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LEGAL REGULATION OF ADVERTISING IN MALAYSIA AND LITHUANIA

TZE CHIN, ONG¹
DALIA, PERKUMIENĖ²

Abstract

The relevance of this study Advertisement is a form of communication that is easy to be absorbed by consumers. Businesses use various marketing strategies to capture the attention of the prospective consumers to promote, to introduce and to attract consumers to buy their products. Conventional advertisement through print media, television and radio which the sources of advertisement mainly come from news, journalism and entertainment content has significant change due to the growing of online advertising. Despite various laws and regulations governing advertising in Malaysia, the challenges on online advertising remain problematic. Malaysia Advertisers Association raises their concern on digital advertising fraud and it is expected to remain an issue globally in the foreseeable future. Advertising market is a huge market worldwide with vast expenditure spends on advertising strategies. According to Guttman from Statista (Guttman, 2021), despite the challenges on Covid-19 pandemic which affected many industries, advertisement spending worldwide has been increasing steadily. It is expected to surpass 630 billion U. S. dollars in 2024. The forms of advertisement include television and radio, print media, digital and mobile advertising. In Malaysia, the total investment in advertising expenditure in 2019 was approximately 4.4 billion Malaysian ringgit. Regarding advertising and the problems of its legal regulation in Lithuania, it should be noted that trademarks play such an important role that there are almost no goods that are not marked with trademarks (Duguid, P., 2016). In the current market of goods and services, in the presence of huge competition, with the increase in the scale of international trade, the goods of manufacturers are increasingly distinguished by their own brand. **The main problems identified in the research paper:** effectiveness of establishment of centralised management; direct liability of a parent company; exit and buy-out rights of minority shareholders. Problems in Lithuania also arise that when promoting a product, several or even dozens of different products may be offered to the user under the same sign, without the need to re-introduce each one, which may confuse the user. **The research paper undertakes following tasks:** 1) to analyse laws and regulations governing advertisement in Malaysia and Lithuania; 2) to examine the Malaysian communications and multimedia content code; 3) to reveal misleading and deceptive conduct, false representation and unfair practice under the consumer protection act; 4) to disclose rising issues of targeted advertisement and advertising by influencer; 5) to compare results of previous tasks with Lithuanian law. **The research paper concludes** that offence contravenes any of the provisions of sections 3, 4, 4A and 4B of the Act. For first conviction, a fine not exceeding RM 3.000 or to imprisonment for any term not exceeding one year or to both may be imposed. In the case of a subsequent conviction, a fine not exceeding RM 5.000, or to imprisonment for a term not exceeding two years, or to both may be imposed. This strategy often very efficient and effective, however, it is more destructive than any other advertising. Targeted advertising often led to proliferation of fake news and clickbait. It facilitates data-mining and compromise personal data protection. Vulnerability of consumers increase with the challenges of targeted advertising. In the Republic of Lithuania it is prohibited to use advertising material that has been prepared in violation of copyrights to literary, artistic, scientific works and/or related rights. **The novelty** conventional advertisement through print media, television and radio which the sources of advertisement mainly come from news, journalism and entertainment content has significant change due to the growing of online advertising. **The methodology used** will be that of legal doctrinal research, legal theory method, the reform agenda research and comparative analysis.

Keywords: advertisement, communication, legal regulation, consumers, products.

Introduction. Statement of the problem.

Advertisement is one of the most effective marketing strategies employs by businesses to communicate to their audience. Advertising market is a huge market worldwide with vast expenditure spends on

advertising strategies. According to Guttman from Statista (Guttman, 2021), despite the challenges on Covid-19 pandemic which affected many industries, advertisement spending worldwide has been increasing steadily. It is expected to surpass 630 billion U. S. dollars in 2024. The forms of advertisement include television and radio, print media, digital and mobile advertising. In Malaysia, the total investment in advertising expenditure in 2019 was approximately 4.4 billion Malaysian ringgit (Hirschmann, 2021).

