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PRODUCT PLACEMENT IN WEB SERIES: A SOCIO-LEGAL ANALYSIS OF EMERGING TRENDS AND REGULATORY NEEDS

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Abstract of the Article:

One of the most lucrative forms of advertising, product placement has undergone significant transformation in the digital age. With the increasing consumption of web series on OTT platforms, advertisers have adopted innovative strategies to reach target audiences. This paper delves into the concept of product placement in the Indian web series, analyzing its socio-legal implications and comparing existing regulations across countries. Through a detailed study of 10 popular Indian web series, this research highlights patterns, gaps, and the need for a robust regulatory framework to safeguard consumer interests. The study concludes with recommendations for a balanced approach to product placement in the Indian context.

Keywords:

Product Placement, Web Series, OTT Platforms, Advertising Regulations, Consumer Protection

EXECUTIVE SUMMARY

One of the most lucrative forms of advertising, product placement, has seen ongoing transformation in the entertainment business. There has been a noticeable shift from product placements in movies to web series because of the rise in tech-savvy consumers.

Although a sizable amount of entertainment in India is now consumed through Web series, movie product placement has not decreased. Product placement tactics have improved in the age of the digital Renaissance. The concept of Product Placement has evolved over time as popular video streaming services like YouTube, TVF, and Netflix have grown in popularity.

Global product placement spending surged 12.1% to 32.98 billion U.S. dollars.¹ Streaming channels like TVF in these 5 years have turned out to be the biggest gainers and they have seemed to find the perfect mixture. More than 90% of their revenue comes from brands; “Brands don’t just buy media space on our platform; we integrate brand stories with content,” said Jikku Abraham, former GM and partner, TVF. “We integrate brand stories with content which is a premium ad unit for us. Other solutions include product placement, creating characters for brands, integrated logo units, pre-roll ads, etc.”²

With this advent of digitalization, there has also been an increasing research gap in this domain. Through this research we plan to delve into the domain of product placement in web series in the Indian context, existing set of guidelines, laws regulations and propose a set of guidelines from an analysis and comparison with the existing guidelines and rules in other countries as well in different domains of advertising regulated by the Government of India.

INTRODUCTION

The origins of product placement can be seen in the early years of radio and television when companies would fund entire programs or episodes in exchange for spoken mentions of their products or visual representations of them. However, this early method of product placement was frequently clumsy and overt, with little concern for the truth of the narrative or the viewing experience.

The practice of product placement has changed along with the media and audiences. Because advertisers frequently collaborate closely with content producers to make sure their products are relevant and fit for the characters or scene, product placement has grown more discreet.

Product placement has evolved along with digital media, becoming more interactive and quantifiable as businesses use data and analytics to monitor the effectiveness of their placements and modify their strategy as necessary.

Creating one's content, such as a short film or web series, to showcase one's goods or services is known as "branded content," and it has become more popular in recent years. This strategy gives advertisers greater creative control over the placement and can help them reach and

¹ (Navarro, 2024)

² (Rai, 2017)

interact with their target audience more successfully.

In addition, a lot of streaming services, including Netflix, Amazon Prime, and Hulu, are now using product placement to monetize their original programming.

Briefly put, product placement has evolved from intrusive and overbearing advertising to subtle and inventive forms intended to improve the viewing experience.

NEED FOR RESEARCH

Marketing businesses are struggling to find the most cost-effective medium to maximize their outcomes due to significant changes in promotional strategies over the past several years. One important finding is that the internet is the primary way through which entertainment is consumed. Mobile content has caught up to millennials. Product placements in web series have been launched by marketing companies to reach this customer group. There is, however, a dearth of research in this field. Research is fairly young, particularly in the setting of India.

Research is still extremely young, particularly in the Indian context. This paper attempts to provide an insight on this ever-growing market. Product placement has become a significant method for marketers to reach their target audience in more "subtle" ways in the modern world when viewers can ignore advertising and demonstrate ad blindness. It is essential to delve into the complexities involved as well as come up with a set of guidelines and regulations for the same.

