



Theoretical Study on Advertising Deception and Its Impact on Consumers

Imene NESSAH 

i.nessah@univ-boumerdes.dz

University of Boumerdes (Algeria)

Submitted:23/05/2024

Accepted:24/06/2024

Published:30/06/2024

Abstract:

Advertising is a pivotal element in the landscape of marketing, primarily focused on capturing consumer attention and enhancing sales volumes. It holds a critical position in fostering brand recognition and influencing purchasing decisions. Nevertheless, the realm of advertising has been subject to substantial scrutiny due to the prevalence of deceptive and misleading practices that furnish consumers with erroneous and incomplete information. This study aimed to highlight how advertising deception affects consumers' behavior and their trust in the brand. It concluded that advertising deception negatively affects both consumer psychology and the organization's reputation, in addition to a decline in customer support and loyalty to the brand.

Keywords: Advertising Deception, False Advertising, Deceptive Practices, Consumer Protection.

JEL Classification Codes: D18,M37, M38, M39.

Introduction:

Advertisements serve as crucial tools to communicate with targeted customers about products and services, persuading them to engage in purchases. An advertisement is considered effective when it persuades individuals to acquire the marketed product or service, thereby heightening their awareness of product features, pricing, and updates.

This enables consumers to make informed and rational purchasing decisions. Despite these advantages, the domain of advertising has increasingly come under fire for its unethical practices by some advertisers, detrimental to both consumers and the advertising industry. This study aims to demonstrate how advertising deception affects consumers' trust in the brand and their behaviour. The study concluded that Deceptive advertising causes a loss of trust in the organization and promote negative values, damages consumer's mental health and destroy the relationship between the organization and the consumer.

The phenomenon of advertising deception can be traced back to various factors:

- **Intense Market Competition:** Companies engage in deceptive advertising to attract more customers and increase market share due to fierce competition.
- **Profit Motive:** Some organizations see deceptive advertising as a way to boost sales and profits, leading to the manipulation of product information.
- **Technological Advancement:** Innovations in technology have helped spread misleading advertisements more widely, particularly through social media.
- **Regulatory Deficiencies:** A lack of strict regulations allows deceptive advertising to continue without significant legal consequences.
- **Consumer Awareness Deficit:** Consumers often lack awareness of their rights and fail to take action against deceptive advertisements, resulting in inadequate compensation for the damages they suffer.

Study Problem:

Given the outlined context, the study poses the following central question:

- How does advertising deception impact consumer behavior and their trust in brands?

This question further branches into several sub-questions:

- What are the fundamental theoretical aspects related to advertising deception?
- What forms of deceptive practices are commonly employed by advertisers?
- What are the primary mechanisms for consumer protection in Algeria?

Study Objectives:

- To analyze the concept of advertising deception and explore its dimensions.
- To delineate the methods and mechanisms employed to shield consumers from deceptive advertising practices.
- To propose strategic recommendations for the development of effective consumer protection strategies.

Reasons for Choosing the Topic:

- A keen interest in unraveling the various facets of the topic, compounded by a notable scarcity of research in this area.
- An intent to understand the repercussions that advertising deception can engender.
- The rapid evolution and intensifying competition within the market necessitate an exploration of measures to mitigate deceptive advertising practices.

Study Methodology:

The methodology of the study encompasses descriptive and analytical approaches, constructing a theoretical framework through assembly of scientific material pertinent to topic from an array of sources, including international literature.

Study Divisions:

To thoroughly address the principal aspects of the study and the posed problem, the study is organized into three distinct sections:

- **First Section:** Theoretical Framework of Advertising Deception
- **Second Section:** Criteria for Assessing Deception in Advertising, Its Scope, Types, and Effects
- **Third Section:** Consumer Protection from Advertising Deception

First Section: Theoretical Framework of Advertising Deception

Advertising is an essential component of the marketing process and serves as a powerful means of disseminating information and influencing consumer behavior. It acts as a promotional conduit for products and services, aimed at attracting an increased customer base. This section will elaborate on the concepts of advertising and the intricacies of advertising deception.

1. Concept of Advertising:

Advertising, originating from the Latin term "advertere" meaning to turn attention, has evolved as a key marketing tool since its first usage in 1655 (Issa Mahmoud Al-Hassan, 2010, p. 15). Defined by the American Marketing Association, advertising encompasses activities aimed at spreading visual or auditory messages to publicize products or services and foster favorable perceptions (Abdel Rzzak Al-Dulaimi, 2022, p. 65).

It targets psychological impacts to achieve commercial goals (Reda Metwally Wahdan, 2007, p. 18) and is considered the most effective way to reach potential customers, providing specific product information (Kariyawasam & Wigley, 2017, p. 73).

Emphasizing honesty and accuracy, advertising's role extends to ensuring consumers are well-informed about offerings (Bleier & Eisenbeiss, 2015, pp. 390–409). Recent shifts in responsibility from "buyer beware" to "seller beware" emphasize the marketer's duty to be transparent and uphold product quality and consumer safety (Mohammed T. Nuseir, 2018, pp. 453–465). This means that sellers must be more cautious and responsible regarding the quality of the products or services they offer, as well as take necessary measures to ensure customer satisfaction and safety.