Conventional advertisement through print media, television and radio which the sources of

Corresponding author

¹ University of Malaya (Kuala Lumpur, Malaysia)
50603 Kuala Lumpur, Malaysia

E-mail: tzechinong@um.edu.my,
ORCID iD: 0000-0003-3602-543X

² Vytautas Magnus University (Kaunas, Lithuania) Studentų str. 11,
Akademija, Kaunas district LT-53361

E-mail: dalia.perkumiene@vdu.lt
ORCID iD: 0000-0003-4072-3898

advertisement mainly come from news, journalism and entertainment content has significant change due to the growing of online advertising. The growth of online advertising because of changes in consumer behaviour. Nowadays, consumer spends more time online and moving from conventional bricks to mortar retailers to e-commerce. In order to reach wider audience without geographical constraints, blooming of online advertisement has create new advertising strategies, in particular, through target advertisement using artificial intelligent and advertising by social media influencer. The involvement of artificial intelligent in target marketing and unregulated social media influencer advertisement based on words of mouth have posed new challenges on advertising laws and regulations (Kotler, et. al., 2015; Hofstede Insights, 2020). This article aims to provide a basic understanding of advertising laws in Malaysia in discussing the challenges posed by the new trends of online advertisement to Malaysian consumers.

Regarding product advertising, it should be noted that one of the biggest challenges of Lithuanian companies is problems in selling products or an insufficiently active marketing policy, the inability to get hooked, to create a brand (Nausėda, 2012; Grikietytė-Čebatavičienė, J., Vasiliauskienė, A., 2017; Abromaitytė-Sereikienė, L., 2013).

Relevance of the topic. The Consumer Protection Act 1999 (hereinafter 'CPA 1999') of Malaysia defines 'advertisement' as every form of advertisement, whether or not accompanied by or in association with spoken or written words or other writing or sounds and whether or not contained or issued in a publication, and includes advertisement: a) by the display of notices; b) by means of catalogues, price lists, circulars, labels, cards or other documents or materials; c) by the exhibition of films or of pictures or photographs; or d) by means of radio, television, telecommunication or any other similar means (Section 3 (1) of the Consumer Protection Act 1999). Besides, CPA 1999, the Multimedia Content Forum of Malaysia Content Code (2020) (hereinafter 'Content Code') provides that 'advertisement' means an announcement of a public nature whether for the sale or purchase or provision of goods or services or constituting of an invitation to participate in an activity and conveyed by or through any signage, image or sound disseminated through electronic medium for advertising purposes.

The Content Code of Malaysia is a commitment toward self-regulation by the communications and multimedia industry in compliance with the

Communications and Multimedia Act 1998. The purpose of the Content Code is to provide guidelines and procedures for good practice and standards of content disseminated to audiences by service providers in the communications and multimedia industry in Malaysia.

The purpose of Advertising Law in Republic of Lithuania is to improve consumer information concerning goods and services, protect consumer rights and legitimate interests, protect the freedom of fair competition, promote advertising self-regulation and create conditions for the development of advertising activity (Republic of Lithuania Law on Advertising..., 2015).

The aim of the research is to analyse legal aspects of regulations of advertising in Malaysia and Lithuania.

Results.

Laws and Regulations governing Advertisement in Malaysia and Lithuania

Advertising law is a wide spectrum with different perspectives, hence there is no single statute that governing advertisement industry in Malaysia (Asuhaimi et al., 2017). Malaysia approaches advertising law in both common law and statutes. Apart from the general contract law and tort law of defamation, there are many laws and regulations government advertisement in Malaysia. Among others, the statutes that affect and relevant to contents of advertisement include:

- consumer Protection Act 1999;
- communications and Multimedia Act 1998;
- trade Description Act 2011;
- indecent Advertisements Act 1953;
- penal Code;
- food Act 1983 and Food Regulations 1985;
- sale of Drugs Act 1952 (Revised 1989) and the Control of Drugs and Cosmetics Regulations 1984 (amendment 2009);
- medicines (Advertisement and Sale) Act 1956;
- traditional and Complementary Medicine Act 2016;
- direct Sales and Anti-Pyramid Scheme Act 1993; and many others.

Besides, the main statutes, there are also rules, regulations and guidelines issued by various Ministries and industries related to advertisement in Malaysia. This article focuses on main statutes related to advertising in food industry, cosmetics and related issues on online advertising. According to Rahmah & Sakina (Rahmah, & Sakina Shaik, 2017), Trade Description Act 2011, Medicines (Advertisement

and Sale) Act 1956, Direct Sales and Anti-Pyramid Scheme Act 1993 and Consumer Protection Act 1999 covers online advertising in the cyber sphere.

