

The Form and Content of Advertisement in Cameroon: Does Regulation Really Matters?

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Abstract

This study provides a comprehensive understanding of what constitutes the form and content of advertisement in Cameroon. The aim of the study has been to examine the extent to which the form and content of advertisement in Cameroon are protected by the law. The paper makes use of the doctrinal methodology. Our findings show that though there exists a regulatory framework in this domain, it has failed to adequately protect the form and content of advertisement. We recommend that some of provisions of the 2006 advertisement law which is the main legal text in this domain be amended to suits present day advertisement laws.

Keywords: Advertising, advertisement, form, content, regulation, national advertising commission (NAC)

INTRODUCTION

The growth of advertisement over the years has significantly influenced consumers'/customers choices on the type, quality and brand of products/services they purchased. Advertisement which carries diversity of messages and images seduces customers and intoxicate their preferences over one product from another [1]. Advertisement has the possibility of maneuvering and capturing our emotions to its seductive appeal of sale for a particular product. Advertising is the assortment of procedures and techniques aimed at attracting the attention or curiosity of an audience by informing it about a good or a service, to convince people to buy it, use it or adopt it [2].

The main regulatory framework on advertisement in Cameroon is Law N° 2006/018 of December 29, 2006, governing Advertising. Despite the existence of the law, this paper contends that the form and content of advertisement in Cameroon are not adequately protected by the law due to the loopholes in the law coupled with the ineffective institutional mechanisms to ensure that advertisers/companies publish contents that are not indecent, misleading and prohibited by the law. It is a common phenomenon in Cameroon for goods like tobacco, cigarettes, alcoholic beverages, medications and pharmaceutical establishments been advertised on Tv's, radios, movies and outdoor

posting of notices with little or no legal implications. Against this backdrop, this paper seeks to examine the extent to which the laws in Cameroon protects the form and content of advertisement.

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Received Date: July 29, 2022
Accepted Date: August 01, 2022
Published Date: September 25, 2022

Citation: Enow Godwill Baiye. The Form and Content of Advertisement in Cameroon: Does Regulation Really Matters? Journal of Law of Torts and Consumer Protection Law. 2022; 5(1): 28–33p.

RESEARCH QUESTIONS

- This paper has a principal research question and specific research questions?
- The principal research question is: to what extent does the laws in Cameroon protect the form and content of advertisement?

The subsidiary research questions are as follows:

1. What role does the National Advertising Council play as regulatory and oversight agency in relation to advertisement in Cameroon?
2. What are the challenges faced in regulating the form and content of advertisement in Cameroon?

Aims of the study

The principal objective is to examine the extent to which the form and content of advertisement in Cameroon are adequately protected by the law.

For clarification purposes, the specific research objectives are;

1. To examine the role played by the National Advertising Council as regulatory and oversight agency in relation to advertisement in Cameroon
2. To examine the challenges faced in regulating the form and content of advertisement in Cameroon

Hypothesis of the Study

This paper is based on the hypothetical premise that the laws in Cameroon do not adequately protect the form and content advertisement thereby exposing consumers not only to indecent publication but also buying of the wrong products and services.

Forms of Advertising Messages in Cameroon

Advertising messages when presented to the public, can be in the form of media and non-media resources [3]. Radio broadcasting, print press, outdoor, online journals, amongst others make up Media resources [4]. Point-of-sale (POS) promotion, cell phone networks, electronic messaging are forms of non-media resources [5].

Contents of Advertising Messages in Cameroon

There are certain rules that have been put into place by the Cameroonian legislators to regulate the of content of advertising messages.

Exhibitionism Principle

Advertising messages must not lead to indecent exposure. The moral decadence principle must be respected. Also, the advertising messages must be truthful. The image of the State, or values and traditions of national culture should not be jeopardies because of the content of advertising messages [6]. This stands in conformity with Article 222 of the Penal Code.