2. Concept of Advertising Deception

Several studies have focused on defining concepts such as "deception" (Buller & Burgoon, 1994), "lying" (Ekman, 1985), and "deceptive communication" (Miller & Stiff, 1993), underscoring the importance of understanding these terms as perceived by the general public. Coleman and Kay (1981) explored the prototypical understanding of a "lie" by analyzing responses to eight scenarios, finding that a statement was more likely considered a lie if it involved objective falsity, the sender's belief in this falsity, and an intention to deceive, with the sender's belief being the most critical element (Jaume Masip, Eugenio Garrido & Carmen Herrero, 2004, p. 147).

In social psychology, DePaulo and DePaulo (1989) describe deception as a deliberate act to instill a false belief in others (p. 1553). Dictionaries also define "lying" and "deception" with emphasis on intent to deceive and the falsity of the statement (Jaume Masip, Eugenio Garrido, & Carmen Herrero, p. 148).

Abdel-Hamid El-Shaarawi (1989) discusses deception as any act that misrepresents the truth, leading to consumer misinformation (p. 12). Additionally, Lodhi characterizes advertising deception as misleading or incorrect advertising that negatively impacts consumer loyalty, confirmed when a consumer personally experiences the product or service. If consumers are not provided with complete information or if images that contradict the real qualities of the product or service are disclosed, they are unsure about making the best decisions for themselves (Lodhi, N. F. pp. 469-474, 2015).

Deception in advertising is variously defined as the distortion of messages through deliberate falsification or omission of information by the sender, intended to create beliefs the sender does not hold (Anthony Galluzzo, 2016, p. 104). The European Commission outlines that false advertising involves misleading information that distorts the product or service image and undermines commercial integrity, harming the customer's interests (Official Journal of the European Union, 2005). Olson and Dover (1978) also describe advertising deception as the creation of false beliefs about a product through deliberate information omission or falsification (Spring, p. 29).

Misleading advertising, considered a profitable activity by the European Commission, involves dishonest information or deception, leading consumers to make choices they would not have made otherwise (Miller, G. R., 1983, p. 91; Saira Iqbal, Danish Ahmed Sidiqui, 2019, p. 41). Legal responses to such advertising often include penalties for advertisers, such as compensation for damages to misled consumers or mandates for corrective advertising, which serves as both a remedy and a deterrent (Journal of Advertising, 1976, pp. 5–11; D. L. Scammon & R. J. Semenik, 1982, pp. 10-20).

3. General Rules for Advertising Review under Islamic Law:

Islamic jurisprudence provides three main guiding principles for reviewing the use of misleading advertisements (Mahmoud Fayyad, 2012, pp. 293-294).

. Firstly, advertisements that may distort competition in the local market are prohibited, as advertising is typically used to differentiate products among competitors.

In this regard, consumers may become loyally attached to a particular brand despite similar products being largely identical. In the competitive Islamic economic market, consumers and traders are required to have access to all relevant economic and technological information, as it affects their decisions, while sellers must be aware of all potential uses of their products. Complete information is required by all economic decision-making units, and it is the seller's duty not only to inform the counterparty but also to advise them. Secondly, cheating and deception in all legal transactions are condemned, and Muslims must ensure that their transactions are entirely free of ambiguity, being clear, honest, and fair in their dealings to protect contracting parties from mutual injustice resulting from disputes.

Thirdly, regarding the manner in which advertisements are presented, sellers must act in a way that does not conflict with Islamic ethics. In other words, are their actions permissible or not (haram)? Therefore, advertising does not use sexual or emotional effects, fear-mongering, and presenting false testimonials or research claims. The prohibited methods in Islam, aimed at enticing consumers to make decisions they

otherwise would not, employ unethical tactics to exploit the fundamental motivations of consumers for profit maximization and market share acquisition. Moreover, Islamic ethics strictly prohibit the stereotyping of women in advertisements and the excessive use of imagination. The use of insinuations or women as a tool to lure customers into purchasing is also forbidden.

This ethical framework in advertising ensures that all interactions are conducted with the utmost integrity, fostering a transparent and truthful marketplace that aligns with the core values of Islam. By adhering to these principles, the marketplace not only promotes fairness but also respects the dignity and moral well-being of all parties involved. In turn, this approach helps to maintain a healthy economic environment where consumer trust is not compromised, and the quality and truthfulness of information prevail.

The Islamic advertising principles are not just legal guidelines but are deeply rooted in the ethical and moral teachings of Islam, emphasizing the importance of honesty and transparency in all business dealings. These principles serve to protect consumers from misleading practices and to promote a just and equitable market environment.

4. Principles of Advertising Behavior:

In an effort to establish desired behavioral norms in the communications market, the Code of Advertising Practice stipulates a set of fundamental principles: (Sandu Frunză, 2014, pp. 151-152)

- **Honesty in Advertising:**

Advertisements must present verifiable content and must not exploit the naivety, lack of experience, or lack of information of customers. Moreover, advertisements should not manipulate consumer preferences from one product to another, particularly when the first product is unsuitable for consumption.