LITERATURE REVIEW

The concept of **product placement** has undergone significant evolution over time, shifting from a simple promotional strategy to a sophisticated form of advertising embedded within media content. This literature review explores the academic and legal perspectives on product placement, focusing on its emergence, effectiveness, ethical considerations, and the regulatory landscape, with a specific emphasis on web series and digital platforms.

1. Definition and Historical Context

Product placement is broadly defined as any audio-visual commercial communication that integrates products, services, or trademarks into media content in exchange for

monetary or similar consideration.³ Historically, product placement can be traced back to early radio and television programs where companies funded episodes in return for brand mentions. Over time, these placements have transitioned from overt promotions to more subtle integrations, aligning with evolving consumer preferences.⁴

In the digital era, platforms such as YouTube, Netflix, and Amazon Prime have transformed product placement into a critical revenue stream. According to Kenton (2018), placements in movies and web series are now designed to enhance narrative realism, making them less intrusive yet more effective.

2. Effectiveness of Product Placement

Research highlights the effectiveness of product placement in influencing consumer behavior and brand recall⁵. Avery (2000)⁶ suggests that viewers are less likely to "zap" or skip embedded brand messages compared to traditional advertisements. Nebenzahl (1993)⁷ emphasizes that placements, particularly in globally syndicated shows, have a long-lasting impact due to their extended shelf life and reach.

Moreover, Grohs and Wagner (2011)⁸ Argue that product placement enhances realism, aids character development, and fosters a sense of familiarity for consumers. However, these benefits often come at the expense of transparency, as viewers, especially children, may struggle to recognize the commercial intent behind such integrations.

3. Ethical Considerations

While product placement offers numerous advantages, it raises ethical concerns, particularly regarding consumer manipulation and the lack of transparency. Hart (2018)⁹ Critiques "stealth marketing," where undisclosed product placements blur the lines between content and advertisement, undermining the public's right to know when they are being targeted with promotional messages. This is especially problematic for vulnerable demographics such as children, who may be unable to distinguish between entertainment and marketing content.¹⁰

³ (Official Journal of the European Union, 2018)

⁴ (Hornick, 2006)

⁵ (Ferraro, 2000)

⁶ i.d.

⁷ (Jaffe, 1998)

⁸ (Wagner, 2011)

⁹ (Hart, 2018)

¹⁰ (Kaylene C Williams, 2011)

Arguments have been made that undisclosed placements violate the conventional model of advertising as a vehicle for conveying truthful information to rational consumers. The ethical debate extends to the appropriateness of certain products, such as tobacco or junk food, being promoted through placements.¹¹

4. Regulatory Landscape

The regulation of product placement varies significantly across jurisdictions. In the United States, the Federal Communications Commission (FCC) mandates disclosure of paid placements for traditional broadcast media but does not extend these rules to web series or OTT platforms. Conversely, the European Union's Audiovisual Media Services Directive (2018)¹² requires clear and conspicuous disclosure of embedded advertisements, banning placements in children's programs and news content.

Countries such as France have stringent advertising rules, particularly for content targeting children, while Canada's self-regulatory approach focuses on industry-specific prohibitions (e.g., alcohol and tobacco). In India, product placement remains largely unregulated, despite the growing dominance of web series as a medium for entertainment. This regulatory gap underscores the need for explicit laws to govern product placement practices, particularly on digital platforms.

5. Relevance to Web Series

Web series, defined as episodic content primarily distributed online, have become a popular platform for product placement due to their ability to reach niche audiences. According to a study by TVF, over 90% of their revenue comes from brand collaborations, including placements and integrated storytelling.¹³ The unique nature of web series—offering on-demand and binge-watching capabilities—has made them an attractive medium for advertisers seeking to engage tech-savvy consumers.

Despite their advantages, web series pose distinct challenges for regulating product placement. The absence of mandatory disclosure guidelines and the reliance on implicit placements create a risk of consumer exploitation. As Hart (2018)¹⁴ notes, the shift towards non-informational advertising complicates efforts to distinguish between promotional and editorial content.