Under Lithuanian laws the Advertisement should be:

- decent and fair;
- clearly recognizable;
- the correct Lithuanian language is presented;
- does not violate the principles of public morality;
- does not degrade human honor and dignity;
- not inciting national, racial, religious, gender or social hatred and discrimination; Not defamatory or misleading;
- does not promote violence, aggression, panic or behavior that poses a threat to health, safety and the environment;
- not abusing superstitions, people's trust, their lack of experience or knowledge; Without the consent of a natural person, it is prohibited to mention his name, surname, provide opinions, information about his private or public life, property, use the image of a natural person in advertising (Prohibitions and requirements for advertising..., 2022).

It also should be noted, that the use of special means and technologies affecting the subconscious is prohibited for advertising; it is prohibited to use advertising material that has been prepared in violation of copyrights to literary, artistic, scientific works and/or related rights. It is forbidden to insult the religious symbols of religious communities registered in Lithuania.

Misleading and Deceptive Conduct, False Representation and Unfair Practice under the Consumer Protection Act 1999

Part II of the Consumer Protection Act 1999 (CPA 1999) prohibits misleading, deceptive and false conduct, representation and practice that are capable of leading consumer into error (Consumer Protection Act 1999, 8a section). Misleading, deceptive and false pricing in relation to supply of goods and services are also prohibited under the Act (Consumer Protection Act 1999, Section 8b). "Price" defines as consideration in any form, whether direct or indirect, and includes any consideration that in effect relates to the acquisition or supply of goods or services although ostensibly relating to any other matter or thing (Section 3 of the Consumer Protection Act, 1999).

Misleading indication as to price is prohibited (Section 12 of the Consumer Protection Act, 1999), the advertiser who fails to take reasonable steps to prevent the consumer from relying on the

indication of misleading price commits an offence (Section 12 (1) of the Consumer Protection Act 1999). It is immaterial that whether the advertiser who is the one that indicate the price or on behalf of another. It is also immaterial whether such misleading indication as to price is or becomes misleading to all or some consumers (Section 12 (2) (c) of the Consumer Protection Act, 1999).

This means that if not all the consumers even some of them believe into the misleading price, it is considered misleading hence an offence is committed. A price or a method of determining a price should be what the consumer may reasonably be expected to infer from the indication and any contradiction, inference or omission is considered misleading as to price (Section 12 (3) of the Consumer Protection Act, 1999).

Section 9 of the CPA 1999 provides that the nature of misleading or deceptive conduct in relation to goods includes manufacturing process, characteristics, suitability for a purpose, availability and quantity of goods (Section 9 (1) (a) of the Consumer Protection Act, 1999). The nature of misleading or deceptive conduct in relation to services includes characteristics, suitability for a purpose, and availability of services (Section 9 (1) (b) of the Consumer Protection Act, 1999).

Section 10 provides that false and misleading representation of goods in a particular kind, standard, quality, grade, quantity, composition, style or model are prohibited. History or particular previous use of the goods (Section 10 (b) of the Consumer Protection Act, 1999) and new or reconditioned goods (Section 10 (f) of the Consumer Protection Act, 1999) are also provided.

This means that second hand, renew or reconditioned goods should be clearly indicated so as not to mislead the consumer in believing the goods supply are new and in fact they are not. False and misleading representation of services covers the services supplied by any particular person or by any person of particular trade, qualification or skills are prohibited (Section 10 (d) of the Consumer Protection Act 1999).

No person shall make a false or misleading representation as to the goods or services have any sponsorship, approval, endorsement performance characteristics, accessories, uses or benefits (Section 10 (h) of the Consumer Protection Act, 1999). In terms of a person who has any sponsorship, approval, endorsement or affiliation are also provided in the Act (Section 10 (i) of the Consumer

Protection Act, 1999), the person who does not has any sponsorship, approval, endorsement or affiliation shall not falsely represent that the person has such sponsorship, approval, endorsement or affiliation. False or misleading representation concerns the need for any goods or services (Section 10 (j) of the Consumer Protection Act, 1999), the existence, exclusion or effect of any condition, guarantee, right or remedy which such goods or services do not have are prohibited (Section 10 (k) of the Consumer Protection Act 1999). False or misleading representation as to the place of origin of the goods is also prohibited (Section 10 (l) of the Consumer Protection Act 1999).

