

The Regulation and Self-Control of Advertising in Malaysia

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In the era of globalisation and at the same time, in effort to develop and modernise the country, the Malaysian Government has pursued Western-style development policies. This means that the government is more tolerant especially in disseminating information, and especially in the broadcasting area. The change of policy dates from when the first private TV station was given permission to operate. However, this drastic change was only apparent at the beginning of 1994, when more private TV station licences were issued and the ban on satellite dishes was lifted. However, the government realised that it had to take a cautious stance towards Western influence, which includes advertising and the media, since, if left unregulated, it might harm Malaysian culture and lifestyle. In fact, Western influence on Malaysian advertising has been an issue since it was raised by the government in 1971. Minister of Special Functions and Information, the Honourable Ghazali Shafie, lamented that;

We note in our newspapers, magazines, radio and on television that the images created have very often little relation to our environment or what we hope to achieve in our society. There is....a certain degree of mindless aping of bourgeois values and styles of the West. I have noticed that certain products are associated through the mass media in this country with lifestyles of the middle and upper classes of the West, and this is being continuously presented to the Malaysian minds as something to model ourselves by.

(Anderson,1984:219)

The Malaysian Government then took steps by setting up regulations for all advertisements broadcast over radio and television. Through the Ministry of Information, the regulations were spelled out in the Advertising Code for Television and Radio. This advertising code has since been revised to keep pace with the current situation and is accepted as guidelines for advertisers in producing all advertisements. However, with the present challenges and development in the new media technology and the complexity of

digital convergence, the Ministry of Telecommunication and Multi Media has been empowered to devise a new guideline for self-regulation. Under, the communications and multimedia act (CMA 1998) the Ministry has been given the power to ensure that all advertisements project Malaysian identity and culture, especially those broadcast by the satellite that included private-owned radio and television stations. Today, even with privatised TV and radio stations, cable and satellite TV and radio channels, the Ministry is still the main controller and the Advertising Code has become the standard document of reference in producing advertisements for all media.

In Malaysia, advertising practices are subject to several ethical controls. These controls exist at three levels, first, the government level; second, the advertising industry level and finally, the consumer level, which is represented by Consumer Associations. They act as a 'watchdog' for the consumers and are considered to be the strongest critics of advertising in Malaysia.

Under the existing controls and constraints, any advertisements found to be offensive, deceptive or unsuitable to the Malaysian public, are withdrawn. However, some might slip through because 'offensive' or 'decent' are very subjective concepts, far more difficult to deal with than legally defined limits.

What is more, since Islam is the national religion in Malaysia, the public is generally very sensitive to any advertisements that might offend the culture or religion. That is why the government banned all products considered forbidden by Islam from being advertised on television and radio although there are no restrictions in the other media. Such products include those made from or related to pigs and alcohol.

Protecting Malaysian Identity and Culture

The Advertising Code for Television and Radio was based on several objectives. One of those objectives is to promote and protect Malaysian culture and identity. The objectives state;

Advertisements must project Malaysian culture, identity, reflect the multiracial character of the population and advocate the philosophy of Rukun Negara.¹

What, then, is this Malaysian culture and identity which the State declared it wants to protect? The government did not give any definition in the Code. This presents problems to the advertising practitioner wishing to promote his business. As stated previously, the definition of identity and national culture is problematical. In the case of Malaysia the task is further complicated by historical, multi-ethnic and multi-religious factors.

1. Malaysian Ideology or Rukun Negara was introduced after the 13 May, 1969, incident. The adoption of these five principles as pillars of the national philosophy and outlook represents an attempt to base national unity on certain concepts which are universal and acceptable to all citizens, regardless of ethnic origin or religious affiliation. The declaration of the five Principles is formulated as follows: OUR NATION, MALAYSIA is dedicated; TO ACHIEVING a greater unity for all her peoples; TO MAINTAINING a democratic way of life; TO CREATING a just society in which the wealth of the nation shall be equitably distributed; TO ENSURE a liberal approach to her rich and diverse cultural traditions; and TO BUILDING a progressive society which shall be orientated to modern science and technology. The five principles are 1. Belief in God 2. Loyalty to King and Country 3. The Supremacy of the Constitution 4. The Rule of Law 5. Mutual Respect and Good Social behaviour.

Both government and advertisers appear to regard the terms 'culture' and 'national identity' as self-evident. Such a lack of definition leaves the advertising and broadcast industries, the government and consumer groups to make their own interpretations. The only common factor is an attitude of 'Western culture as enemy, Malaysian culture as victim'.

Here, I will attempt to examine Malaysian identity and values and how they relate to the regulations which are aimed at protecting them.