This is especially pertinent in comparative advertisements which are designed to distort reputation and are aimed at avoiding misleading ads and unfair situations towards other institutions and individuals, products or services. Comparative advertising should be avoided as it often is linked with unethical behavior, yet it is allowed if it is objective and does not aim to downgrade certain products or brands or cast negative light on specific ones. At the same time, it is strictly prohibited to defame people, organizations, companies, business and industrial activities, professions, products, marketing elements, or other associated elements implicitly; advertisements should not urge the rejection of competitor products, but should ethically guide consumer preferences towards the product being promoted.

- **Clarity in Advertising:**

Advertisements must avoid any misleading formulations, whether by omission, suggestion, ambiguity, or exaggeration. All elements of the message should be easily perceivable, designed to be recognized as an advertising message without any ambiguity about the nature of the advertisement, and should not be subliminal.

- **Decency in Advertising:**

Advertisements must avoid any messages that could be considered inappropriate, offensive, or disgusting based on public taste or consumer sensibility. These elements are included in the advertising practice agreement as a guarantee that all parties involved in communication have a continual interest in creating a trustworthy environment for commercial communications and in the ongoing development of consumer trust as a central component in the complex relationship of advertising communications. Advertisers embed ethics as an implicit dimension of any behavior because advertisers become actors when they take actions to achieve purposes not only for themselves as advertisers but also represent others when they undertake roles to execute other purposes.

5. Criteria for Deception in Advertising:

Among the main accusations against advertising is that many advertisements are misleading and aimed at deceiving the consumer. Kotler has established a set of deception criteria that reveal misleading advertising:(Murgolo-Poore, M., et al,2011 p331)

- The advertisement contains false information.
- The advertisement contains two meanings, one of which is not honest.
- The advertisement contains insufficient information due to undisclosed elements.
- The advertisement contains true information, but the evidence used to prove its correctness is fabricated.
- The advertisement is technically true but leads to incorrect conclusions.
- The advertisement provides objective proof of its falsehood but makes promises that are difficult to achieve.

Consumer protection advocates critical of misleading advertisements have identified several practices that advertisers resort to, which they consider an infringement of consumer rights:

- **Unrealistic Promises:** Promises that cannot be fulfilled, such as claiming a product can restore youth or guarantee permanent youthfulness.
- **Deceptive Comparisons:** Using meaningless comparisons and claims that cannot be verified.
- **Claims of Uniqueness:** Emphasizing that a product is unique and without equal.
- **Visual Deception:** Making a product appear larger or more beautiful than it actually is.

6. Techniques of Deceptive Advertising:

Deceptive advertising is characterized by three key components: fraud, falsification, and misleading tactics (Mohammed T. Nuseir, 2018, pp. 453–465):

- **Fraud:** This involves creating advertisements that intentionally mislead consumers by presenting overly positive misinformation about products or services to influence purchasing decisions.
- **Falsification:** This refers to the act of providing information that is inconsistent with the truth. An example includes incorrect claims about product specifications, such as a car's fuel consumption that is not accurate, with Toyota recently being fined for such misinformation.
- **Misleading:** Advertisements under this category create false impressions or claim nonexistent features of a product, manipulating information or omitting harmful facts to enhance the product's attractiveness, thereby negatively influencing consumer decision-making and leading to potentially unsuitable purchases.

Second Section: Criteria for Evaluating Deception in Advertising: Its Subject, Types, and Effects

Evaluating advertising deception is a crucial matter. Organizations and advertisers must send their messages with honesty and clarity. The criteria for assessing advertisements depend on several factors that help determine the accuracy and truthfulness of ads and identify whether they use misleading techniques to attract consumers. This section will cover the criteria for evaluating advertising deception and its types.

1. Criteria for Evaluating Deception in Commercial Advertising

The evaluation of deception in commercial advertising is based on two main criteria: the subjective (personal) criterion and the objective criterion.

- **Objective Criterion:**

According to this criterion, the lies or deception in advertising are assessed in comparison to an average, reasonably intelligent person. A lie is confirmed through a positive action by the advertiser or through a passive act where they omit certain information related to the advertised product (Muwafak Hamad Abd, 2011, p 59).

Thus, applying this criterion does not vary from person to person because the deception remains the same for everyone (Abdel Baset Mamdouh Karim, p 117)

- **Subjective Criterion:**

According to the subjective criterion, deception is measured with regard to the individual consumer. This means that this criterion considers the consumer, not the deception itself. This person may be highly vigilant or have below-average intelligence. This criterion is considered inconsistent because it requires examining the consumer's personality and level of shrewdness, which is challenging for judges to ascertain (Batoul Sarawa Abadi, 2011, p. 72) Nevertheless, the French judiciary relies on this criterion in its decisions, in contrast to the objective criterion, which strips the consumer of their personal circumstances.

2. The Subject of Deceptive Commercial Advertising

Deception in commercial advertising occurs by distorting facts and information about the product or service promoted in the advertisement, making the product or service appear better than it is. This prompts individuals to buy it based on inaccurate assumptions. Advertising deception can be related to the product or service or other directly related external elements.