Bait advertising is prohibited under section 13 of the CPA 1999. Gifts, prizes, free offers that have been advertised but not provided and with no intention to provide are also prohibited under section 14 of the CPA 1999. There shall not be any claim that goods that intended to supply are limited to create a false demand and scarcity of the goods, which in fact the goods are not limited in supply or in production (Section 15 (1) of the Consumer Protection Act 1999). If the goods supplied are in fact limited, it shall state clearly the maximum quantity of goods which are offered for sale; and the specific time period or dates for which the goods are offered for sale (Section 15 (2) of the Consumer Protection Act 1999).

Section 18 of the CPA 1999 presumed liability for the advertiser where the conduct or representation in relation to any goods or services is made or published in an advertisement unless proved to the contrary (Section 18 of the Consumer Protection Act, 1999). In other words, it is presumed liability on the advertiser once the misleading and deceptive conduct, false representation and unfair practice are committed. The advertiser bears the burden in disproving that there are no misleading and deceptive conduct, false representation and unfair practice.

Part XIA CPA 1999 under section 84A established Advertising Committee to advise the Minister and oversee the any aspect of advertising, including advertisements contrary to Part II of the Act. The functions of the Advertising Committee include:

- to examine complaints regarding advertising;
- to issue or publish information relating to the nature and characteristics of goods or services that may affect the rights or cause damage to the consumer; and
- to perform such other matters as it deems fit in carrying out its functions more effectively or which are incidental to the performance of its functions.

Under the advice of the Advertising Committee, the complaints on misleading and false advertisements will be forwarded to relevant Ministries for further actions.

It is a heavy price to pay for advertiser who committed misleading and deceptive conduct, false representation and unfair practice in advertisement. Section 25 of the CPA 1999 provides that it is an offence for any person or corporate body that contravene Part II of the CPA 1999. For corporate body, a fine not exceeding RM 250.000 and for a second or subsequent offence, a fine not exceeding RM 500.000 may be imposed. If the advertiser is not a corporate body, a fine of not exceeding RM 100.000 or an imprisonment term not exceeding 3 years may be imposed. For second and subsequent offences committed by a person, RM 250.000 or an imprisonment of not exceeding 6 years may be imposed to the offender.

Despite the heavy punishment for the offences of misleading and deceptive conduct, false representation and unfair practice in advertisement, there are still numerous online advertisement which committed such offence. This is because lack of evidence and investigation as to advertisement in cyber sphere. Besides, creative advertiser often escapes investigation and enforcement by their disclaimer as they are not advertising but merely sharing personal experience or information.

The Malaysian Communications and Multimedia Content Code

Multimedia and communication industry in Malaysia is governing by two major legislations which are the Communications and Multimedia Act 1998 (hereinafter 'CMA 1998') and Malaysian Communications and Multimedia Commission Act 1998 (hereinafter 'MCMC 1998'). CMA 1998 set out a new regulatory licensing framework for the industry and MCMC 1998 established Malaysian Communications and Multimedia Commission with powers to supervise and regulate the communications and multimedia activities in Malaysia, and to enforce the communications and multimedia laws of Malaysia, and for related matters. For online activities include online advertisement, Malaysian Communication and Multimedia Commission promote a self-regulatory framework with the establishment of Malaysian Communications and Multimedia Content Code (hereinafter 'Content Code, 2020) after appropriate consultations with the multimedia and communication industry.

The Content Code sets out the guidelines and procedures for good practice and standards of content



Fig. 1. Ministry of Domestic Trade and Consumer Affairs guidelines against exaggeration/puffery advertisement, 2022

disseminated to audiences by service providers in the communications and multimedia industry. The Content Code identify the content that is indecent, obscene, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass any person which is prohibited under the Section 211 of the CMA 1998. The Content Code is merely providing the guidelines and procedures. The compliance of such guidelines and procedures are on a voluntary basis, hence no sanctions for breach of such guidelines and procedures. The general principles governing the Content Code includes:

- (a) All advertisements must conform with this part and to the general guidelines on Content.
- (b) All advertisements should be legal, decent, honest and truthful.
- (c) All advertisements should be prepared with a sense of responsibility to consumers and to society.
- (d) All advertisements should respect the principles of fair competition generally accepted in business.