Generally speaking, we can say that Malaysian culture, as promoted by the state, is based on three major ethnic backgrounds and heavily influenced by a variety of religious beliefs. It has a close relationship to 'Malay ideology, power and politics'. Malaysian politics has been controlled by the Malays since the country gained independence. It is, therefore, no coincidence that many of the policies have been based on Malay 'ideology and belief'. The 'ideology' has been clearly outlined in 'Rukun Negara' which is based on the five principles of Belief in God, Loyalty to the King, Upholding the Constitution, the Rule of Law and Good Behaviour and Morality. Malay 'belief' refers to the Islamic practices which are observed in most economic and social activities. Historically, the Malay is known to be protective of his culture and heritage (Maaruf, 1984:112-113) which is instilled in the young through proverbs. For example, 'Biar mati anak, jangan mati adat', ('Let our children die but not our culture') and 'Pantang sekali durhaka pada Raja' ('Never ever betray the King'), which dates back to the feudal period.

Many studies have been conducted on 'Malaysian culture'. One of these was by Clifford Geertz (1960), and focuses on the identity of Malaysian cultural heritage;

- a. Etiquette-feeling (politeness)
 - i. the proper form for the proper rank, involving a show of respect especially towards one's elders or superior;
 - ii. indirectness as opposed to bluntness;
 - iii. dissimulation (concealment of one's real feeling, for example, of negative feelings towards another, especially towards a guest; concealment of one's wishes in reference to one's opposite);
 - iv. avoidance of act suggesting disorder or lack of self-control (with order taken to mean formality of bearing, restraint of expression and bodily self discipline).
- b. Ethical or Moral integrity.
- c. Kindness/Good Deeds (considerate, unselfish, unspoilt, giving).
- d. Acceptance (brings peace through the acceptance of the inevitable with grace).
- e. Sincerity (brings peace through lack of attachment to the external world).

The identity discovered by Geertz is no doubt an accurate reflection of most Malays in the country during the studied period. However, as time has passed the country has progressed economically and socially, and more cultural values have emerged. Some of them could be seen to bring positive benefit and some not.

Due to this, the government has outlined the idealistic Malaysian identity to be observed by Malaysians, in which the values and identity are consistent with the national

ideology, 'Rukun Negara'. The purpose of this 'identity' is to promote policies such as 'New Development Policy'² and 'Vision 2020'³. The latest updated version of the Advertising Code for Television and Radio (Ministry of Information, 1990) conceptually incorporated this vision, which accounts for the 'desirable' and 'undesirable' identity and values of the government's guidelines (Table 1).

TABLE 1 MALAYSIAN VALUES AND IDENTITY

Malaysian Values and Identity	Undesirable Values and Identity
National interest	Ethnic interest
Moderation	Extremism
Tolerance	Intolerance
Mutual Respect	Prejudice
National pride/Loyalty	Loyalty to other Nation
Hardwork	Idleness
Perseverance	Defeatism
Thrift	Extravagance
Discipline	Disorderly
Delayed gratification	Instant Gratification
Enterprising	Non-activity

2. The objectives of the New Development Policy:

- a. Eradication of hard core poverty while at the same time reducing relative poverty.
- b. Meaningful participation of Malay in the modern sector of economy.
- c. Rely more on the private sector to be involved in restructuring objective by creating greater opportunities for its growth.
- d. Focus on human resource development as a fundamental requirement for achieving the objectives of growth and distribution (Information Malaysia, 1997:392).

3 The objectives of Vision 2020:

- a. Establishing a united Malaysian nation made up of one Malaysian race.
- b. Creating a psychologically liberated, secure and developed Malaysian society.
- c. Fostering and developing a mature democratic society.
- d. Establishing a fully moral and ethical society.
- e. Establishing a scientific and progressive society.
- f. Establishing a fully caring society.
- g. Ensuring an economically just society.
- h. Establishing a prosperous society with an economy that is fully competitive, dynamic, robust and resilient (Wing, 1995:40-41)

Co-operation	Self sufficiency
Excellence	Mediocrity
Environmental degradation	Environmental Protection
Respect (deference)	Impertinence/Discourteous/Curt
Indirection	Bluntness
Dissimulation	Brutal Honesty
Ordered/Self Control	Unruly
Ethical/Moral	Unethical
Kindness/Good Deeds	Selfish/Inconsiderate
Patience	Impatience/Rashness
Acceptance	Complaining
Sincerity	Ulterior Motive

The table created by the state represents the Malaysian multi-ethnic identity, which is to act as a base to build a unified, just and progressive society. Malaysians are required to champion national interest rather than the interest of any individual ethnic group. At the same time they have to give priority to practices that are commonly accepted for group integration, such as greater tolerance, moderation, and greater understanding of the sensitivities of various religious and ethnic groups, as the government sees extremism in any form as a threat to the livelihood and security of future generations.

