and expression. Quite interestingly, the Hon. Supreme Court in cases such as the Express Newspapers and Tata Press Ltd. has unambiguously held that "commercial speech" is a part of the freedom of speech and expression guaranteed under Article 19(1)(a) of the Constitution because advertisements essentially involve the dissemination of information regarding the product advertised. The said preposition brings the advertisers within the purview of the various restrictions on speech and expression as enumerated in Article 19(2) of the Constitution, one of which is 'decency or public morality'.

Decency in advertisements also invokes the concept of 'media ethics', which aims at making the advertisers more responsible by infusing the aspect of 'morality' into the advertising sector. The need to curb obscenity in advertising also finds its justification in the jurisprudential doctrine of 'parens patriae' which warrants the state to act as a parent of its subjects and ensure their best interests.

III. Case studies

Judging an Ad as being suggestive, irrelevant in terms of the product its trying to sell or simply controversial is purely relative one may think. What may seem like a vulgar ad to the ASCI (Advertising Council of India) may seem innovative or appealing to the consumers or at least that is what has been proved over the past 2 decades of Indian Advertising!

Most companies, that have made controversial ads that have either been banned from transmission or made to be released in highly censored forms, have recorded highest turnovers and improved market shares post the release of the so called "inconsumable" ads.

Do companies then consider controversial ads the easiest route to Indian public's mind? Well, if the very aim of an ad is achieved then one would say, why not?

Over the years, if Indian advertising companies have realised one thing its nothing but the fact that "Sex sells" and appeals more to the masses than maybe a good humorous creative commercial. Sex may indeed sell to the public and the masses of India but the Indian Advertising council and other associated legal authorities are not willing to buy the concept that easily. The Indian Advertising industry has seen many a controversial ad in the past two decades and most of them creating controversy on the basis of being vulgar, obscene and unfit for public consumption.

Speaking of controversial ad's, vulgar and obscene may not be the only reasons for raising an eyebrow or shaking up the authorities. What companies have also tried and experimented with often is brand infringement. Explicitly referring to another company's product in an ad, either by boldly referring to the product or by using parts of its tagline, or any other means through which an attempt is made to hurt the company's brand value, is considered strictly out of the rule books of fair advertising.

The 90's and the current decade have had their share of some of the most controversial ads in the history of Indian Advertising – from naked models to steamy showers – we have seen it all! There may have been many that created a little ignorable noise, but following are the ones that stood out and got noticed.

1. Name: Manforce condom

Year: 2000s

Former porn-star-turned actor Sunny Leone has taken the ad world by storm by her latest steamy advertisement. The pretty actress is endorsing Manforce condoms and the ad shows her posing seductively and showing off her cleavage. In the advertisement, she holds her outfit with one hand and reaches for black grapes with the other. The shoot of the ad took place in Thailand.

