

f a i r d e a l

Flattering to deceive

OVER the past few years, I've noticed ads in the music press and elsewhere which I've felt could be downright misleading. Some merchants have advertised records which they haven't had in stock, for instance, or in the case of one hi-fi mail-order dealer, I've found that prices of two stereo systems were more than those advertised.

Is there anything which I, one of the poor mugs at the receiving end of advertising, can do about this? Also, when a record is strictly limited edition or has a limited freebie, should this be stated in the ad? — Andy Black, Weymouth.

ADVERTISERS are allowed to pressure, lure and tempt the consumer into buying their glittering (or not so glittering) array of products to the best of their creative ability, just so long as they don't take the brainwash treatment too far. Unlike battles of love and war, all's not fair in the right for maximum sales. Clear-cut criteria for professional conduct are defined in The British Code of Advertising Practice and the Advertising Standards Authority exists to keep a vigilant eye on the claims of the space-takers and ensure they stay out of orbit.

The code states that all magazine and newspaper advertisements should be "legal, decent, honest and truthful", should be prepared with a sense of responsibility towards the consumer and should conform to the principles of fair competition as generally accepted in business, and that no ad should "bring advertising into disrepute or reduce confidence in advertising as a service to the public".

A hefty bunch of rules. It's up to the advertiser to toe the line; the onus is on the public to ensure that the agency smoothies and less scrupulous retailers keep their hoofers on the straight and narrow. Anyone who has good reason for believing that an ad is inaccurate in its claims, dishonest, or downright unpalatable, can complain to the Advertising Standards Authority, who can insist that the offending masterpiece is altered or dropped completely.

As far as rejected or banned ads go, the music biz has had its fair share of disasters, often because of strictly aesthetic considerations, when decency with a capital D rears its well-meaning head.

Virgin Records, for example, has been burned more than once over imaginative promotional material, under the D-factor which rules that "advertisements should not contain statement or visual presentations offensive to the standards of decency prevailing among those who are likely to be exposed to them".



THE SCORPIONS' 'Lovedrive' ad before the censor struck. The bubble-gum growth betwixt hand and nipple was later part-obiterated by a sticker.

Remember The Motors? Back in October 1977, two ads headlining their latest release saying "I lost my head over The Motors" (complete with a picture of the late pre-decapitated Jayne Mansfield), and "Motors are a gas" (plus Hitler picture) prompted a spate of complaints.

And, earlier this year, when readers of *Time Out* and *New Musical Express* respectively objected to stomach-churning, spew-obsessed ads for Dud and Pete's 'Ad Nauseam' album, captioned "Don't bring it up at dinner" and "Something to get your teeth into", as "thoroughly objectionable", the ASA upheld their protests and were not amused by the fact that the press had accepted the ads in the first place.

Recently, Stiff ran into problems too with a slogan proclaiming "we don't sell Abba or Travolta, we sell guaranteed shit", (the music paper involved agreed never to accept this or any other offensive ad again); and artwork on The Scorpions' 'Love Drive' album was retouched for magazine purposes under pressure.

Sound and speed can be as anti-social as sex, it seems. Where the code is concerned, any words or visuals which encourage acts of violence or otherwise illegal activity are out too, as Pye found out when advertising their Black Box musiccentre, said to have the capacity for "sound enough to fill your neighbour's lounge as well as your own."

In the area of decency or legality, where complaints may be subjective, advertisements can offend

some of the people all the time, but all of the people only some of the time. Whether or not you dismiss this list of personal grievances as a joke, there may be other ads which you would object to as sexist or racist, or generally distasteful. It only takes one to complain.

Away from the esoteric area of ifs and buts, sex, religion and the politics of nausea, no-one wants to be ripped-off. Claims made by advertisers about price, service and availability of goods must be true. Records, hi-fi equipment, clothes and musical instruments must fit the description given; and if technical performance is mentioned, the facts should be right.

Description-wise, Bronze were pulled-up earlier this year by an Oldfield fan who bought sister Sally's 'Waterbearer' album, re-released last December expecting to find the hit single 'Mirrors' included as advertised. The original recording, issued two months earlier, didn't carry the 'Mirrors' track, but advertising, cashing in on her temporary chart success, ignored the fact that old stock was still in circulation. When Paul Simon's 'Greatest Hits' album was first out on CBS in this country, the American rather than the British track listing (one track difference) was plugged in the press.

Neither instance is an enormous issue but the people who complained may have helped tighten up the advertising efficiency of the two companies.

Because of the fast

turnover in music sales, record advertising may have come and gone by the time your objection is investigated, but consumers have had more success in changing copy in relation to audio equipment, for example.

Tangent Acoustics inadvertently created a classic case when they described one of their speakers as having "no colouration". After discussions with an independent consultant, the ASA agreed with a hi-fi buff that this claim was a technical impossibility. In the context of hi-fidelity sound, they stressed, the word "colouration" meant a form of distortion in which certain frequencies are emphasised out of proportion to the rest: "Such distortion is present to some degree in all loudspeakers, and therefore the claim was misleading." All ads were withdrawn.

Price: If you see a record, a stereo system or a guitar advertised at a certain price, you should expect to pay that amount, unless an ad indicates that prices may be subject to increase. Often hi-fi and musical instrument dealers place ads so far in advance that price changes are inevitable by the time a weekly or monthly magazine appears. They should say so.

Again, some dealers may not make a distinction between what is claimed to be the "usual" price and recommended retail price. If cassettes or records are being cleared from stock at "up to 30% off" for example, they must have been on sale for at least two months at the original price, and the retailer should be able to indicate the original cost and prove reductions are genuine. If a dealer claims to have "the lowest price anywhere" and doesn't, complain.

Special offers or free offers should also be genuine. If a dealer advertises a free pair of headphones with every stereo sold, and then says they're not available after all, don't buy. Complain instead.

Service: If you buy a new musiccentre or amplifier under the impression that the shop has "the largest and most efficient workshop team of service engineers in the country" to find that when things go wrong the response is slow, inefficient and unhelpful, complain.

At one time, Trident Discount Centres claimed to have "First class after sales service", but after this statement was challenged by unsatisfied customers they were obliged to drop the slogan from their advertising.

After another justified complaint, from a Hitachi buyer led to expect "A two-year guarantee on all parts. Yes — even the tubes — and with free labour too", but finding this so-called guarantee covered only parts and that free labour was only available for one year, this company was forced to rewrite later ads.

If you've discovered an advertisement to be misleading, distasteful or just dishonest, drop a line, stating the reason for your complaint and enclosing a copy of the ad to The Advertising Standards Authority, CAP Committee, 15/17 Ridgmount Street, London WC1E 7AW. If a firm is considered to be totally unethical in its claims, the ASA will warn national and provincial newspapers and magazines not to accept ads from a dubious concern.