These descriptions of identity and value were also created for an economic reason. The inculcation of positive attitudes and work ethic contributes to raising productivity levels and accelerating economic growth. Such values as perseverance and hard work will be helpful in raising capital investment and improving skills and expertise in managing the nation's wealth. While thrift, discipline, striving for excellence, a more rational and scientific approach for overcoming problems and delayed gratification to encourage savings and investment, will also assist in raising productivity. Individual enterprise and self-reliance are also desirable attitudes which need to be inculcated to discourage the population from relying indefinitely on the government for subsidies and protection.

Apart from unifying the nation-state and economy, a balance between the material and spiritual aspects of development is also sought. Many aspects of the Islamic value system that are not in conflict with the value systems of other faiths were used. Thus, values and identity found in Islam, especially those which emphasise the acceleration of economic development, receptiveness and readiness to utilise advancement in knowledge, especially scientific knowledge, and the tolerance of diversity in religious practices, will have to be harnessed for the good of the nation.

A concern for the quality of the environment is also sought as part of the system of values among all Malaysians. In seeking progress, the quality of the environment must not be allowed to deteriorate. Malaysians therefore must be concerned with the cleanliness and beauty of their surroundings whether in factory shop-floors, offices or places of public recreation.

The Advertising Code As Moral Authority

Many of the ideas involved in the formulation of the Malaysian identity as described above have been used to formulate the objectives of the Advertising Code, given below.

- a. *Advertisements must be legal, decent, honest, sensible, truthful and in line with national policies.*
- b. *Advertisements must help promote and develop local industries and services.*
- c. *Advertisements must project the Malaysian culture, identity, reflect the multi-racial character of the population and advocate 'Rukun Negara'.*
- d. *Advertisements must project a better quality of life for all Malaysians, inject civic mindedness and desired behavioural attitudes in life, such as queuing up when boarding a bus etc. and keeping public places clean.*
- e. *Advertisements must not project and promote an excessively aspirational lifestyle.*

(Ministry of Information, 1990).

The Advertising Code was formulated by the Ministry of Information, as the main government organisation with the power to regulate and control the advertising industry in Malaysia. It also serves as the 'moral authority' on identity and the protection of culture. The code provides guidelines for all advertising agencies and advertisers in producing their advertisements, particularly on television and radio.

Advertisements which depict ways of life that are against or totally different from the ways of life followed by Malaysian society are disallowed. In other words, advertisements that project Western lifestyles are not allowed. Generally, all advertisements are required to adopt the principle of 'Rukun Negara', which is mentioned in the code (Ministry of Information, 1990).

This is clearly stated in the Code, which prohibits the 'adaptation or projection of foreign culture, which is not acceptable to a cross section of the major communities of Malaysian society either in the form of words, slogans, clothing, activity or behaviour'.

For example, some specific elements of foreign culture that are contrary to Malaysian values and are prohibited by the Advertising Code include disco scenes, clothing imprinted with words or symbols conveying undesirable messages or impressions, scenes of an amorous, intimate or suggestive nature and kissing between adults.

In addition, any advertisements that portray the icons of Western culture, such as jeans, were prohibited, particularly on television and radio. However, in recent years, advertisements of denim jeans, except blue jeans, have been allowed by the government,

provided they were presented as clean and neat. Blue denim jeans have been associated with the hippie culture of the past and are therefore banned by the government. It was only in 1994 that the government finally lifted the ban on blue denim jeans advertisements (Ministry of Information, 1994).

The Ministry of Information has also included 'cultural sensitivity' in the Advertising Code. The Code says that all advertisements must promote unity within society. It prohibits any scene that 'contains statements or suggestions which may offend the religious, racial, political or sentimental susceptibilities of any section of the community' (Ministry of Information, 1990:6). For example, items like pork and any pork products, liquor and alcoholic beverages that are forbidden in Islam and offensive to Muslims, are not permitted. This is deemed to be vital in achieving racial and national harmony in a multiracial country such as Malaysia.