¹¹ (Branswell, 2002)

¹² (Official Journal of the European Union, 2018)

¹³ (Oakes, 2021)

¹⁴ (Hart, 2018)

6. Identified Research Gaps

Existing literature has extensively explored the effectiveness and ethical dimensions of product placement but has largely overlooked its implications in the context of Indian web series. While studies from Europe and North America provide valuable insights, their findings may not fully apply to India's diverse cultural and regulatory landscape. Additionally, there is limited research on how product placement influences consumer behavior in regional languages and among rural audiences, who are increasingly consuming content on digital platforms.

7. Conclusion

The literature demonstrates that product placement is a powerful yet controversial advertising strategy. Its evolution reflects broader shifts in media consumption, particularly the rise of digital platforms. However, the lack of comprehensive regulation, especially in India, highlights the need for further research and legal intervention to balance commercial interests with consumer protection. By addressing these gaps, future studies can contribute to developing a more transparent and ethical framework for product placement in web series.

RESEARCH METHODOLOGY

A quantitative and qualitative study was carried out to investigate product placement in web series to reach these objectives. Finding out how the advertisers used embedded (implicit) or explicit advertising strategies was the goal of the study. The researcher employed the content analysis method to address the research issues. To evaluate product placement, it is required to categorize its components. To identify and provide a baseline for comparison between the practice of product placement across different platforms, a range of web series that were available for streaming on several platforms (YouTube, Netflix, Amazon Prime, Zee5, etc.) were examined. And based on the result of the series a proposed guidelines were suggested.

Sample

Around 10 web series were selected, based on the number of views, their IMDb ratings, availability, and popularity among the Indian Youth.

Web series	Date of airing	IMDb ratings
TVF Pitchers	2015	9.1/10

Permanent Roommates	2016	8.6/10
Little Things	2016	8.2/10
TVF Tripling	2016	8.5/10
TVF Bachelors	2017	8.2/10
Roomies	2019	7.8/10
Kota Factory	2019	9.1/10
TVF Aspirants	2021	9.2/10
Sixer	2022	8.7/10

While undertaking the research the following questions were `looked into the following questions

1) DURATION OF BRAND VISIBILITY NAME-

With the aid of a stopwatch, the length of the brand's on-screen appearance was recorded. It takes between 1.5 and 3 seconds for viewers to recognize the brand onscreen. If a product is merely seen on screen, not utilized, or mentioned by a character, information about how long it will appear is more crucial.

2) INTEGRATION IN WEB SERIES-

Type	Meaning
Enabler	Items that are important for a story's coherence and that allow the story to move on.
High Plot	Brand placement plays a major role in the storyline.
Low Plot	Background placements.
Background	Product, which is shown with one of the main characters, but the character, is not using it.

3) TYPE OF PRODUCT PLACEMENT-

IMPLICIT	The brand or the product may be seen in the background or set design without being formally introduced or spoken about
INTEGRATED	The product is spoken about formally in the show. It may be a

	crucial element of the script
NON-INTEGRATED	The product is presented at the right moment but not necessarily integrated into the script. It may form as part of the sponsorship agreement.

4) THEATRICAL CONTEXT OF PRODUCT PLACEMENT-

The context in which the product was positioned in a particular scene of the film or web series is measured by this product placement variable.

Each brand or product placement was attributed to one of three categories:

POSITIVE	Any time a brand or product is referenced or used favorably by a character in a film or online series.
UNFAVOURABLE	A character in the movie made a negative reference to the brand.
NEUTRAL	When a brand or a product was only heard or shown on the screen, it was neutral. Considering the brand's billboard in the setting

FINDINGS

The following are the findings of the quantitative research:

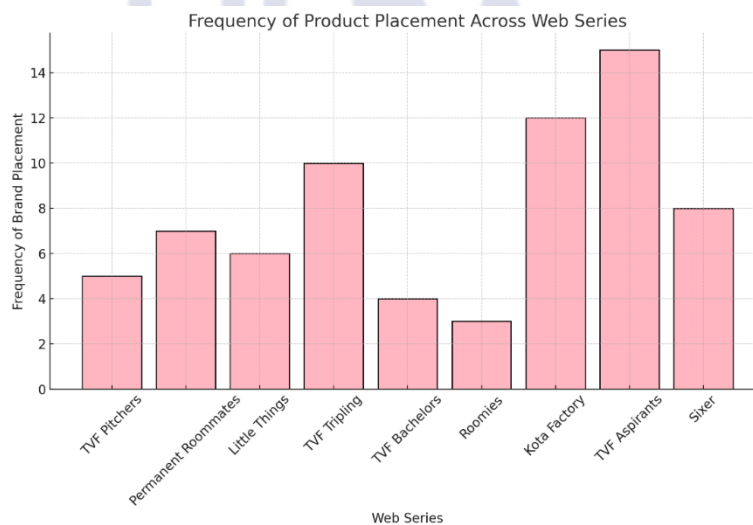


Figure1

The figure shows that the use of product placement in web series is more than prevalent, every

series has used a product placement at least once with some using product placement in two digits.

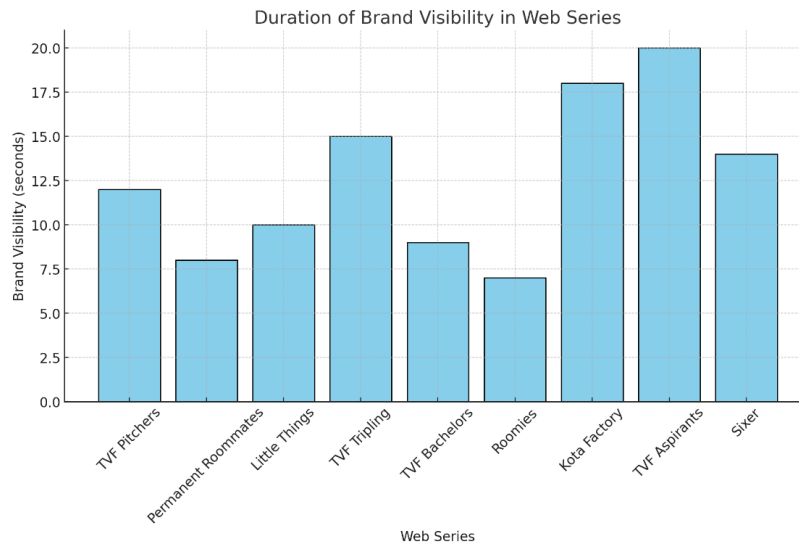


Figure 2

This figure shows the brand visibility in total for every series is considerably high with a minimum of 8 seconds for Romies, a maximum of 20 seconds for Aspirants, and an average time of about 12 seconds for all the series.

Theatrical Context of Product Placement

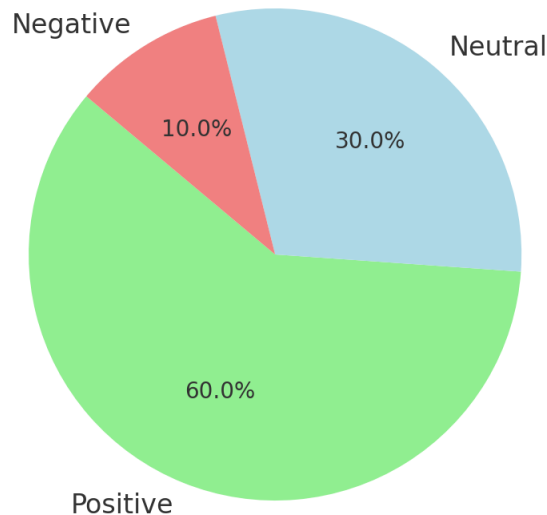


Figure 3

The data presented in Figure 3 illustrates the predominance of positive portrayals in product placements, accounting for 60% of all observed instances. This trend indicates that brands prefer aligning their products with favourable narratives to enhance consumer trust and

emotional connection. Neutral portrayals, at 30%, reflect situations where the product's presence is neither highlighted nor criticized, ensuring subtle brand visibility. Negative portrayals, comprising only 10%, demonstrate the cautious approach taken by advertisers to avoid associations that might harm their brand image. These findings emphasize the strategic use of product placement to influence consumer perceptions positively.