Non-discriminatory Principle

Advertising messages should not in any way promote racial superiority or domination. Ethnic or sexual discrimination should not be attached to the messages. Violence and any incitation to behaviors injurious to health, the security of property and persons or protection of the environment are forbidden when one advertises his or her products to the public [7].

Free from Religious and Political Clashes

The messages should not contain any element of any kind that that jeopardizes with one's political views or religious beliefs [8].

Protect Minors

On no grounds should advertisement puts minors in dangerous situations. It should not take advantage of children's weak minds, adolescents and handicapped persons and expose them to indecent conducts [9].

Furthermore, it should not in any way compromise children's education especially if the focus is on them. Minors should in no way lose respect towards their parents/guidance or any other person that they depend on them educationally [10].

Identification Rule

The Identification rule helps to distinguish advertisements. Messages found in advertisement must be coined in a manner that it communicates to the consumers the type of products they are buying and from the company they are buying from [11].

Prohibited Advertisements in Cameroon

Though Advertising is one of the most instrumental elements of the promotional mix, [12] there are statutory prohibitions on certain types of advertisement in Cameroon.

Illicit Products

Counterfeit products are prohibited from being advertised [13].

Imitative Advertisement

Advertisement of products that carries the same trademark rights, copyright, brand name and rights of intellectual property in general are prohibited to the public [14]. This normally puts confusion in the minds of customers as they don't know which product is original.

Misleading Advertising

Any misleading advertising is prohibited in Cameroon. Advertisement may discredit a company or specific product, or spread false allegations about a company or product and as such, could mislead people. The law prohibits such advertisement [15].

Embargo Placed on the Advertisement for Cigarettes and other Tobacco Products

Cigarettes and other tobacco products are not to be advertised in any form in Cameroon [16]. One may strongly affirm that the reason why the legislator included this in the law is because of the health effects it has on its consumers. Also, may encourage crime waves in the country.

Advertisements for Alcohol and Alcoholic Beverages

Alcohol and alcoholic beverages are being prohibited from any form of advertisement. Advertisements in schools and universities are no exception to this rule [17].

Advertisement for the Legal Professions/Pharmaceutical Establishments

All those who practiced legal professions like lawyers, notaries, magistrates and bailiffs are prohibited from any form of advertisement. The situation is no different from pharmaceutical establishments [18].

Why Regulating the Form and Content of Advertisement?

Regulation of advertisement is necessary for the following reasons:

- To prevent advertisements that can corrupt public morality or endanger the security of the state through the messages they carry.
- To prevent children from inculcating bad values towards their parents, guardians or teachers which stems from the advertisement they must have watched or heard.
- To prevent consumers from consuming harmful goods and substances which may become disastrous to their health.
- To promote consumers' trust on brand reputation [19]. This may give customers the opportunity to file complaints against misleading advertisements.

Role Played by the National Advertising Council as Regulatory and Oversight Agency

The advent of the 2006 Law created the National advertising council as a regulatory agency in advertisement in Cameroon. It is an independent body placed under the auspices of the Minister incharge of communication as president. This council is mandated:

- Assists in proposing guidelines on how permits for the advertising professions are to be granted;
- Tabled drafts of texts of a legislative or regulatory character concerning the advertising industry;
- Ensure that professional ethics and regulations concerning advertising are adhered by the actors;
- Committed to the functioning of the advertising industry by drafting reports;
- Help to proposed measures conducive to the harmonious development of the advertising industry to the Minister responsible for communication [20].

To show its commitments in bringing sanity in advertisements in Cameroon, in 2020, the Minister of communication called on all natural and legal persons who wishes to operate as advertising placement companies or advertising consultancies to submit their applications for renewal of their authorization [21].

Challenges Faced in Regulating the Form and Content of Advertisement in Cameroon

The major challenges faced are:

Legal Constraints

Cameroon has put in place a plethora of laws in an attempt to regulate the form and content of advertisement. The 2006 Law which is the main regulatory instrument, shows its commitment to bring order in the advertising sector by punishing persons who knowingly advertise illegal products or counterfeit products [22].