The other guidelines in the code specify details that require all advertisements to be 'legal, decent, honest and truthful'. In addition, provocative scenes that show naked or scantily clad models are not allowed. Women's costumes must not be 'too revealing or suggestive' (Ministry of Information, 1990:7). These rules primarily conform to the Islamic value covering the aurat (private parts of body) for women and to Islam's prohibition of using women as sex symbols. There are also sections of the code that protect children and women against exploitation, the use of professionals in the advertisement, such as doctors, lawyers etc., medicines and pesticides. Further, all advertisements for medicines, pesticides and their related products are required to gain approval from the Ministry of Health. In general, the Advertising Code includes specific regulations concerning technical requirements of the production of broadcast advertisements and general principles relating to the specific content of advertisements, such as issues of good taste and subliminal advertising.

As the advertising industry grows, so do new technology and knowledge in producing the advertisements. There are certain areas in the Advertising Code that are vague and that produce many complaints from the advertisers and the public. In response, the Ministry of Information has made some changes to the existing advertising code. They include forbidding certain advertisements such as those that highlight western values and project and promote aspirations of lifestyles (such as lavish and extravagant lifestyles), as well as advertisements on sanitary towels.

In 1982, the government banned cigarette advertisements on television and radio. However, the new code did not ban the advertising of non-tobacco products like belts, camping gear, perfumes, shirts and holidays that carry cigarette brand names and logos. In fact, cigarette logo advertisers account for more than 30 per cent of the total advertising expenditure since tobacco advertisements were banned. Presently, there is an increasing number of young Malaysians who smoke. Therefore, the government is now seriously considering a total direct and indirect ban on cigarette advertising in all media (Salam, 1992:6).

The Advertising Code also requires advertisements to promote 'social responsibility' by 'injecting civic mindedness and desired behavioural attitudes in life,' such as keeping public places clean. Another requirement is that besides the commercial messages, all advertisements 'must convey a second message such as messages calculated to bring about discipline (positive driving ethic, queuing for buses), cleanliness (maintain cleanliness at home and at work), healthy living (involvement in sporting activities) or industrious attitudes (sense of entrepreneurship).'

Public Complaints

1. Numerous complaints are made by the public and by market competitors. The complaints vary, and are normally associated with religious offence (usually against Islam) sexual offence and deception. The complaints are mostly made about TV and newspaper advertisements but occasionally about those on radio. In 1998, there were 68 complaints forwarded to the three bodies, the Ministry of Information, ASAM and FOMCA (Federation of Malaysia Consumer Association) (4A News, 1999). Some complaints from past years are given below;

Religious Sensitivities - a Seiko watch advertisement is one example of the many that have been withdrawn because of religious sensitivities. 'Man Invented Time, Seiko Perfected It' is the theme that ran in a world-wide campaign in 1986. An Islamic scholar complained that the commercial should be withdrawn as the theme was against religious belief because God, not Man, invented time. After receiving the complaint, the Ministry of Information complied. They informed the agency concerned to change the advertisement's theme. After a lengthy discussion between the agency and its client, the theme was changed to 'Man Invented Timekeeping, Seiko Perfected It' which was accepted (Frith, 1987:100-104).

Another example was the complaint against Kentucky Fried Chicken, or KFC. In the advertisement the authenticity of 'halal' chicken was questioned. The company was told that it could not advertise its product on Malaysian television until the accusation was removed. 'Halal' refers to the Muslim dietary restrictions whereby chicken and other food animals must be slaughtered in an Islamic way. Later, after all the necessary actions had been taken, KFC was allowed to advertise its products on television.

Another advertisement that was withdrawn was the Sony TV advertisement. Sony made a claim that man originated from the apes in agreement with the Darwinian Theory. This caused anger amongst the Moslems, who believe that human beings come from Adam and Eve. The advertisement was immediately withdrawn (4A News, 1995).

2. Sexual Offence - Advertising practitioners also have to contend with the social and cultural sensitivities of Malaysians. For example, an 'Aristocrat' mattress advertisement had a connotative headline and suggestive visuals showing a seductive lady sitting on the mattress. The headline said, 'I've slept with them all. But only Aristocrat is worthy of my body'. After a complaint from the public, the advertisement was withdrawn

from all media. Another advertisement that was withdrawn was a radio advertisement for an Ericsson cellular telephone (The Star, 1992:8). In the advertisement, a lady with a sexy voice telephoned a man who was alone in an apartment. In the conversation, the lady appeared to be offering herself to the man. This advertisement was claimed to be offensive because it contained sexual connotations and was, therefore, contravening the advertising code.

