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Digital Agencies | Jun 21, 2023 | Neha Kalra

ASCI's new guidelines for 'Online Deceptive Design Patterns in Advertising' gets a thumbs-up

Industry mavens discuss how the online advertising scenario will witness a change, & more.



Mumbai: It is the era of digital. And even though the medium proves to be a boon, it can actually also be the cause for misleading consumers in several ways. With a lot of ad fraud and deception going on, consumers demand structures that put forth user autonomy, develop transparency, and enable well-informed choices.

Very recently, the Advertising Standards Council of India (ASCI) published new comprehensive guidelines for 'Online Deceptive Design Patterns in Advertising', to empower businesses, designers, and stakeholders to create user-centric experiences while promoting transparency, trust, and ethical standards in the digital landscape.

Indiantelevision.com spoke to a few industry experts to get their view on how these guidelines would change the dynamics of online advertising in India and more.

Putting things into context, as consumers turn to digital platforms, marketing strategies employed on these platforms are becoming more sophisticated and personalised. Some of these practices could be misleading or even predatory. These deceptive practices impair the consumer's choice to make an informed decision and are more commonly referred to as Dark Patterns. These practices are designed to steer consumers towards making choices that could compromise their interest in favour of the advertiser's interest.

These concerns were discussed during the recently held stakeholder consultation in Mumbai on the subject, jointly organised by the Department of Consumer Affairs (DoCA) and ASCI. In November 2022, ASCI released a comprehensive discussion paper titled 'Dark Patterns - The New Threat to Consumer Protection' that examined various deceptive patterns, including those found in online advertising and also formed a multi-stakeholder task force to examine these issues. The discussion paper was kept open for comments for almost two months. Based on comments received and discussions held by the task force, it was proposed that the ASCI code be updated to include advertising-related concerns around online deceptive patterns such as drip pricing, bait-and-switch, false urgency and disguised advertising. The guidelines will serve as a framework for businesses to design and implement user navigation and interface that put informed decision-making and express consent a priority.

Following are the areas that the new guidelines address:

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1. **Drip Pricing:** Drip pricing refers to a practice in which elements of the costs are not revealed up front, and the total price is only revealed at the very end of the buying process or after confirmation of purchase. This creates ambiguity around the final price as well as prevents easy cost comparisons. The guidelines require quoted prices in advertisements and e-commerce sites to include non-optional taxes, duties, fees and charges that apply to all buyers. Incomplete price representations upfront would be considered misleading.
2. **Bait and Switch:** When an ad or an element in an ad directly or indirectly implies one outcome of the consumer's action but instead serves up another, it is misleading.
3. **False Urgency:** Stating or implying that quantities of a product or service are more limited than they are is considered misleading. In case of a complaint, the advertiser would be required to demonstrate that the stock position at the time of the appearance of the limited quantity message was of a level where the urgency communicated could not be considered misleading.
4. **Disguised Ads:** An advertisement that is of a similar format as editorial or organic content must clearly disclose that it is an ad. Examples could be influencer posts, paid reviews, and ads placed in a manner to appear like editorial content.

Changing the dynamics of online advertising in India

With these guidelines in place, the aspects of online advertising in the country are sure to see an alteration. Whoppl founder and CEO Ramya Ramachandran is of the opinion that practices such as drip pricing, false urgency, and disguised advertisements have emerged, which is beneficial because consumers can make well-informed decisions about whether they want to buy a product or not. "Often, there is no explicit call to action indicating sponsorship of a particular brand, creating a sense of misrepresentation, whether genuine or an advertisement. Therefore, these guidelines enable consumers to discern if something is an ad and, if they genuinely like the product or service, they can explore further." She further adds, "These guidelines are consumer front and greatly benefit consumers, as they need to be adequately informed about what they encounter online, especially in the current cluttered market. We are constantly exposed to numerous things, and new brands and creators emerge almost every day. Given the rapid growth of the industry, having these protocols in place helps to regulate it more effectively and in a more structured manner."

"The ASCI guidelines are a welcome step in the fight against deceptive online advertising. They will help to protect consumers from being misled and will make the online advertising landscape more transparent and fair. It is a good step in not only protecting consumers from being misled by deceptive advertising practices, but also makes the online advertising landscape more transparent and fair. It will help improve and build consumer trust in online advertising," understands Pulp Strategy founder and MD Ambika Sharma.

Adapting to these guidelines

Needless to mention, these guidelines would affect Influencers, content creators, and brands – how will they be adjusting their advertising and marketing plans, when it comes to adapting to these guidelines in the long run?

Like many, Sharma believes that overall, the ASCI guidelines are a positive step for the advertising industry in India. "They will help to protect consumers and make the online advertising landscape more transparent and fair. The guidelines could help to level the playing field for brands that are not engaging in deceptive advertising practices. However, there are some potential drawbacks that should be considered, the implementation will be gradual, The guidelines could be difficult to understand and enforce, which could lead to confusion and frustration for businesses and consumers alike. It may also increase the cost of online advertising for businesses, especially as they will not need a more standardized thinking on their content strategy."

"Most brands now use tags such as 'paid partnership', 'sponsored', 'collaboration', or disclosed if a product is gifted or experiential. This will make brands more vigilant and creators more transparent.

Consequently, followers can decide for themselves whether they want to engage with the brand or not. Furthermore, it is crucial to recognize that influencer marketing is no longer limited to creating awareness but also plays a significant role in consideration, purchase, and fostering loyalty. Therefore, implementing these regulations ensures a more streamlined process," points out Ramachandran.

These guidelines will be applicable from 1 September to give online platforms a window to make the necessary changes to their systems and interface designs.

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