2. **Name: Ghost of Bipasha's Past (Bipasha Basu Topless)**
Year: 2010
This advertisement surfaced out of nowhere in 2010 to create some controversy as actress Bipasha Basu is seen topless in this advertisement from the 90's.
3. **Name: VIP Frenchie x Underwear**
Year: 2008
A young couple, a trekking expedition, a fun campfire, some playful games in the bedroom, the boy walking out in his underwear from the bathroom and then the obvious. The Ad ends with the couple coming together and the VIP X logo appearing on screen. The message was pretty clear and yet another instance of trying to sell using sex as a medium.
4. **Name: Amul Macho Undergarments**
Year: 2007
This Ad is rated as one of the most controversial in India and for the most obvious reasons was banned by the Advertising council. "Ye to bada toing hai.." is rated as one of the most vulgar and sexually explicit ads in the history of Indian advertising. This ad, with the women making suggestive movements as if she is up to something naughty, although banned, increased the market share of the company sharply with a turnover of Rs. 201 crores in 2007-2008.
5. **Name: Wild Stone Deodorant**
Year: 2007
An Ambitious company in West Bengal believed that sex would sell for them and it indeed did! The uncensored ad is available on You Tube and has been viewed over 8 lakh times. A company that was virtually unheard off, made its presence felt thanks to the controversy surrounding this ad. The ad, shot during Durga Pooja, depicts how a homely bengali lady bumps into a hot man and the Wild stone deodorant takes them into fantasy land. The ad certainly justified the tagline "Wild by Nature" and although the ad was not banned, a highly censored version was aired on television.
6. **Name: Lux Cozy**
Year: 2007
This Ad was given an all clear signal by the ASCI when it was under question but the Ministry of Information and Broadcasting banned transmission or re-transmission of the ad on the grounds of being indecent, vulgar and suggestive. A hot man clad only in his Lux Cozy underwear is chasing a dog who pulled away his towel and then this scantily dressed woman comes up to him and gives him a peck on his cheek and thanks him for finding her dog. All of that and then a very naughty look at the boy and she walks away! The man for obvious reasons is considered lucky and the ad ends with the the tagline "Apna Luck Pehen he Chalo".
7. **Name: AC Black Whisky - Kuch Bhi Ho Sakta Hai**
Year: 2002
Most companies believe in the "Sex Sells" mantra and so did Jagjit Industries in the early 2000's. A woman with her neckline diminishing and a man with his shirt coming off together with the tagline "Kuch Bhi ho sakta hai", was not only the perfect combination for a steamy and cheeky ad but also a perfect calling for a controversy that had some serious financial impact on the company. The commercial was instantly banned and the company's plans of boosting sales during the World Cup, when this ad was aired at regular intervals, were not quite met!
8. **Name: Bisleri - Play Safe**
Year: 2001
When Bisleri went from "Pure and Safe" to "Play safe" in 2000, it hoped to target the youth and convey a social message. According to Ambience D'Arcy, the shift had been necessitated by the fact that every new entrant in the mineral water market adopted the purity. "Our observation is that people consume mineral water not for the minerals, but for safety. Hence the word "safe" is critical." said Chauhan. The idea certainly differentiated Bisleri from other brands but the Woman, the beach, the man and the whole hidden idea of "safe sex" didn't quite sell well and the ad, as most would have expected, was banned.
9. **Name: Levis - Low Rise jeans**

Year: 2001

Levis has always positioned itself as a 'youth' brand and with this advert they just proved how well the concept of sex sells. The oomph factor exhibited by the sexy women in the ad was mainly targeted at women who wanted to look more erotic and sexy but the ad did more than just that. The ad boosted the sales of Men's jeans as well which was completely irrelevant. The ad was not banned but the almost semi-naked women in it did manage to create quite a controversy for the ad makers.

10. Name: Moods Condom

Year: 2000s

The advertisement shows how a girl cannot control her libido. Riding with her boyfriend on a bike, the girl is turned on just by the thought of condom. She is touching him, fondling him and biting him, much to the delight of roadside spectators. However, how does this on-the-bike seduction help in advertising a condom?

11. Name: Levis

Year: 2000s

The hot and hunky Akshay Kumar is dressed in a pair of jeans and showing off his perfect abs. The female model is all out to seduce him and then unbuttons his jeans. Well we know with all girls oohing and aahing, this was indeed a steamy ad.

12. Name: Zatak Talc

Year: 2000s

This advertisement will surely make tailoring a fun profession. The female model, who goes to give her measurement to a tailor, gets turned on by him when she realises that he has sprinkled himself generously with Zatak talcum powder. The female models pouts and does oohs and aahs to make it a very sensual ad.

13. Name: Maxima Waterproof Watch

Year: 2000s

You can never imagine this could be a wristwatch commercial! The girl fantasizes about seducing a man and ties him to the bed and get all kinky. She kisses him and is seducing him with all the moves and aahs! However, before you start expecting a lot more action, it ends with a woman stealing the watch and walking away.

14. Name: Slice

Year: 2000s

Katrina Kaif's commercial of Slice became quite famous because of her subtle seductive act in the advertisement. This ad is widely known as the 'Aamsutra' and shows the pretty actress in a never seen before sensual avatar. The way she licks the drink from her fingertips make her look very sensuous.

15. Name: Denver deodorant

Year: 2000s

A bikini clad model gets turned on by a male staring at her just because he has put on a deodorant. She gets so turned on that she is willing to undress herself on the beach itself. The expressions and the model's seduction ad makes it indeed a hot advertisement.