Types of Product Placement Integration

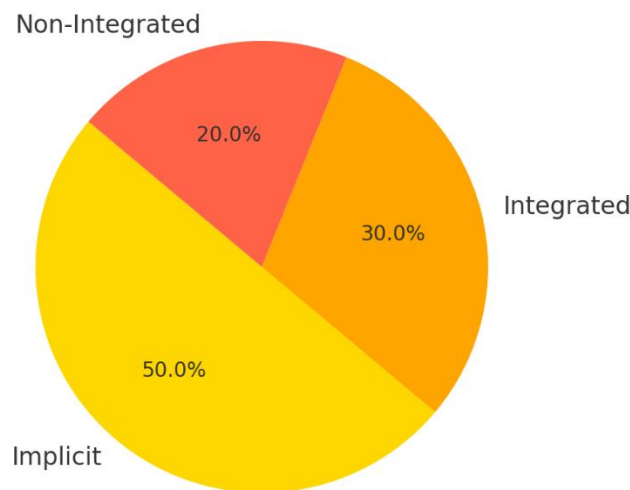


Figure 4

Figure 4 highlights the distribution of product placement types, showing a clear preference for implicit placements (50%). This approach allows advertisers to seamlessly integrate their brands into the storyline without disrupting the viewing experience. Integrated placements, comprising 30%, play a more direct role in the narrative, often tied to the plot or character actions. Non-integrated placements, at 20%, suggest sponsorship arrangements that do not rely on creative integration. The dominance of implicit and integrated placements reflects a strategic shift towards subtle, yet impactful, advertising techniques that align with modern consumer expectations.

GENERAL FINDINGS

The findings from the analysis of product placement in web series reveal several significant insights that can inform both regulatory guidelines and advertising strategies. Here is a consolidated conclusion:

1. Increasing Prevalence of Product Placement

Duration and Frequency: The analysis shows that product placement is a prominent strategy in web series, with varying durations of brand visibility across different series. For instance, "TVF Aspirants" had the highest brand visibility duration (20 seconds) and frequency (15 placements).

Platform-Specific Trends: Web series on platforms like YouTube, Netflix, and Amazon Prime are leveraging product placement to monetize content while maintaining subtlety.

2. Positive Portrayals Dominate

Theatrical Context: A significant majority (60%) of product placements were portrayed in a positive context, likely aimed at enhancing consumer trust in the promoted brands. Only 10% of placements had negative portrayals, indicating that brands are cautious about their image.

3. Subtle Integration is Preferred

Type of Placement: Implicit placements (50%) were the most common, suggesting a preference for non-disruptive advertising that blends naturally with the storyline. Integrated placements (30%) also play a significant role, particularly when the product is central to the plot.

4. Impact of Genre and Ratings

Highly Rated Series: Web series with higher IMDb ratings (e.g., "Kota Factory" and "TVF Aspirants") tend to have more frequent and longer product placements, likely because these series attract larger, more engaged audiences.

5. Regulatory Gap

Lack of Disclosure: The findings highlight the absence of mandatory disclosure of product placements in Indian web series, which can mislead consumers, particularly younger audiences who may not recognize the promotional intent.

6. Need for Ethical Advertising

Children and Vulnerable Audiences: The prevalence of implicit and integrated placements raises concerns about the ethical implications, especially in content targeting younger audiences who are less likely to distinguish between content and

advertising.

EXISTING REGULATIONS AND LAWS IN OTHER COUNTRY

India's recent rules for OTT platforms and intermediaries (guidelines for intermediaries and digital media ethics code) are a welcome step to regulate a tremendously unregulated market another aspect of it which needs regulations is product placement. Product placement was first used in Lumiere film of the 1890s¹⁵ and its use is exponentially growing till date.

It is globally used as a medium of advertisements on a wide scale in web series, be it on OTT platforms or social media platforms. However, it is highly unregulated and needs regulations. Given the current dynamic and constantly expanding scenarios for product placements in the world, more explicit laws must be passed.

