

## The Gamut of Weasel Words

**Jagandeep Singh\***

University Institute of Applied Management Sciences (U.I.A.M.S), Panjab University, Chandigarh.

### Introduction

Advertisers are often accused of making false promises. The world of advertising is replete with examples of misleading and exaggerated claims<sup>1</sup>. The cynic audience peruses the information given by the advertiser while the gullible fall for the bait. Needless to say, the advertiser runs the risk of being dragged to court for making misleading claims.

To be fair to advertisers, they have a herculean task on hand. Consumers are exposed to hundreds of advertisements every day. Majority of them are not even noticed (Johnson, 2014). The viewer obviously has the prerogative of avoiding the advertisement by zipping and zapping, making the task all the more difficult. The advertiser on the other hand is answerable for the enormous amount spent on advertising. His efficacy is measured on making an impression and ensuring brand recall that, eventually, must result in a sale.

### About Weasel Words

In the present day world of advertising clutter (Ha & Litman, 1997), it is quite easy for the marketer to get swayed and make big promises that cannot be kept. The image of the organization is tarnished when such instances of bogus assurances are uncovered and penalized by the regulators. The advertiser thus walks a tight rope; to get noticed without being on the wrong side of law.

Let's take a different perspective. Question one; can the advertiser be penalized for breaking a promise that was never made in the first place? The answer is an understandable 'yes'. Question two; can the advertiser make a promise without making a promise? Counter question; how? The answer; Welcome to the world of weasel words.

For the uninitiated, weasel words appear to make tall claim, while, in reality, all they are offering is a hollow promise. The meaning of weasel words has been derived from the way a weasel (an animal) eats. Weasels are cute, cuddly, and can rightly be called world's

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<sup>1</sup> During the period, January 2016 to July 2016, the Advertising Standards Council of India (ASCI) received 1029 complaints of misleading/false/unsubstantiated advertisements. The ASCI upheld 629 (61%) of these complaints. Month wise data of these complaints is given in Annexure 1.

smallest carnivores. They suck the inside of eggs of other animals without breaking the shell of the egg. It is only when the egg is carefully scrutinized; one realizes that it is hollow. The essence of weasel words in advertising is just the same. In other words, it is a promise that the advertiser never made.

Words that promise the moon, but offer nothing can be termed as weasel words. Weasel words help advertisers make bloated, yet concave claims. The advertising message gets the potency to rise above the clutter, stand apart without being misleading or deceptive.

### **Types of Weasel Words**

According to William Lutz, the word help tops the charts when it comes to weasel words. The author of best-seller ‘Doublespeak’ as well as its sequel ‘The New Doublespeak: Why No One Knows What Anyone's Saying Anymore’ avers that ‘help’, ‘virtually’, ‘acts fast’, ‘works like anything else’, ‘upto’, ‘new and improved’ are magical words that are often seen in advertisements. Advertisers use unfinished claims and leave it to the audience’s imagination to complete the claim. The use of these words in real life advertisements is rampant. Some continue to bamboozle the audience, while others have lost a bit of sheen due to the intervention of the ASCI<sup>2</sup>.

### **‘Help’ Rules The Roost**

“Helps remove dandruff” read the promise on the shampoo’s label. “Wow” said the consumer. Off flew the product from the shelf. The word ‘help’ struck the right chord with the customer. A close scrutiny of the claim reveals that the actual promise was that the product will assist (help) in removing dandruff. The ‘help’ may not be sufficient enough to remove the dandruff. Essentially the claim is not promising to eliminate dandruff as the reader might perceive. Likewise, toothpaste ‘relieves sensitivity and helps restore natural whiteness’. Strictly speaking, the promise only looks great.

It would be wrong to assume that the advertisers would continue to hoodwink the consumers without inviting the attention of the regulators. In fact the regulator of advertising in India has adopted a more proactive approach in recent years<sup>3</sup>.

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<sup>2</sup> ASCI is a voluntary self-regulatory organization. Its members include Advertisers, Media, Advertising Agencies and other firms associated with the advertising industry. ASCI is a ‘not-for-profit’ company and is registered under section 25 of the Indian Cos. Act.