16. Name: Tuff Shoes (Featuring Milind Soman and Madhu Sapre)

Year: 1995

This one has to be one of the most controversial print ad's India has ever seen! In 1995 when Milind Soman and Madhu Sapre posed nude for the Tuff Shoes Ad campaign, they probably never saw a 14 year long court case ahead of them. 2 bad pairs of shoes, a python and 2 nude models got various women's groups fuming, the models slapped with a case of obscenity and the ad deemed unfit for public consumption!14 years later in 2009, the models and the others involved were finally acquitted and all charges against them dropped.

17. Name: Calida Underwear (Featuring Dino Morea and Bipasha Basu)

Year: 90s

If the Ad makers of this one thought they would get away with Dino Moreo tugging Bipasha Basu's panty with his teeth, they were everything but correct! The then Minister of State for Cultural affairs,

Mr Anil Deshmukh found the ad a little to hard to handle and for obvious reasons it was added to the long list of 'Banned Indian Commercials'. Like the picture didn't have enough ingredients to stir up a controversy, the tag line- "And you thought your appetite for indulgence could only be whetted by Swiss chocolates", as one would say added the right amount of fuel to the fire!

18. Name: Kamasutra Condoms (Featuring Pooja Bedi)

Year: Early 90s

The early 90's are famous for its long list of controversial commercials and this one was no exception. The steamy and sexy commercial featuring Pooja Bedi and Marc Robinson was a little to hot to handle for the legal authorities and was instantly banned. Pooja Bedi's seductive shower that attracts Marc Robinson was all a bit too much to digest and as most would have expected the commercial was banned and prohibited from transmission.

19. Name: Mr. Coffee (Featuring Arbaaz and Mallaika Khan)

Year: Early 90s

This ad helped Mallaika and Arbaaz write their future in an instant but everything else about the ad ended right there. The concept of good coffee explained through a "sexy" commercial was not very well understood by the legal authorities of India. The tagline, "Real pleasure can't come in an instant", and the commercial, due to its sexual overtones generated quite a controversy in the early 90's.

IV. Laws Regulating Obscenity In Advertisements In India

India has a quite a few legislations to govern various aspects of advertisements. As far as the obscenity is concerned, Section 292 of the Indian Penal Code, 1860 is the over-arching law which makes it a punishable offence to publish, distribute, sell, hire or circulate any obscene material, which thereby makes punishable the obscenity displayed in advertisements. The more narrowed down legal framework pertaining to the advertisements is given in Cable television networks rule 1994 and the Advertising standards Council of India (ASCI) Code.

Section 6 of the Cable television networks rules, 1994 provides that no programme (including advertisement) which has the likelihood of offending good taste or decency should be aired on the television. Apart from this, the Advertising Standards Council of India (ASCI), which is a powerful self-regulatory organization for the advertising industry, in its 'Code for Self-Regulation in Advertising' stipulates that advertisements should not be offensive to the generally accepted standards of public decency and should not contain anything indecent, vulgar or repulsive.

In addition to these laws, the Indecent representation of women prohibition act, 1987 also puts an embargo on any kind of indecent representation of women in advertisements, in any form whatsoever.

V. The Need For More Stringent Measures To Regulate Obscenity In Advertisements Than In Films: The Fundamental Debate

The basic issue which needs to be addressed in the backdrop of obscene advertisements is that whether we should have stricter measures to check obscenity in advertisements than used in films. Here, it is imperative to look at the arguments for and against the said proposition.

The main argument for having more stringent check on obscenity in case of advertisements is that they have a universal viewership, as compared to films. Therefore, with regard to the vast viewership in case of advertisements, they should be made in such a way that they do not offend the public taste in general. Second, advertisements are very easily accessible as they are aired on television. Obscene advertisements aired on television can be seen even by small gullible children who are ideally not supposed to have access to it. Third, obscene advertisements can unduly influence children and the illiterate segment of the society and might lead them to engage in a behaviour which is detrimental to them. Therefore, this school of thought essentially believes in having a stringent check on obscenity in advertisements.