The laws regarding product placement vary by country and can range from being heavily regulated to being relatively unrestricted. In some countries, such as the United States, product placement is largely unregulated and is often used as a marketing tool. Other countries, such as France, have strict laws in place to limit the use of product placement in media. Businesses and content creators need to be aware of the laws and regulations in their respective countries when engaging in product placement. So what are these laws in different countries let's take a look at some of them:

The US - In the US, the Federal Communications Commission (FCC) considers decreeing better disclosure of brand placement during each scene in which placement occurs

When a broadcast station transmits any matter for which money, service, or other valuable consideration is paid or promised to, or charged or accepted by such station, federal law and FCC rules require the broadcaster to announce, at the time of the broadcast, that such matter is sponsored, paid for, or furnished and the identification of the sponsor, according to section 73.1212(f) of the FCC Sponsorship identification rule¹⁶

These rules do not apply to web series and OTT platforms but to broadcast radio and television stations.

¹⁵ (Haigney, 2022)

¹⁶ (Sponsorship Identification Requirements for Foreign Government-Provided Programming, 2024)

EU - The EU amended the provision of audiovisual media services (Audiovisual Media Services Directive)¹⁷ in 2018 to allow product placement and specific provisions it which are related to product placement are

1. It maintains only that advertisers should be honest and upfront with the public they are seeking to influence. If a show contains embedded ads then that fact should be clearly labelled.
2. The Commission should acknowledge that the failure to prominently inform viewers of product placements is unfair and deceptive.
3. Such disclosure should be clear and conspicuous. It should be large enough, and kept on the screen long enough so that it can be read and understood.
4. Disclosure at the outset of the program should be in plain English, such as: “This program contains paid advertising for....”
5. Product placement should not be allowed in news and current affairs programmes, consumer affairs programmes, religious programmes and children's programmes. In particular, evidence has shown that product placement and embedded advertisements can affect children's behaviour as children are often not able to recognise the commercial content. There is thus a need to continue to prohibit product placement in children's programmes. Consumer affairs programmes are programmes offering advice to viewers or including reviews on the purchase of products and services. Allowing product placement in such programmes would blur the distinction between advertising and editorial content for viewers who may expect a genuine and honest review of products or services in such programmes.
6. The liberalisation of product placement has not brought about the expected take-up of this form of audio-visual commercial communication. In particular, the general prohibition of product placement, albeit with some exceptions, has not created legal certainty for media service providers. Product placement should thus be allowed in all audiovisual media services and video-sharing platform services, subject to exceptions.
7. Viewers shall be clearly informed of the existence of product placement by an appropriate identification at the start and at the end of the programme, and when a programme resumes after an advertising break, in order to avoid any confusion on the part of the viewer.

¹⁷ (EU, 2018)

Australia- Australia does not have explicit product placement laws but certain general laws apply to product placements such as restrictions on the use of tobacco and alcohol products in your film; and General legal issues when using recognisable brands and products in your film.

Canada - Likewise, product placements are not specifically prohibited by Canadian law. According to The Code of Ethics of the Canadian Marketing Association¹⁸, product placement in entertainment programming is permissible. Advertisers must still use caution to make sure that the placements do not break additional advertising and marketing regulations, such as: False and misleading advertising, industry-specific prohibitions (such as alcohol and tobacco placements), and marketing to children and young adolescents are all examples of false and misleading advertising.

France- France does not have specific laws for product placement but certain other provisions apply to product placement

The following may not be advertised:

In France, advertising targeted towards children is rigorously regulated, in particular by Decree No. 92-280 for television advertising (article 7)¹⁹. Advertisements must maintain their physical and moral integrity. Children should not be encouraged by advertisements to persuade their parents to buy a product. Children should never be put in a risky or harmful setting.

A proposal about advertising to children was also made by the ARPP. For instance, the advertising cannot feature images of children that are offensive to their dignity or decency or otherwise likely to shock or offend others. Advertising must refrain from depicting any explicit or implicit acts of moral or physical abuse. Under no circumstances may the advertising, through its messages or its presentation, play down the significance of violence or abuse or give the impression that such behaviour is acceptable.