The Content Code is to be observed voluntarily by the advertiser. The responsibility to observe the Content Code voluntarily lies with the advertiser as to be in accordance with the objective of self-regulations. However, lack of compliance and observation of the Content Code caused many unethical online advertisers breach the Content Code and there is no recourse for consumers.

Prior to the Content Code, there are various independent bodies formed by the industry players to observed ethical advertising in Malaysia. Among others, the Malaysian Advertisers Association (MAA, 2022) which was established in 1964 representing

the interest of advertisers in all areas of commercial communications. MAA objectives are to promote self-regulation and work with government, media owners and advertising agencies in ensuring an environment conducive to the growth of the industry. Advertising Standards Malaysia (ASA, 2022) was established in 1977 as an independent body to provide scrutiny of the self-regulating advertising industry, to ensure that all advertisements are prepared with a sense of responsibility to the consumer. ASA main tasks are to promote and enforce ethical standards in advertisements, to investigate complaints from the industry and consumers, and to ensure that the self-regulatory system operates in the public interest. MAA and ASA often raise various issues on advertisements and work closely with the relevant ministries to ensuring a health and conducive environment for advertiser and at the same time protecting consumer interests.

Besides the Content Code, Malaysian Communications and Multimedia Commission also set up the General Consumer Code of Practice for the Communications and Multimedia Industry (hereinafter 'Consumer Code') in Malaysia. The Consumer Code mainly provides the guidelines and complaints channel for services in in the communications and multimedia industry.

Food Act 1983 and Food Regulations 1985

Food Act 1983 (Food Act 1983 of Malaysia..., 2022) and Food Regulations (Food Regulations 1985 of Malaysia..., 2022) 1985 are the principal statutes that governing various aspects of food safety in Malaysia including food advertising. Food Safety and Quality Division of the Ministry of Health is

responsible for implementing and enforcing the law. Section 15 of the Food Act 1983 prohibits any person from advertising any food that does not comply with the standard prescribed, that it is likely to be mistaken for food of the prescribed standard. It is an offence for any person who prepares, packages, labels or advertises any food which does not comply with that standard (Food Act 1983 of Malaysia..., 2022). The person found be liable on conviction to imprisonment for a term not exceeding three years or to fine or to both (Food Act 1983 of Malaysia..., 2022). In regards to false labelling etc. section 16 of the Food Act 1983 provides that Any person who prepares, packages, labels or sells any food in a manner that is false, misleading or deceptive as regards its character, nature, value, substance, quality, composition, merit or safety, strength, purity, weight, origin, age or proportion or in contravention of any regulation made under the Act commits an offence and is liable on conviction to imprisonment for a term not exceeding three years or to fine or to both (Food Act 1983 of Malaysia..., 2022; 16 section). On the other hand, Food Regulations 1985 mainly provides for general requirements for labelling of food in Regulation (Food Regulations 1985 of Malaysia..., 2022).

Medicines (Advertisement and Sale) Act 1956

The Medicines (Advertisement and Sale) Act 1956 is an Act that to prohibit certain advertisements relating to medical matters and to regulate the sale of substances recommended as a medicine. Section 4B of the Act requires any publication of an advertisement for medicine “for the purpose of treatment or prevention of diseases or conditions of human” to be approved by the Medicine Advertisements Board (MAB) (The Medicines Advertisement and Sale Act 1956, Section 4B). MAB is an agency of the Pharmaceutical Services Division of the Ministry of Health chaired by the Director-General of Health. The MAB has issued the Guideline on Advertising of Medicines and Medicinal Products to General Public 2015 (2015 Guidelines), which governs the advertising practices of medicines and medicinal products aimed at the general public. The 2015 guidelines are intended to complement the provisions of the Act and the MAB Regulation 1976.