The other school of thought is against any kind of such obscenity-check in case of advertisements. They argue that banning advertisements is a curtailment of freedom of speech and expression. Second, there is a lack of substantial evidence to show the harm caused by obscene advertisements to children, thus, the 'reason' to check obscenity in advertisements itself does not exist. Third, it is extremely difficult to for the government to check obscenity in advertisements owing to the lack of consensus as to what constitutes obscenity because it is a very subjective concept. Fourth, they believe that children should be exposed to such material because it enhances their awareness about sex and sexuality, which makes them capable of forming healthy decisions about such matters. Lastly, some parents might deliberately want their children to have an exposure to such material and any regulation by any outside agency, say the state or ASCI-like body would pre-empt the parental discretion.

VI. Analysis

In July 2007 two vulgar ads were taken off air. The Information and Broadcasting Ministry has banned television advertisements of two underwear brands on grounds that they are in “bad taste.” The ban comes within days of the Ministry’s releasing a draft-code for self-regulating the broadcast content on television channels. The government-imposing ban on the two “obscene” commercials—the underwear ads by Lux Cozy and another by Amul Macho—has raised questions whether the advertising industry is guilty of making indecent ads? National Creative Director of India’s largest advertising agency JWT, Josy Paul, consultant, Advertising Standard Council of India Bharat Patel and executive director, Centre for Advocacy and Research Akhila Sivadasa debated the issue on CNN-IBN show *Face the Nation*.

Is the advertising industry guilty of making indecent ads?

Josy Paul was of the view that it was unfair to slam the advertising industry for the indecent ads. “It is the very same industry that has produced famous slogans like *Hamara Bajaj* and churned out great ads like that of adhesive brand Fevicol and confectionary Alpenlibe,” Paul said. Interestingly, the two ads were reviewed and okayed by the Advertising Standards Council of India—a self-regulatory body that regulates advertisements and ensures the content of the commercials should not be unethical, obscene, derogatory, misleading or in poor taste. The body received complaints from consumer groups, acting upon which, in March 2007, ASCI had asked the advertisers to modify the ads. However despite the modification it kept getting complaints from viewers who said that the Amul Macho ad was “vulgar” and unfit for family viewing. “I think the ad was modified a bit by the advertisers. However the ASCI and the I&B ministry kept receiving complaints on the ad which led the government to finally call for a ban,” said Bharat Patel. The advertisers however argue that what’s “offensive” about the Amul Macho ad is actually clutter-breaking for it as a brand. Perhaps what’s offensive about the ad is not the sexual connotation that it carries, but to watch a woman wash underwear in itself is derogatory and unethical. ASCI can regulate and ban commercials on grounds of obscenity. However it doesn’t have a code to stop ads that portray women in a derogatory light. “More than the vulgarity and obscenity, the ad is derogatory. What’s really unfortunate about the ad industry is that it is really not breaking away from the stereotypes,” said Akhila Sivadasa. The only point of merit in the Amul Macho commercial is that if a person’s lot in life is so miserable that she has to wash someone else’s dirty linen, the least you can do is have a good time doing it. “Its just old wine in new bottle. The ad doesn’t say anything new. If the consumers find something obscene, they do take recourse to regulatory action,” said Sivadasa.

Is the advertising agency alone to blame?

Paul, who had worked on one of the two commercials, admitted that he himself wasn’t too happy to be associated with it. So did that mean that the creative director—one who conceptualises the ad—faces extreme pressure from the marketing departments and the brands to make ad titillation enough for it to “stand out” in the crowd? “I must say that I have been responsible for many such ads. And I am here to apologise as well. But in any communication there are four Cs—there is a client, the consumer, the channel and the creative agency. These four things together create an ad. Its not the creative agency that sits up and says ‘Oh today I’m going to create an indecent ad’. That doesn’t happen,” said Paul. He said that it is the collective responsibility of the client, the consumer, the channel and the creative agency to ensure that an immoral, derogatory, objectionable material does not goes out. “I hold myself individually and as an agency responsible. But I also want to say that you cannot hold the ad agency alone. There should be a collective responsibility,” Paul argued. Incidentally both the ads in question carry popular brands names—Amul and Lux—that are also the registered trademarks of two separate, bigger companies Amul (milk products) and Lux (soaps). “Both Amul and Lux names have been rubbed the wrong way,” said Bharat Patel. Perhaps the government should do something about misleading trademarks as well. The timing of this ad ban coincides with the release of a draft code of guidelines for self-regulation for broadcasters. “It is really unfortunate that advertising is the only sector in the entire industry that is ready to accept in principle, the rules of self regulation. In fact the rest of the industry is still sort of dilly-dallying and vacillating,” said Sivadasa. “The Government going ahead and banning these two commercials will send out a very wrong signals. The government is attacking that area where it had some strength on-ground. In fact that if ASCI which is always touted as a role model for this section of the industry can accept the concept of self regulation, why not the others,” she concluded.