<sup>3</sup> ASCI partnered with AdEx division of TAM to set up National Advertising Monitoring Service (NAMS). As a part of the initiative, NAMS will scrutinize around 350 television commercials and more than 10,000 newspaper advertisements every week.

The ensuing sections detail the use of some of these weasel words and explain how the ASCI has incorporated norms from time to time to tackle them.

### **New and Improved**

A fleeting glance at the words ‘new and improved’ gives the consumer an impression that the product has been modified to make it functionally better. Correct. For instance, an advertisement promoting a ‘new and improved’ pen may bring to mind the notion that pen has been redesigned to make the ink last longer, the ink will not spill, the shape of the pen has been changed to make a better grip, etc. One or more of these thoughts may cross the consumer’s mind on viewing the said advertisement. In reality, the manufacturer may just have redesigned the cap of the pen and may have advertised it as ‘new and improved’. In this case, the pen really does not add any functional value for the consumer. The weasel words however create the perception that functional value of the pen has been augmented. Likewise, there could be a ‘new and improved’ detergent whose color has changed because of an additional ingredient. The ingredient does not enhance the cleaning potency of the detergent though.

### **The Legal Angle: New and Improved**

The ASCI has incorporated norms that make the use of ‘new and improved’ claims part of the industry code (Shah and Agarwal, 2014). As part of the new strictures, the advertiser has to specifically mention what aspect of the product is new. The ‘new and improved’ claim could pertain to product’s form or design, function, or simply be a package design. Moreover, the directives state that the ‘new and improved’ claim can be used for a period of one year only. Till this point of time, manufacturers had their own criterion of determining what constituted as new and its duration. The definitions thus varied from company to company. The new ASCI guidelines on ‘new and improved’ claims thus bring a semblance of uniformity in the industry and will enable the consumers to take such claims at face value.

### **Better, Stronger Claim**

Claims like ‘stronger’, ‘better’, ‘faster’, and ‘longer’ are also a favorite amongst advertisers. Products are advertised as ‘100% More Stain Removal\*’, ‘Fall Repair 3X\*’ and 4X Fairer Skin\*’. The claim ‘Makes your English Better\*’ by an English coaching centre falls in the category of unfinished claims. The average reader would probably complete the message and infer that his/her English would improve after completing the course. That is the most logical

interpretation that can be made. A closer scrutiny of the advertisement suggests that the advertiser did not mention that the English would be better in comparison to what or whom. Better than the current level of English? Better than the best English speaker in town? Or better than the person who failed to clear the English exam. Yes, you got it right. The advertiser would have mentioned the details in the fine print.

### **The Legal Angle: Better, Stronger Claim**

The ASCI has proposed revised norms for disclaimers across media types. The latest strictures stipulate that the purpose of disclaimers is to clarify and explain the claim made by the advertiser. The disclaimer cannot contradict the claim. For instance, a telecom operator cannot make a claim of “200 minutes of free talk time” and state that the “offer is limited between 1am to 5am” in the disclaimer. The ASCI guidelines also stipulate rules to ensure that disclaimers are clear and readable. The language of the claim and that of the disclaimer has to be the same.

### **Conclusion**

One of the biggest challenges for advertisers is to rise above the clutter and get noticed. In doing so, many advertisers go overboard which results in creation of false and misleading advertisements. At times, advertisers resort to the use of weasel words in advertising wherein they make hollow promises. Such words have been brought into play across various product categories. Strictly speaking, this too can be construed as unfair and unrealistic propaganda that has been deployed to sell products. As the regulatory framework surrounding advertising evolves in India, the watchdogs are likely to crack the whip on the use of weasel words also. By that time, the creative instincts of the advertisers would have driven them to the next level of innovation. After all, the business of advertising is all about getting noticed.

## Annexure 1

## Month-Wise (Jan 2016-July 2016) Detail of Complaints Received and Upheld by ASCI

Month	Complaints	Upheld	% upheld	Education	Food & Beverages	Health & Personal Care
Jan	102	51	50	14	12	11
Feb	133	80	60	48	5	13
March	156	90	58	32	10	30
April	141	67	48	4	10	27
May	155	109	70	23	12	41
June	159	98	62	39	11	25
July	183	134	73	44	24	52

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