1.2 Advertising Deception Related to the Product or Service's Internal Elements

In this case, the lie or deception is related to the advertised product or service when it concerns the product's essential elements, materials, and associated aspects, such as its existence, nature, components, properties, and expected results. The most important cases are:

- **Advertising Deception About the Product or Service's Existence**

Deceptive advertising manifests itself in this case in three ways: a situation where the product or service does not exist, a situation where the product exists but is not ready for delivery, or a situation where it exists but differs from what was advertised (Bakhtiar Saber Baiz, Journal of Law and Political Sciencep. 14). For example, Warner-Lambert was condemned for its advertisement of a pregnancy test, which claimed it could be performed in one step and provided accurate results in ten minutes. In reality, the device delivered results thirty minutes after the test (Tambrands, Inc. V. Warner-Lambert CO, 1987).

➤ **Advertising Deception About the Nature of the Product**

The nature of the product or service includes all its defining elements, and deception in this case involves a fundamental change in the advertised product or service. This may alter the consumer's intent toward something entirely different. For instance, a heater may be advertised as being made of bronze, whereas it is made from a less valuable metal (Ghassan Rabah2001, p 118)

➤ **Advertising Deception About the Product or Service's Components**

This refers to deception about the components involved in production. An advertisement that falsely claims specific components in a product is deceptive. This often occurs when advertising furniture, food products, leather, textiles, and pharmaceutical compounds (Muwafaq Hamad Abd, 2011, pp. 65-66) An advertisement is considered deceptive if it lists components that do not exist in the product or service. For example, advertising toothpaste as containing a specific type of vitamin, when it does not, is deceptive. An ad is also deceptive if it mentions actual components but in percentages different from the real amount. For instance, cheese advertised as being made of pure goat milk but containing 49% cow milk is deceptive (Amal Shalabi, July 2011, p. 11)

➤ **Advertising Deception About the Product's Source**

An advertisement is deceptive if the product's or service's source contradicts its true origin (Abdel Fadil Mohamed Ahmed. 1991,p. 209). The source is vital to consumers as it greatly influences their purchasing decisions, often indicating high quality. For example, Chinese products are known to be of lower quality than Japanese ones (Mustafa Munir, 1992, p. 26)

➤ **Advertising Deception About the Product's Essential Characteristics:**

These are the primary characteristics that define the product or service and establish its actual value (Abdul Baset Mamdouh Karim, p. 132) Distinguishing the essential characteristics from its nature, components, quantity, origin, and expected results is challenging (Amel shalabi, P11). For instance, advertising Eveready batteries as lasting forever was considered deceptive (Khalifa, Omar Mohamed Abdel Baqi 2004, p141)

➤ **Advertising Deception About the Quantity or Amount of the Product or Service:**

In this case, an advertisement is deceptive when the advertiser provides misleading information about the actual amount or quantity of the product or service. For example,

if a communication service is advertised to provide a specific amount of time at a fixed rate but the actual time is less, it is deceptive (Bakhtiar Saber Baiz, p. 16)

➤ **Advertising Deception About Product Quality:**

This type of deceptive claim occurs when an advertiser claims that a product or service is of high quality when the reality is otherwise. Such claims influence consumers to purchase the product or service, despite it being of significantly lower quality than advertised (Abdul Baset Mamdouh Karim, p. 134)

➤ **Deceptive Advertising Regarding Type or Class:**

The type or class refers to the characteristics that distinguish one product from others of the same kind. Identifying the type or class is significant in distinguishing products, given their considerable similarity in appearance and shape but differences in type or class. Specifying the type or class in advertising plays a significant role in persuading the consumer to accept the product. An example of deceptive advertising is labeling oil as sunflower oil when it is actually corn oil. In this case, the category is oil, but the type differs since sunflower oil is different from corn oil and other types (Abdul Aziz bin Mohammed Al-Obaid, 2016, p. 151)

2.2 Deceptive Advertising in Elements External to the Product or Service:

These are elements related to the advertised product or service but not involved in its composition or related to its material and nature. They significantly influence consumers' decisions to purchase the advertised product or service (Omar Mohamed Abdel Baqi, 2008, p. 149) They include:

- **Deceptive Advertising About Production Method and Date:** Production method and date are external to the product itself, but they are as important as the product's inherent components. Deception regarding production method and date typically involves food or pharmaceutical products (Ahmed Al-Saeed Al-Zaqard, 2007, p. 62) For instance, a product may be advertised as valid for a specific period but, in reality, expires before the stated date.
- **Deceptive Advertising Regarding Product or Service Price:** Advertisers often lie about the price of the advertised product or service to attract consumers to the point of sale based on misleading hopes. The consumer then finds that the advertised price differs from the actual one. Advertising is deceptive when products are promoted as having lower prices than they actually do. Traders may raise their prices above the required limit, then reduce them to return to their real level (Aker David A. & Myers, John. G. 205, p. 12). This prevents consumers from comparing the current and previous prices (Boudreau, Donald J. September 1998, p. 55)