In the same light, the Penal Code frowns at any one who carries out untrue and misleading advertisement with the intention of selling his/her goods [23]. Advertising messages broadcasted that contains scenes or character capable of corrupting morals are also punishable [24].

However, despite these legal dispositions there are certain loopholes of the laws:

Firstly, The wordings of section 26(1) of the 2006 advertising law is problematic. It holds that minors should not be put in dangerous conditions during the broadcasting of the content of advertisement, except for legitimate reasons. What constitute legitimate reasons is what the law fails to adduced. This gives companies to publish any content on the ground that its legit so long as they can justify.

Secondly, the text fully uses legal jargons without providing meanings to them. This causes ambiguity in their interpretations. From the wordings of the law does advertising firms mean the same as advertising enterprises? One may be tempted to answer this in a negation.

Structural Challenges

The NAC is not totally independent as the Minister is appointed by the President of the republic. By implication, his actions may be influenced by the president who may take interest in an advertisement even though the content is not in conformity with the law. This may compromise his ability to carry out his job well. In addition, most of the committee members are politically appointed and as the saying goes “*you cannot beat the fingers that feeds you*”. Most often than not, they are forced to align with the reasons of the one who appointed them. Most of them lack the required expertise in the field of advertisement and consequently cannot really depict which content and form of advertisements are against the law. They equally lack the necessary resources to carry out their jobs. This makes it difficult for them to go to the field and even while on the field since they know they have limited tenure; they may be tempted to collect bribes for such advertisement to go through.

Proliferation of Advertisements

The proliferations of the advertisements by many adverting firms, agencies and brokers has seriously undermined the quality of the content of advertisement in Cameroon. It is common to hear words like “*an Insecticides kills 100 rats in 2 seconds*” and “*MTN everywhere you go*” This has not only stir dissatisfaction to consumer but also make many doubt the brand of goods they are buying. If the government fails to do something fast, the number of counterfeits products will continue to be on the rise in Cameroon.

Lack of Citizen’s Awareness on the Existing Laws

Many citizens are not aware of the existence of the regulatory framework in this area of the law. The few who are informed most often than not waved their right. This only encourages those involved in this sector to continue with their scrupulous advertisements.

CONCLUSION

This study has clearly provided an understanding of what constitute the forms and contents of advertisement in Cameroon. It portrays that there is a regulatory text in this domain which fairly attempts to protect consumers from the deceitful, malicious and misleading contents of advertising messages. Be that as it may, the issue of advertisement in Cameroon still remains problematic because of the challenges that engloves this domain. With this in mind therefore, the followng are recommended:

Some of provisions of the 2006 advertisement law should be amended; clear meanings should be provided for terms used by the law; punitive sanctions as contained in the law should be increased to deter defaulters; total independence should be granted to the NAC, appointment of members nto the NAC should be based on meritocracy; continuous capacity building programs should be organized to train members of the NAC and sensitization should be carried out to create awareness to consumers of their existing rights in this domain.

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14. *Ibid*, Article 31.
15. *Ibid*, Article 31.
16. *Ibid*, Article 39(1).
17. *Ibid*, Article 40(2).
18. *Ibid*, Article 41& 42.
19. International Chambers of Commerce, The benefits of advertising self-regulation in ensuring responsible and complaints advertising, PP.2-3.
20. Article 45(1) of Law N° 2006/018 of December 29, 2006, governing Advertising in Cameroon.
21. Press release No. 031b/MINCOM/SG/DMPP/SDDDRP.

22. Imprisonment from five to ten years' imprisonment, and a fine of 500,000 (3) to 10,000,000 francs, or by only one of these two penalties.
23. Section 91 of the Cameroonian Penal.
24. Section 265 of the Penal Code.