Product placement is banned in certain countries like Poland²⁰ where there is a strict prohibition on placing products and certain topics in all media productions, for promotional purposes Despite being in existence for over century product placement laws are very vague and implicit around the world there is a need for regulation and more explicit laws in different

¹⁸ (Canadian Marketing Association, 2024)

¹⁹ (G- Regs France, 2018)

²⁰ (Grynienko, 2011)

countries banning as in Poland is no solution as product placement is not the solution as a general prohibition of product placement, albeit with some exceptions, has not created legal certainty for media service providers²¹. EU has come up with certain guidelines but more comprehensive and detailed rules are awaited

CONCLUSION AND SUGGESTED GUIDELINES

Nearly 49% of India's youth spend 2-3 hours per day binge-watching content online²², while four hours is the average time spent in consuming OTT video content in a day by millennials and Gen Z. The superior content of the web series and its 24X7 availability triggered the people to shift towards web series.

Also, majority of people like OTT's ability to download all the episodes of web series at a time, on demand supply of series and its accessibility to anywhere. This growing shift towards the web series has increased the viewership considerably. This increased surge in viewership has diversified the platform of web series and has incentivized the production giants to employ advertising in these web series. Increased viewership also underlines the need to have a regulated approach towards advertising in web series so that the rights and safety of the digital consumers is safeguarded.

Based on the laws of different countries, we propose certain guidelines which may be considered while making laws. The guidelines are divided into 3 parts: Disclosure of product placement, undertaking due diligence, and advertisement targeting children.

1. **Disclosure-** Product placement which is done without disclosure is misleading to the consumers as the influence of an actor is evident when consumers buy the products that are discretely advertised in these product placements where full disclosure is not provided. Thus it is the responsibility of the advertisers and ott platforms to clarify the intentions of the ad so that the audience is not misled due to their emotional attachment to the character.
 - i. Disclosure should be clear and conspicuous. It should be kept on screen long enough so that it can be read and understood.

²¹ (EU, 2018)

²² (Nasscom community, 2020)

- ii. Disclosure should be in plain English, such as: "This program contains paid advertising for..."
 - iii. The platform streaming the web series must ensure full disclosure of that fact at the time of the airing of the material who provided or promised to provide the consideration so that the public knows who is trying to persuade them with the programming being aired
 - iv. The disclosure must be made in a manner that is well understood by an average consumer
 - v. The disclosure must be made at the beginning and end of each episode for a minimum time perceptible by the viewer and it should be non- skippable.
2. **Undertaking due diligence** - Series makers must ensure due diligence or investigate and evaluate that their product placement is legal in all terms and that it is not a misleading or false representation.
- i. The streaming platforms are advised to review and satisfy themselves that the advertiser is in a position to substantiate the claims made in the advertisement.
 - ii. Advertisers must refrain from depicting any explicit or implicit acts of moral or physical abuse. Under no circumstances should the advertising minimise the gravity of violence or abuse by its messaging or manner of presentation.
 - iii. Advertisers should be honest and upfront with the public they are seeking to influence. If a show contains embedded ads then that fact should be clearly labelled
 - iv. Incorrect and misleading advertising, such as when a product or service is utilized to convey false information about its features should not be streamed.
 - v. Advertisement should be non-offensive to the public and to generally accepted standards of public decency. And should not be indecent, vulgar in the light of generally prevailing standards of decency, to cause grave and widespread offence.
 - vi. Advertisements should not be harmful products and situations, particularly advertisements made for minors.
 - vii. Advertisements must be fair in competition such that they observe fairness in competition such that the consumers need to be informed on choice and the canons of generally accepted competitive behaviour in business are both served.
 - viii. Advertisements should follow the law of the land on advertisements.

3. **Advertisements targeting children** - Children and young people are increasingly regarded as consumers, with money of their own to spend as well as strong influences on their families' consumption habits Revenue in the Baby & Child segment amounts to US\$4.65bn in 2023. The market is expected to grow annually by 4.42%. In particular, product placement in television shows and movies targeted at children represents a widely used communication instrument today. It harder to detect product placement as a form of marketing communication, especially by children so a specific guideline for children is needed.