- **Deceptive Advertising About the Product or Service's Effective Impact and Expected Results:** The product's effective impact refers to the benefit expected from the product or service. When a consumer buys a specific product, they aim to achieve a goal from it. This type of deception is often found in cosmetics, cleaning products, medicines, and medical preparations (Ahmed Al-Saeed Al-Zarqad, p. 113). An example is advertising three products that claim to reduce weight and eliminate fat without following a diet or making any effort, without any scientific basis or testing to prove these claims (Mustafa, Munir, 1992, P36). In reality, these products do not provide this effect.
- **Deceptive Advertising About the Advertiser and Their Commitment to Obligations:** The advertiser's details refer to the qualities they attribute to themselves to distinguish themselves from competitors in the same field (Bayda Kazem Faraj, 2008, P 71). Obligations are the commitments that the advertiser makes to the consumer, such as after-sales services (Ahmed Al-Saeed Al-Zarqad, P119). For example, the advertiser may promise free maintenance, free delivery, or provide spare parts. The advertiser may claim qualities that lead to consumer trust and encourage them to purchase what they offer. For instance, a doctor may claim to specialize in a specific disease without having any training in that specialty. This means they attribute qualities to themselves that they do not have (Sarah Azzouz, 2016, P140). They may also mention the names of companies with known trademarks in a particular field, implying they are the agent or that these companies work with them.

3. Types of Deceptive Advertising:

Various misleading techniques are used to attract consumers' attention and persuade them to buy the advertised products or services. These unethical practices can damage the advertiser's reputation and negatively impact consumer trust. The main types of deceptive and unfair advertising practices include: (Willaima F. Arens et al, 2011, p. 71)

- **False Promises:** This type of advertisement makes false promises that are impossible to achieve or fulfill, meaning exaggerated promises. Examples include "eternal youth" or "cancer preventive." For instance, Listerine claimed it prevents or reduces the impact of colds and sore throats. The campaign was banned by the Federal Trade Commission, which required the company to provide corrective advertisements worth millions of dollars. Another example is Juul, which claimed its e-cigarettes were a safe alternative to traditional cigarettes despite containing more nicotine than regular cigarettes. (Radoslaw Baltezarevic, 2023, p. 362) It is noteworthy that advertising in the tobacco sector deceives consumers regarding smoking's health effects and product quality.

The tobacco industry, along with other sectors, utilizes various deceptive advertising techniques to manipulate consumer perception and behavior:

- **Exaggeration of Benefits:** Ads often overstate the satisfaction from products like cigarettes while minimizing health risks.
- **Incomplete Description:** Advertising might only reveal partial information about a product's composition, such as highlighting the use of solid oak in a desk while omitting that other parts are made from lesser-quality wood.
- **False and Misleading Comparisons:** Ads may inaccurately compare products, suggesting equivalency or superiority without basis, such as implying that Tylenol causes stomach upset in comparison to Advil.
- **Bait-and-Switch Offers:** Advertisements lure consumers with low-priced products only to push higher-priced or inferior alternatives once the shopper is in the store.
- **Visual Distortions and False Demonstrations:** Advertisers might alter images to enhance product appeal falsely, such as using visual tricks to make food items appear larger or misrepresenting product features.
- **False Testimonials:** Celebrities may be featured to imply endorsement, even if they do not use the product.
- **Partial Disclosures:** Only selective information is shared about a product, potentially misleading about its true benefits or quality.
- **Small Printed Qualifications:** Key conditions or drawbacks of an offer may be hidden in fine print, making them less noticeable to consumers.

Furthermore, deceptive practices extend to advertising targeted at vulnerable populations like children, exploiting their limited capacity to evaluate ad credibility, often promoting products lacking nutritional value or failing to meet health standards (Mohamed Abdel Fattah Al-Sirfi, 2013, p. 43).

4. The Effects of Deceptive Advertising:

The effects of deceptive advertising are profound and varied, impacting both consumers and organizations in significant ways:

- **Consumer Perception:** Consumers tend to base their product evaluations on the claims made in deceptive advertisements rather than on personal experience.
- **Impact on Credibility:** Studies, including one by Newell et al., show that deceptive advertising harms the credibility of the advertiser, negatively affects attitudes towards the advertisement, and reduces the intention to purchase the product (Newell Stephan J et al,1998, p. 48).

– **Trust and Purchase Intent:** Deceptive practices erode trust in the information source and decrease the intent to purchase, particularly among those with already high levels of distrust(Romani Simona,2006, pp. 130-138)

– **Behavioral Changes:** Research by Darke and Richie indicates that deception influences not just immediate consumer behavior but also future interactions. Consumers who feel deceived become defensive and skeptical towards future advertisements, regardless of the advertiser or product type (Darke Peter R. & Ritchie Robin J. B, 2007,pp. 114-127).

Health Risks: Misleading advertising can promote the consumption of dangerous or unhealthy products, leading to severe health consequences and even death. (David M. Boush et al, 2009,p. 190)

Market Trust: Deception undermines social trust and confidence in the market, damaging organizational reputations and leading to decreased sales and profits. (David M. Boush et al, 2009,p 195)

Legal Implications: Increasing incidents of deceptive practices can heighten calls for stricter regulatory measures on marketing and advertising behaviors(David M. Boush et al, 2009,p. 199)

– **Psychological Effects:** Being misled by advertisements can cause frustration and anxiety among consumers, impacting their mental health.

– **Diet and Health:** Deceptive advertising may also encourage poor dietary choices, promoting foods high in unhealthy ingredients, which can affect consumer health adversely.