In Malaysia, certain treatment or prevention of certain diseases is prohibited, among others, the diseases include diseases or defects of the kidney, diseases or defects of the heart, diabetes, epilepsy or fits, paralysis, tuberculosis, asthma, leprosy, cancer, deafness, drug addiction, hernia or rupture, diseases of the eye, hypertension, mental disorder,

infertility, frigidity, impairment of the sexual function or impotency, venereal disease and nervous debility, or other complaint or infirmity, arising from or relating to sexual intercourse (The Medicines Advertisement and Sale Act 1956, Section 3). Besides that, advertising in relation to abortion is also prohibited (The Medicines Advertisement and Sale Act 1956, Section 4). Section 4A further prohibited advertisements relating to skill or service relating to the treatment, prevention or diagnosis of any ailment, disease, injury, infirmity or condition affecting the human body unless it is approved by the Minister of Health, or by any professional body related to the medical profession or to any other allied profession which is established by or registered under any written law (The Medicines Advertisement and Sale Act 1956, Section 4A).

It is a summary offence contravenes any of the provisions of sections 3, 4, 4A and 4B of the Act. For first conviction, a fine not exceeding RM 3.000 or to imprisonment for any term not exceeding one year or to both may be imposed. In the case of a subsequent conviction, a fine not exceeding RM 5.000, or to imprisonment for a term not exceeding two years, or to both may be imposed.

Rising Issues of Targeted Advertisement and Advertising by Influencer

Despite various laws and regulations governing advertising in Malaysia, the challenges on online advertising remain problematic. Malaysia Advertisers Association raises their concern on digital advertising fraud and it is expected to remains an issue globally in the foreseeable future. The situation makes worst by the targeted advertisement employed by using AI. These targeted advertisements are tailored to individual with the information learn from one online behaviours or activities. Targeted advertisements are often individualised and personal, for example, when you search a particular item online, your personal e-mail, social media page and others online e-commerce Apps that you used, will show you what you search previously. This strategy often very efficient and effective, however, it is more destructive than any other advertising. Targeted advertising often led to proliferation of fake news and clickbait. It facilitates data-mining and compromise personal data protection. Vulnerability of consumers increase with the challenges of targeted advertising. However, the laws and regulations always a step behind the advance technology. As for today, there is no laws and regulations governing targeted advertising in Malaysia despite raising concerns on the advertising strategy.

On the other hand, another raising issue to both the regulators and advertisers is the advertising by influencer. The trends that influencer is employed to promote or advertise certain products or services are commons. More often or not these online influencers attracted certain targeted individuals as friends and followers which sparked the effect of trusting despite many are violated the advertising rules and regulations. For the advertisers, the influencers whose are not professional in advertising often undermine the ethical standards and quality of the advertisers. For example, inappropriate languages were used, often offensive pictures shown, some event advertised by exploiting young children to gain sympathy of the viewers.

Conclusions. The involvement of artificial intelligent in target marketing and unregulated social media influencer advertisement based on words of mouth have posed new challenges on advertising laws and regulations (Godin, S., 2018; Bojanic, D., Reid, R., 2017).

Advertising by influencers often escape the advertising rules and code of practices by indicating that they are not advertising but merely sharing personal experience to their followers. Moreover, there are also social issues associated with advertising

by influencer, such as cyber bully, fraud, defamation and many others.

The situation makes worst by the targeted advertisement employed by using AI. These targeted advertisements are tailored to individual with the information learn from one online behaviours or activities. Targeted advertisements are often individualised and personal, for example, when you search a particular item online, your personal e-mail, social media page and others online e-commerce Apps that you used, will show you what you search previously.

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In the Republic of Lithuania it is prohibited to use advertising material that has been prepared in violation of copyrights to literary, artistic, scientific works and/or related rights, it is also forbidden to insult the religious symbols of religious communities registered in Lithuania.

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ТЗЕ, ЧИН ОНГ – старший лектор,

Доктор юридичних наук, Університет Малайзії (Куала-Лумпур, Малайзія)

E-mail: tzechinong@um.edu.my

ORCID: 0000-0003-3602-543X

ДАЛЯ, ПЯРКУМЕНЕ – Доц. проф.