It seems that the arguments advocating the proposition that more stringent checks on obscenity in advertisements hold more weight than the counter-arguments for the same. If one looks at advertisements, they do, in fact, have universal viewership and are not meant for a particular segment of society. On the contrary, films are governed by the Cinematograph Act 1952 wherein their viewership can be regulated by dividing their public exhibition into four classes viz. Unrestricted Public exhibition, Unrestricted Public exhibition under parental guidance, Public exhibition restricted to adults and Public exhibition restricted to a special class of

person by certifying them as U, UA, A and S respectively. In light of such a wide viewership base in the case of advertisements, we need stricter measures to curb obscenity in cases of advertisements so that can be viewed by everyone. Apart from this, the fact that advertisements force themselves into the viewers by virtue of being broadcasted as a package deal further ensures that everyone watches it. This can be contrasted as against films where the aspect of 'voluntariness' is not absent and the person has to make certain efforts to get access to the film. As viewing advertisements is not a voluntary decision made and it comes along when one watches television, the content should be regulated in such a way that it does not offend public taste and is suitable of being viewed by everyone.

The argument that there is a lack of evidence to prove that such advertisements do not have an impact upon impressionable young minds is totally devoid of merit. There have been numerous studies which prove that television has influenced children in various ways, for instance, to request various branded products from Santa which had been advertised on the television, to engage in aggressive behaviour when they played violent video games, to have premarital sex when they watched videos containing sexual references etc. Not only children, but also the huge rural masses that are still uneducated would not be in a position to appreciate any sort of sexual references displayed in the advertisements. Thus, children and illiterate people would be worst affected if obscene advertisements are displayed very openly on television, which warrants a stricter check on obscenity in advertisements. Similarly, the argument that exposing children to various uncensored advertisements would enable them to form informed decisions about sex overlooks the basic fact there is an appropriate time and space for everything. For instance, one must have the requisite maturity-level or the prior knowledge of sex to be able to appreciate it for some informative purpose. A better approach to enable children to make healthy decisions about sex and sexuality would be to give them sex-education rather than straightaway exposing them into sex-related matters. It has been shown that the probability of young children engaging in sexual-activities detrimental to them increases manifold after viewing uncensored advertisements displaying sex. This is so because children have impressionable minds, and hence, a regulation of obscene advertisements is warranted.

Additionally, the proposition that the regulation of obscenity from an outside authority would pre-empt parental discretion can be better analysed if one focuses at the aim of such a regulation. It is submitted that such a regulation is sought to ensure that vulnerable children, young adults and illiterate populace are not adversely affected rather than with an intention take away the parental discretion over their children. Such a regulation from an outside agency becomes even more important today in the backdrop of today's modern-day families, where working parents do not have the time to supervise each and every action of their children. Lastly, the problem that there is a lack of consensus on what is tantamount to 'obscenity' in advertisements cannot be an excuse to leave this domain of law unregulated. It is suggested that even if obscenity is an extremely vague and subjective concept, the yardstick of a 'reasonable man' should be used to deal with determination of obscenity in advertisements.

VII. Conclusion

"I do not regard advertising as entertainment or an art form, but as a medium of information" quoted *David Ogilvy*. Ogilvy's famous quote emphasising on the utility of an advertisement seems redundant whilst considering the current scenario of the advertising industry. Though Ogilvy contradicted himself by mentioning many other intricacies of the advertising world but this quote would be the foundation stone of the article that will ensue.