Third Section: Protecting Consumers from Deceptive Advertising

Consumer protection is increasingly viewed as an essential component of the marketing mix, often referred to as the fifth element, emphasizing the safeguarding of consumer safety amid rising deceptive practices (Saad Ali Rehan Al-Mohammadi, 2020, p. 247). Key aspects of consumer protection include:

- **Upholding Consumer Rights:** Ensuring that consumers receive maximum benefits from their transactions with producers, traders, or service providers.
- **Attention in Marketing Decisions:** Marketing managers are tasked with making informed and effective decisions within an integrated marketing mix that aligns with the environmental context of the marketing activities.

- **Balancing Interests:** Through the collective efforts of business organizations, consumers, and cooperatives, a balance between sellers and buyers is sought to enhance consumers' understanding of their rights and support the development of protective legislation.

Consumer protection thus emerges as a shared responsibility among various stakeholders, including the consumers themselves, and forms a critical dimension of social responsibility for business organizations.

1. Areas of Consumer Protection:

Consumer protection is fundamentally integrated into the marketing mix, ensuring that every aspect of market interaction safeguards consumer interests (Saad Ali Rehan Al-Mohammadi, 2020, pp. 247-248). Key areas of focus include:

- **Product:** Protection involves ensuring that goods meet necessary health standards and technical specifications throughout production and storage processes.
- **Prices:** Consumer protection requires that prices are not artificially inflated. Setting reasonable profit margins is crucial for market stability and fostering consumer trust.
- **Promotion:** Advertising and promotional strategies must be free of misleading information. Exploitation of vulnerable groups, such as children and women, in marketing activities is strictly prohibited.
- **Distribution:** Protection in distribution mandates fairness and equity, taking into account varying economic conditions among different consumer sectors without discrimination.

2. Mechanisms for Consumer Protection:

Consumer protection mechanisms encompass a variety of strategies to safeguard consumers from deceptive practices, particularly in advertising (Bazra'ah, Mahmoud Sadiq, 2001, pp. 28-29):

- **Laws and Legislation:** State laws regulate advertising by setting boundaries that prevent violations of public morals and deceptive practices, limiting unfair competition, and protecting consumers from dishonest advertising.
- **Ethical Self-Regulation by Advertising Professionals:** Advertising professionals have established self-regulation codes to ensure that advertisements are not harmful. For instance, the American Association of Advertising Agencies and the International Chamber of Commerce have developed guidelines that emphasize advertising as a public

service dependent on trust, requiring adherence to laws, customs, and truthful representation.

- **Consumer Protection Movements and Organizations:** Emerging prominently in the early 1960s with activists like Ralph Nader, these movements involve both consumers and retailers. They advocate for the safety and quality of products, clear warranty conditions, and honesty in advertising. Associations formed in the late 1920s and early 1930s also contribute by standardizing product descriptions and testing products to ensure advertising integrity.

3. Mechanisms for Consumer Protection in Algeria:

Consumer protection in Algeria has evolved significantly since the country's independence, marked by enhanced legislation and structures to safeguard consumer rights (Manal Broh, 2014-2015, p. 140). Key institutions involved in consumer protection include:

- **Consumer Protection Associations:** Established under Article 21 of the Consumer Protection and Anti-Fraud Law, these associations aim to protect consumers by informing, educating, guiding, and representing them. Their activities are twofold:
 - **Preventive Goal:** These associations monitor markets to balance the interests between consumers, as the more vulnerable party, and the dominant forces in the consumer relationship. They ensure compliance with legal standards and advocate for consumer safety by promoting the provision of risk-free products.
 - **Therapeutic Goal:** They actively follow up on consumer complaints, refer these issues to the relevant authorities, and work towards raising consumer awareness. This includes price and quality monitoring, counter-propaganda, advocacy for non-payment in certain situations, organizing boycotts, and defending consumer interests.

In Algeria, the infrastructure for consumer protection is well-established, involving various governmental and non-governmental entities. Key components include:

- **The National Consumer Protection Council:** Formed under Article 24 of Law 09-03, this council is responsible for offering opinions and proposing measures to enhance consumer protection policies. It includes representatives from the Ministry of Commerce, other relevant government bodies, non-governmental organizations focused on consumer rights, and private sector entities such as companies and commercial associations (Manal Broh, 2014-2015, p. 191).

- **Anti-Fraud Officers:** Supported by officials from various technical fields, these officers monitor a wide range of products including foodstuffs, cosmetics, perfumes, spare parts, and electrical appliances. Legally recognized under the Code of Criminal Procedure, anti-fraud officers perform some judicial police tasks and are crucial in investigating and detecting violations according to Article 25 of Law 09/03 of February 25, 2009. They operate under the ministry responsible for consumer protection, functioning as judicial assistants and handling purely judicial tasks (Article 26 of Law No. 09-03).
- **Anti-Fraud Laboratories:** These laboratories are crucial for conducting analyses and experiments aimed at consumer protection and fraud prevention. Authorized under Article 35 of Law No. 09-03, they prepare detailed reports and summaries based on their analyses, tests, or experiments, as mandated by Article 38 of the same law.

Conclusion:

Organizations aiming to sustain their economic activities must be highly vigilant regarding their advertising strategies. Due to fierce competition within markets, some organizations employ various deceptive methods, exaggerating the advantages of their products to mislead consumers into forming inaccurate perceptions that prompt them to purchase a product or service which ultimately contradicts their expectations and desires.