3. Deception - Complaints of deception usually concern claims made about some of the products. For example, a press advertisement for Dumex Full Cream Milk Powder stated that it was 'reinforced with Taurine' and that Taurine 'is a proven catalyst for intellectual development' and 'Taurine which is very good for my brains so I can grow up smart'. The complainant said that there was no hard evidence to support such a claim. The complaint was upheld as the scientific articles submitted by the agency and the advertiser did not conclusively prove the claims and the authority requested that the advertisement be withdrawn (4A News, 1997). Similar objections were made about Dumex 1-Plus TV advertisements, which stated the product makes children 'Fitter and more intelligent/smarter'. This complaint was not upheld, the committee decided that the advertisement did not contravene the Code of Advertising Practice. However, the committee advised the agency to replace the words 'intelligent' and 'smarter' to 'brighter' (ibid.).

Concluding Remarks

The increase of globalised activities in the advertising industry makes the public aware of the necessity for strong regulation and control. This creates a debate between the industry and the consumer groups. Advertising practitioners feel that creativity is restricted by the stringent Malaysian regulations. On the other hand, the consumer movements feel that there is still a lack of control, as the regulations are not properly implemented.

According to the people in the industry, there is enough control over advertising to monitor any misleading, offensive or unsuitable message to the Malaysian public. They claim that the Ministry of Information's advertising code and ASAM's own Code of Advertising Practice are sufficient for the industry to conform. However, like any regulation or code, there are loopholes which lead to confusion and manipulation by advertising practitioners. It is these loopholes which explain the occasional 'inaccuracies' found in Malaysian advertisements today.

There is more freedom for advertisers in Malaysia to advertise in the available media than in other 'ASEAN' (Association of Southeast Asian Nations) countries. In Thailand, for example, advertisements on television are allowed only at certain times. Whereas in Indonesia, television advertisements have only been allowed since 1989, after privatisation of the TV stations.

Maybe because of this, the advertising industry in Malaysia seems to be growing faster than other 'ASEAN' countries like Thailand or Indonesia. Malaysia's advertising codes and regulations might become a useful model for other countries concerned about protecting their native culture and values. On the whole, the government has been quite successful in making advertising practice comply with the needs of the country.

In general, most of the advertising practitioners in Malaysia seem to understand their commitment to society. They also agree that a truthful message in advertisements is important for their businesses to survive. Many self-regulation mechanisms are considered before completing the advertising work, due to the multiracial sensitivities and religious practices in Malaysia. Despite all the controls and constraints, creativity in advertisements still excels, which is proved as more and more Malaysian advertisements win international awards. A clear indication that regulations imposed on Malaysian advertising does not necessarily inhibit the creativity of the industry.

We have seen that the Malaysian advertising industry has grown over the years, globalisation contributing to its present multi-million dollar turnover. This in a nation-state acutely sensitive to any influence on its identity and culture. Many sectors of society (including government, advertiser and consumer associations) have publicly involved themselves with this concern. There is a general attitude which sees Western influence as harmful and Malaysian culture as a victim. This view is politicised, as is evident in government enforced regulation and in advertising self-regulation. However, there appears to be no clear idea of what Malaysian culture or identity actually are, and therefore, there is uncertainty as to what should be promoted and what should be protected. The regulations provide only blurred guidelines on this issue, while the parties involved stress that they are protecting Malaysian culture. It could be that they wish to demonstrate their fulfilment of social responsibility. Whatever their motives, they are related to economics, power and ideology.

References

- Anderson, Michael H. (1984) *Madison Avenue in Asia, Politics and Transnational Advertising*. Cranbury, N.J: Prentice-Hall, Inc.
- 4A News (1995) 'Newsletter of the Association of Accredited Advertising Agents' Malaysia, May/June.
- 4A News (1997) 'Newsletter of the Association of Accredited Advertising Agents' Malaysia, May/June.
- 4A News (1999) 'Newsletter of the Association of Accredited Advertising Agents' Malaysia, Jan/Feb.
- Frith, Katherine Toland (1987) *The Social and Legal Constraints on Advertising in Malaysia*. *Media Asia*, 14(2): 100-4.
- Geertz, Clifford (1960) *The Religion of Java*, Chicago: The University of Chicago Press.
- Maaruf, S. (1984) *Concept of Hero in Malay Society. Selangor, Malaysia*: Eastern University Press.
- Ministry of Information (1990) *Advertising Code for Television and Radio*, Kuala Lumpur: RTM.
- Ministry of Information (1994) *Advertising Code for Television and Radio (Revised)*, Kuala Lumpur: RTM.
- Salam, Abu Yamin (1992) 'Cigarette advertising to be banned', *New Straits Times*, July 29: 6.
- The Star (1992) 'Tell Unhealthy Trends in Advertising', January 18: 7.
- Wing, Lim K. (1995) 'Vision 2020 - A blueprint for success', *Malaysia Incorporated* (1995) Kuala Lumpur: Limkokwing Integrated