Доктор юридичних наук, Університет Вітаутаса Великого (Каунас, Литва)

E-mail: dalia.perkumiene@vdu.lt

ORCID: 0000-0003-4072-3898

ПРАВОВЕ РЕГУЛЮВАННЯ РЕКЛАМИ В МАЛАЙЗІЇ ТА ЛИТВІ

Анотація

Актуальність дослідження. Реклама – це форма комунікації, яку споживачі легко засвоюють. Підприємства використовують різні маркетингові стратегії, щоб привернути увагу потенційних споживачів, щоб просувати, представляти та залучити споживачів купувати їхню продукцію. Традиційна реклама через друковані засоби масової інформації, телебачення та радіо, джерелами реклами яких є новини, журналістика та розважальний контент, зазнала значних змін через зростання онлайн-реклами. Незважаючи на різні закони та нормативні акти, що регулюють рекламу в Малайзії, проблеми з онлайн-рекламою залишаються проблематичними. Асоціація рекламодавців Малайзії висловлює занепокоєння щодо шахрайства з цифровою рекламою, і очікується, що в осяжному майбутньому це залишатиметься глобальною проблемою. Рекламний ринок – це величезний ринок у всьому світі, на якому витрачаються величезні витрати на рекламні стратегії. За словами Гуттмана з Statista (Guttman, 2021), незважаючи на виклики пандемії Covid-19, яка вплинула на багато галузей промисловості, витрати на рекламу в усьому світі стабільно зростають. Очікується, що у 2024 році він перевищить 630 мільярдів доларів США. Формами реклами є телебачення та радіо, друковані ЗМІ, цифрова та мобільна реклама. У Малайзії загальні інвестиції в рекламу в 2019 році склали приблизно 4,4 мільярда малайзійських ринггітів. Стосовно реклами та проблем її правового регулювання в Литві слід зазначити, що торговельні марки відіграють настільки важливу роль, що практично немає товарів, які б не маркувалися торговими марками (Duguid, P., 2016). На сучасному ринку товарів і послуг, за наявності величезної конкуренції, зі збільшенням масштабів міжнародної торгівлі, товари виробників все більше вирізняються власним брендом. Основні проблеми, визначені у дослідницькій роботі: ефективність заснування централізованого управління; пряма відповідальність материнської компанії; права виходу та викупу меншоритарних акціонерів. У Литві також виникають проблеми з тим, що під час просування продукту користувачеві можуть пропонуватися кілька або навіть десятки різних товарів під одним знаком, без необхідності повторного представлення кожного, що може заплутати користувача. Дослідницька робота бере на себе наступні завдання: 1) проаналізувати закони та нормативні акти, що регулюють рекламу в Малайзії та Литві; 2) перевірити малайзійський код зв'язку та мультимедійного контенту; 3) виявляти феномени введення в оману та оманливої поведінки, неправдивого уявлення та недобросовісної практики згідно із законом про захист прав споживачів; 4) розкрити актуальні проблеми таргетованої реклами та реклами інфлюенсером; 5) порівняти результати

попередніх завдань із законодавством Литви. У статті робиться висновок, що правопорушення суперечить будь-якому з положень розділів 3, 4, 4А та 4В Закону. За перше засудження може бути накладено штраф, що не перевищує 3000 малайзійських рингітів, або позбавлення волі на будь-який термін, що не перевищує одного року, або два. У разі наступного засудження може бути накладено штраф у розмірі, що не перевищує 5000 малайзійських рингітів, або позбавлення волі на строк не більше двох років, або два. Ця стратегія часто дуже дієва і ефективна, однак вона більш руйнівна, ніж будь-яка інша реклама. Цільова реклама часто призводила до розповсюдження фейкових новин і клікбейтів. Це полегшує інтелектуальний аналіз даних і компрометує захист персональних даних. Уразливість споживачів зростає з проблемами таргетованої реклами. У Литовській Республіці заборонено використовувати рекламні матеріали, підготовлені з порушенням авторських прав на літературні, художні, наукові твори та/або суміжні права. Новаторська звичайна реклама через друковані засоби масової інформації, телебачення та радіо, джерелами реклами яких в основному є новини, журналістика та розважальний контент, зазнала значних змін через зростання онлайн-реклами. Використовується методологія юридичного доктринального дослідження, метод правової теорії, дослідження порядку денного реформ та порівняльний аналіз.

Ключові слова: реклама, комунікація, правове регулювання, споживачі, продукція.

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