With this in mind, our study explored the impact of deceptive advertising on consumer behavior and trust in brands. We approached this issue in three sections: the first examined the theoretical framework of deceptive advertising, the second tackled the criteria for evaluating deception in advertising, including its subject, types, and effects, and the third concentrated on safeguarding consumers from deceptive advertising practices.

1. Findings:

- Deceptive advertising uses various misleading techniques to influence consumer behavior by creating false desires and exaggerating product benefits.
- Techniques include false promises, fake testimonials, partial disclosures, incomplete descriptions, false comparisons, bait-and-switch tactics, and visual deceptions.
- Algeria combats deceptive advertising through legal frameworks and institutions like consumer protection associations, the National Consumer Protection Council, anti-fraud officers, and laboratories.

- Deceptive advertising damages organizational trust and reputation, reducing customer support and brand loyalty.
- Organizations using deceptive advertising face legal accountability and financial penalties.
- Deceptive ads distort societal values and beliefs, fostering negativity and reducing social cooperation and stability.
- Discovering deceptive advertising negatively affects consumers' mental health, causing frustration and disappointment.
- Deceptive advertising undermines consumer confidence in their decision-making abilities, harming relationships with advertisers.

2. Recommendations:

- Strengthen advertising laws and impose stricter penalties on organizations that violate fair advertising standards in Algeria.
- Enhance monitoring efforts to ensure advertisements comply with legal standards and apply necessary punitive measures for violations.
- Increase consumer awareness about deceptive advertising techniques, their rights, and actions to take when deceived.
- Bolster international cooperation to combat advertising deception through shared expertise and joint protective strategies.
- Encourage a culture of reporting among consumers to authorities regarding deceptive advertising to enhance deterrence against unethical practices.

Referrals and references:

- Abdel Baset Mamdouh Karim(2015). *Legal Protection for the Consumer*. Dar Al-Maseerah Publishing, Amman.
- Abdel Fadil Mohamed Ahmed (1991). *Advertising products and services from a legal perspective*. Al-Jalaa Library, Mansoura.
- Abdel Fadil Mohamed Ahmed. (1991). *Advertising products and services from a legal perspective*. Al-Jalaa Library, Mansoura
- Abdel Rzzak Al-Dulaimi. (2022). *Advertising in the 21st Century*. Dar Al-Yazouri. Amman. Jordan.
- Ahmed Al-Saeed Al-Zaqard (2007). *Civil protection from false and misleading commercial advertising*. New University House, Alexandria.

- Ahmed Al-Saeed Al-Zaqard, Civil Protection from False and Misleading Commercial Advertising, New University House, Alexandria, 2007
- Aker David A. & Myers, John. G (1982) Advertising management (2nd ed.). Prentice-Hall Inc., Englewood Cliffs.
- Al-Shawaribi, A. H. (1989). *Fraud and deception crimes*. Dar Al-Fikr Al-Arabi. Alexandria, Egypt
- Arens, W. F., Weigold, M. F., & Arens, C. (2011). Contemporary advertising and integrated marketing communications (13th ed.). NEW YORK: McGraw-Hill.
- Bin Mohammed Al-Obaid, A. A. (2016). Criminal responsibility in commercial advertising: A comparative analytical study. Riyadh, Saudi Arabia: Law and Economics Library.
- Frunzã, S. (2014). *Advertising and administration under the pressure of ethics*. Éditions de la SUERS, Paris.
- Ghassan Rabah. (2001). The New Consumer Protection Law: Principles, Means, and Prosecution with a Comparative Study. Zain Legal Publications.
- Hamad Abd, M. (2011). Civil protection of the consumer in electronic commerce (Comparative study) (FIRST EDITION). Baghdad, Iraq: Zain Legal Publications.
- Issa Mahmoud Al-Hassan. (2010). Commercial Promotion of Goods and Services. 1st Edition. Dar Zahran. Jordan.
- Kariyawasam, K., & Wigley, S. (2017). Online Shopping, Misleading Advertising, and Consumer Protection. Information & Communications Technology Law.
- Mohamed Abdel Fattah Al-Sirfi, (2013). Advertising: Its Types, Principles, and Methods of Preparation. Jordan: Dar Al-Manahij.
- Munir, Mustafa. (1992). Crimes of misuse of economic power. Cairo, Egypt: Egyptian General Book Authority.
- Muwafak Hamad Abd. (2011). Civil Protection of the Consumer in Electronic Commerce (Comparative Study). 1st Edition. Zain Legal Publications, Baghdad.
- Omar Mohamed Abdel Baqi (2008). Contractual protection for the consumer (A comparative study between Sharia and law) (2nd ed.). Al-Maaref Publishing House, Alexandria.
- Reda Metwally Wahdan. (2007). Advertising Deception and Its Impact on Fraud Standards: A Comparative Study in Civil Law, Consumer Protection Law, and Islamic Jurisprudence. 1st Edition. Egypt.
- Saad Ali Rehan Al-Mohammadi. (2020). Advertising Strategy and Modern Trends in Institutional Performance Development. Al-Yazouri.
- Sarawa Abadi, B. (2011). Commercial advertising deception. Beirut, Lebanon: Al-Halabi Legal Publications.
- Boush, D. M., Friestad, M., & Wright, P. (2009). *Deception in the marketplace: The psychology of deception, persuasion, and consumer self-protection*. Routledge.
- Bakhtiar Saber Baiz (2012) Preventive Protection of the Consumer from Deceptive Commercial Advertising: A Comparative Study. Journal of Law and Political Science, College of Law and Politics, University of Salahaddin