Advertising in its essence would be a means of communicating information and not as a means of expressing the creative ability of the advertiser. Advertising agencies have realised that the attention span of consumers can be tapped by introducing a mix of obscurity and sensationalism in their endeavours. The sphere of product publicity has burgeoned from a seemingly monotonous print intimation to an elaborate chain of television advertisements and promotional ventures. Today the advertiser needs to be able to catch the attention and compel the buyer to agree to the superiority of the product they are endorsing. If going purely by the statistics, the Television industry at 38.3% is the most dominant means of communicating advertisements followed by Print media at 28.0%. Radio, the harbinger of the communication revolution in India has staggered to a mere 4.4% remarkably lower than Outdoor advertising which is pitched at 6.9%. Online media, a new entrant into the realm of advertising is as fast growing commodity with 3.4% of the total market share. The remaining revenue of the industry is generated through screenings at Movie theatres. The ability of online media to cap the attention of consumers and the subsequent growth it has exhibited is no less than phenomenal. Hardly two decades into functioning for the common man, today almost all major and minor players have attempted to utilise this effective, efficient and relatively inexpensive means of promoting products. Due to the free hand that the advertisers and consumers enjoy on this medium misleading and vulgar advertisements are aplenty and exaggerating the capabilities of a product to lure users to procurement is an established fact. It is not that the misleading commercials have restricted themselves to the virtual domain, television media has been consistently

targeting for airing the most dubious advertisements regardless of their repercussions. Respectable newspapers and the age old radio have been exempted from the muddle of misleading consumers but vulgarity seems to run amuck in print media too. Bingo, Bharti Airtel, Idea, Coke, Vodafone, Indian Premier League and some Political promotional broadcasts are not only accepted but also appreciated by viewers. And audiences reflect on advertisements of Virgin Mobile, Humara Bajaj, National Egg Coordination Committee, Raymond, Hajmola and Maruti when prompted to reminisce advertisements that they enjoyed in the past. The prominence of an advertisement is heavily dependent on the acceptability in the minds. These commercials had carved a niche for themselves by means of jingles and gratifying light hearted witty humour. Advertisements that are specifically pin pointed for being inappropriate by almost all audiences were of Axe and Denver deodorants, Idea 3G, Rupa and Jockey undergarment and those of Moods and Manforce Condoms. It is interesting to note that barring Condoms none of the other products had even the closest association to obscurity and the sole purpose of including it was to attract the attention of the viewers to their products. The Indian Advertising industry is heavily criticised for airing incongruous advertisements for the sole motive of inducing interest in the product. Such acts have resulted in a sense of disgust which the common populace has developed over the years of continuous exposure to such content. There is still hope for those who prefer to lace their advertisements with creativity as it is established that a good. Quality product with witty advertising is far more effectual than any amount of vulgarity.

It is evident that we need to have an improved check on obscenity in advertisements. This warrants a question as to how it should be done. There have been various demands of making ASCI a stronger body by vesting in it certain statutory powers. Considering that seventy-five percent of the advertising sector is regulated by ASCI as well as the fact that the Cable Television Networks (Amendment) Rules, 2006 stipulates that all the advertisements will have to abide by ASCI's Code for Self-Regulation in Advertising, it seems that ASCI is the body which should regulate obscenity in Indian advertisements in future as well. It is suggested that ASCI should in fact be given certain binding powers, however, it does not mean that ASCI would be elevated to the position of state.

It is suggested that ASCI should be given the power to screen the advertisements before they are aired on television so that the advertisements offending good public taste are not broadcasted at the first place. Apart from this, there should be a robust mechanism which deters the advertisers to air obscene advertisements. ASCI should be conferred the power to impose binding financial sanctions, the amount of which should be reasonably high to deter various advertisers and advertising agencies. However, there is a possibility that those big advertisers and advertising agencies which annually earn crores of profit would easily bypass such a system of financial sanctions and would keep airing obscene advertisements. To check such advertisers, the ASCI should be linked with criminal courts which can impose criminal sanctions on such advertisers showing recurring obscenity in their advertisements. There should be a swift linkage between ASCI and courts, wherein the former can take the blameworthy advertisers to the Courts and get them punished. Lastly, it is suggested that not only the advertisers who come up with obscene advertisements, but also the television channels which screen such advertisements should be deemed culpable and be subsequently punished. If such suggestions are taken into account and ASCI is made a stronger body, we can regulate the television advertisements thereby substantially curbing the ill-effects of obscene advertising in the Indian society.

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