- (i.) Advertisers should think about employing ethical product placement rather than the placement of more damaging products which may be more successful than traditional advertising, to encourage healthy behaviour in young people.
- (ii.) There should be more social responsibility on the side of the advertisers because children are a vulnerable demographic and may be negatively implied by commercial effects on their health.
- (iii.) Children should not be encouraged by advertisers to persuade their parents to buy a product. Children should never be put in a risky or harmful setting.
- (iv.) Advertising cannot feature pictures of children that are offensive to their dignity or decency or that are likely to shock or provoke people.

BIBLIOGRAPHY

- Branswell, B. (2002). Subliminal advertising: Communications places products on Quebec TV shows in exchange for services. *Montreal Gazette*.
- Canadian Marketing Association. (2024). *Canadian Marketing Code of Ethics & Standards*. Retrieved from Canadian Marketing Association: https://thecma.ca/docs/default-source/default-document-library/cma-ces-en-guide-2024-en-aoda.pdf?sfvrsn=a94d5e0b_1
- EU. (2018). *Audiovisual and Media Services*. Retrieved from An official EU website: <https://digital-strategy.ec.europa.eu/en/policies/audiovisual-and-media-services>
- Ferraro, R. J. (2000). Verisimilitude or advertising? Brand appearances on Prime - Time Television. *Journal on consumer affairs* 34(2), 217-245.
- G- Regs France. (2018, May 01). *France – Decree 92-280*. Retrieved from G- regs: <https://www.g-regs.com/downloads/FRDec92-280AdvSponsD.pdf>
- Grynienko, K. (2011, January 16). Product Placement Banned in Poland. *Filmneweurope.com*.
- Haigney, S. (2022, June 24). SURFACING Anatomy of a Product Placement. *New York Times*.

- Hart, M. (2018). Mandi Hart, Product Placement in International Film and Television Production: A Global Approach for a Global Industry, 9 GEO. MASON J. INT'L COM. L. 303 (2018)]. *9 Geo Mason J. INT'L COM L. 303*.
- Hornick, L. A. (2006). The evolution of product placement: Consumer awareness and. *West Virginia University*, 10-14.
- Jaffe, I. N. (1998). Ethical Dimensions of Advertising executions. *Journal of Advertising Executions*, 805-815.
- Kaylene C Williams, A. P. (2011). Product Placement Effectiveness: Revisited and Renewed. *Journal of Management and Marketing Research*.
- Nasscom community. (2020, November 27). *Future of OTT in India*. Retrieved from Nasscom Community: <https://community.nasscom.in/communities/digital-transformation/telecom-media-communities/future-of-ott-in-india.html#:~:text=About%2049%25%20of%20India's%20youth,audience%20hungry%20for%20more%20content>.
- Navarro, J. G. (2024, September 3). *Product placement revenue worldwide from 2021 to 2024*. Retrieved from Statista: <https://www.statista.com/statistics/915174/product-placement-revenue-worldwide/#:~:text=In%202024%2C%20product%20placement%20revenues,to%20enhance%20its%20alleged%20qualities>.
- Oakes, O. (2021, March 10). David Abraham: time to level playing field over TV product placement. *Campaign US*.
- Official Journal of the European Union. (2018). *Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provis.* Retrieved from <http://data.europa.eu/eli/dir/2018/1808/oj>
- Rai, A. (2017). *Digital content platforms: Share of ad spend on web series expected to grow; here's why*. India: Financial Express.
- Sponsorship Identification Requirements for Foreign Government-Provided Programming*. (2024, July 07). Retrieved from Federal Register : [https://www.federalregister.gov/documents/2024/07/16/2024-15259/sponsorship-identification-requirements-for-foreign-government-provided-programming#:~:text=Section%2073.1212\(f\)%20provides%20that,constitutes%20a%20sponsorship%20identification%2C%20shall](https://www.federalregister.gov/documents/2024/07/16/2024-15259/sponsorship-identification-requirements-for-foreign-government-provided-programming#:~:text=Section%2073.1212(f)%20provides%20that,constitutes%20a%20sponsorship%20identification%2C%20shall)

Wagner, R. G. (2011). kennen und verstehen Kinder kontextverbundene Marketpräsentationen?(are children able to detect and understand embedded marketing communication?). *Marketing ZFP, Vol. 33, No. 1, 7-18.*