- Baltezarevic, R. (2023, March). Deceptive advertising in the online environment. Paper presented at the 3rd International Black Sea Modern Scientific Research Congress, Belgrade, Serbia.
- Bleier, A., & Eisenbeiss, M. (2015). The Importance of Trust for Personalized Online Advertising. *Journal of Retailing*. Vol. 91, No. 3.
- Boudreaux, Donald J. (1998). Puffery in advertising and the free market. *Journal of Advertising*, 13(9).
- DePaulo, P. J., & DePaulo, B. M. (1989). Can Deception by Salespersons and Customers be Detected Through Nonverbal Behavioral Cues? *Journal of Applied Social Psychology*. Vol. 19, No. 18.
- Fall. (1976). Deception in Advertising: A Receiver Oriented Approach. *Journal of Advertising*. Vol. 5.
- Fayyad, M. (2012). Misleading advertising practices in consumer transactions. *Arab Law Quarterly*, January.
- Galluzzo, A. (2016). Ethics of editorial advertising on YouTube: Should we react as deontologists to deceptive advertising? *Management & Avenir*, (86).
- Hankinson, G. (2007). The Management of Destination Brands: Five Guiding Principles Based on Recent Developments in Corporate Branding Theory. *Journal of Brand Management*. Vol. 14, No. 3.
- Iqbal, S., & Siddiqui, D. A. (2019). The impact of deceptive advertising on customer loyalty: A case of the telecommunication industry in Karachi, Pakistan. *International Journal of Marketing*, 4(1). ISSN 2162-3066.
- Jaume Masip, Eugenio Garrido, & Carmen Herrero. (2004). Defining Deception. *Anales de Psicología*. Servicio de Publicaciones de la Universidad de Murcia. Spain.
- Lodhi, N. F. (2015). Deceptive advertising practices and customer loyalty: A case of mobile phones in Karachi, Pakistan. *International Journal of Scientific and Research Publications*.
- Miller, G. R. Telling It Like It Isn't and Not Telling It Like It Is: Some Thoughts on Deceptive Communication. In *The Jensen Lectures: Contemporary Communication Studies*, J. Sisco, ed., Tampa: USF Press, 1983
- Mohammed T. Nuseir. (2018). Impact of Misleading/False Advertisement on Consumer Behavior. *International Journal of Economics and Business Research*. Vol. 16, No. 4.
- Murgolo-Poore, M., et al. (2011). Intranet effectiveness: A public relations paper and pencil checklist. *Public Relations Review*.
- Newell Stephan, J., Goldsmith Ronald , E., & Banzhaf Edgar , J. (1998). The Effect of Misleading Environmental Claims on Consumer Perceptions of Advertisements. *Journal of Marketing Theory and Practice*, 6(2), 48–60.
- Olson, J. C., & Dover, P. A. (1978). Cognitive effects of deceptive advertising. *Journal of Applied Social Psychology*, 8(2).
- Scammon, D. L., & Semenik, R. J. (1982). Corrective advertising: Evolution of the legal theory and application of the remedy. *Journal of Advertising*, 11(1).
- Shalabi, A. (2011). Legal protection for the consumer. *National Criminal Magazine*, 54(2), July
- Darke, P. R., & Ritchie, R. J. B. (2007). The defensive consumer: Advertising deception, defensive processing, and distrust. *Journal of Marketing Research*, 44(1),

- Manal Broh. (2014-2015). Consumer Protection Guarantees under Law 09-03 on Consumer Protection and Fraud Suppression. Master's Thesis - University of Algiers 1.
- Bayda Kazem Faraj. (2008). Unfair Competition in Commercial Advertising. Master's Thesis submitted to the Faculty of Law, University of Babylon
- Khalifa, Omar Mohamed Abdel Baqi(2004). *Contractual protection for the consumer: A comparative study* (Doctoral thesis). Faculty of Law, Ain Shams University.
- Azzouz, S. (2017). Consumer Protection from Misleading Advertising in Algerian Law, (Thèse de Doctorat). Faculty of Law and Political Science, University of Batna1.

- Article 2 of Law No. 19-10 of December 11, 2019, amending and supplementing Ordinance No. 66-155 of June 8, 1966, "The Code of Criminal Procedure", Official Gazette No. 78, dated December 18, 2019.
- Article 26 of Law No. 09-03.
- Article 35 of Law No. 09-03 on Consumer Protection and Fraud Suppression.
- Article 38 of Law No. 09-03 on Consumer Protection and Fraud Suppression.
- official Journal of the European Union. (2005). DIRECTIVE 2005/29/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL.
- Article 2 of Law No. 19-10 of December 11, 2019, amending and supplementing Ordinance No. 66-155 of June 8, 1966, "The Code of Criminal Procedure", Official Gazette No. 78, dated December 18, 2019.