

## СРАВНИТЕЛЬНЫЙ АНАЛИЗ ПРАВОВОГО РЕГУЛИРОВАНИЯ СОЦИАЛЬНОЙ РЕКЛАМЫ В РОССИЙСКОЙ ФЕДЕРАЦИИ И ЕВРОПЕЙСКИХ СТРАНАХ

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Целью статьи является проанализировать законодательную базу социальной рекламы в России и Европе, выявить сильные и слабые стороны; показать, какие существуют общие проблемы при реализации социальной рекламы; выявить основные препятствия, мешающие реализации эффективной социальной рекламы, и предложить меры, необходимые для создания качественной социальной рекламы. В современном обществе социальная реклама является непосредственным отражением социальных ценностей, гуманистических отношений между людьми, культурного развития общества. Социальная реклама воздействует на мышление людей, заставляет их задуматься и изменить отношение к социальным явлениям, что в конечном итоге способствует проведению различных социальных реформ. Недопонимание и невнимание к социальной рекламе может привести к потере моральных ценностей и созданию огромного лага между различными слоями общества.

В первой части статьи сравнивается регулирование социальной рекламы в РФ и Европе, выделяются законодательные и практические проблемы социальной рекламы. Во второй части анализируется процесс реализации эффективной социальной рекламы. Для этого выделяются основные препятствия, стоящие на пути реализации стратегии социальной рекламы в РФ и Европе, возможности применения подхода маркетинг-микс.

Несмотря на то, что уровень социальной активности возрос в последнее время в России, рынок социальной рекламы только формируется – здесь огромный потенциал для исследований, инициатив, совершенствования. Современная законодательная база ограничивает развитие социальной рекламы у нас в стране и препятствует активному участию агентов данного рынка – государства, некоммерческих организаций и бизнеса.

Законодательная база и практический опыт реализации социальной рекламы в европейских странах превосходят российский. Главное отличие опыта социальной рекламы в Европе и России вытекает из непонимания, что благополучие людей зависит от качества и эффективности социальной рекламы. Российский рекламный рынок может получить практические выгоды, изучая европейский опыт, но вместе с тем требуется не слепое копирование, а учет своих особенностей и поиск своих методов.

**Ключевые слова:** социальная реклама; законодательное регулирование социальной рекламы; социальные ценности.

## COMPARATIVE ANALYSIS OF PUBLIC SERVICE ADVERTISING REGULATION IN RUSSIAN FEDERATION AND EUROPEAN COUNTRIES

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*In modern world public service advertising is a direct reflection of social values, humanistic relationships between people, level of cultural development of the society. The aim of PSA is to form social challenges in the society's mind, to lead to reforms in social sphere. Underestimation and inattentiveness towards social problems could lead to loss of moral values, destruction of culture and forming the basis for aggravation in relation between different levels of society.*

*The tasks of the research are the following: to analyze the legislative base of public service advertising, to determine their strengths and weaknesses; to find out typical problems arising while PSA realization in Russia and Europe; to determine the main obstacles, preventing from creation of efficient and qualitative PSA and to find out and provide the measures of creating an efficient and qualitative public service advertising.*

*In the first part of the paper we compare PSA regulation, sort out PSA legislative and practical issues in Russia and Europe. In the second part we consider the process of efficient PSA realization. For this purpose there were investigated the main obstacles on the way of realization of PSA strategy in Russia and Europe, possibilities of application of marketing mix approach.*

*Though the level of social activity has increased in Russia especially in recent years, PSA market is only in the process of formation – there are huge potentials for investigations, initiatives and improvements. We could conclude that modern PSA legal base of Russian Federation restrains the development of PSA in our country and puts obstacles in the way of PSA participants: government, non-commercial organizations and businesses.*

*In comparison with EU our country fails behind European countries both in the level of legislative regulation and practical experience. The most important difference between PSA practice in Russia and in Europe is that in Europe there is clear understanding that wellbeing of their citizens depends on the quality and effectiveness of PSA. Russian advertising market could benefit from European experience, use their legislative regulation and practical experience. However, we could not simply copy European PSA methods, but elaborate our own criteria for PSA development due to the nuances and peculiarities of our country.*

**Keywords:** *public service advertising; public service advertising regulation; social values.*

**JEL:** *M37, K49, N44, N74.*

Public service advertising (PSA) is first of all communication; it is the chance to turn the society to better way. All over the world PSA is considered as an efficient instrument to solve social issues, technology of public opinion formation. In terms of modern society development public service advertising has two main characteristics. From one side, PSA is the reflection of high level of social development, social responsibility, level of civil society development, powerful key influential factor of public opinion and behavior. From another side, PSA is a colossal opportunity to diverge from stereotypes and clichés used in commercial advertising. That is why PSA issues are becoming more and more actual nowadays.

The aim of PSA is to attract the attention of the society to major social problems, to involve people in the process of solving problems such as health of children and youth, humanistic relationships between people, problems of guarantee of equal rights and its realization, alcoholism and drug addiction, problems of homeless, safety on the roads, social security, education and many others.

Analysis of modern tendencies of social communications development shows that advertising specialists more and more often appeal to PSA issues. PSA is considered in the sphere of different investigations, is discussed while various seminars and conferences. They're constantly organized social competitions and festivals. However, our PSA market is only in the process of its formation and construction, there left a lot to analyze and study, to elaborate and improve.

Both in Russian Federation and in European countries there were created a number of non-commercial organizations dealing with PSA issues, but the results of their activity (especially in Russian Federation) could not be characterized as achieved positive results in all social domains. Among the unsolved problems are alcoholism, drug addiction and smoking. In comparison with Russian Federation in Europe PSA leads to challenges in people's behavior, reaches the concrete results though in our country we could not assume that our advertising campaigns really impact on people's mind. The lack of PSA availability in mass media also aggravates the situation.

While observing the problematic issues of public service advertising we are obliged to take into consideration not only social sphere but also the complex of political, economic, cultural and other factors which directly or indirectly influence on PSA formation, regulation and development and on which PSA depends on. There is a limited scope of scientific researches devoted to the problematic issues of PSA regulation. The main part of such researches has specific character (W. Wells, C. Moriarti); authors investigating PSA functioning (P. Kotler, P. Doyle, F. Shtern, T. Ambler); authors considering PSA as a form of communication (C. Sandidge, W. Wells, M. McLuhan); authors investigating interaction between PSA and mass media (D. Perlov, K. Bove, W. Ahrens, D. Ogilvi), authors written about effectiveness of advertising (B. Goodwill, J. Jorgens, W. Novelli, G. Perlov, J. Adams).

Russian authors are also actively considering the history and development process of PSA. (V. V. Uchenova, N. V. Starykh, O. O. Savelieva, A. P. Gritsuk, V. A. Yevstafiev, E. Pasutina, A. V. Kovaleva and others), authors considering advertising essence and its functions (S. Isaev, G. Nikolaishvili, O. O. Savelieva, L. M. Fedotova, O. V. Kolokoltseva); authors analyzing effectiveness of advertising from social marketing viewpoint (T. V. Astahova, V. M. Melihovskiy, V. Vainer, N. Gladkih, S. Gorlov); comparative analysis of Russian and international experience (S. Andreyashkin, K. Bove, G. Nikolaishvili); the main participants of PSA subjects are considered in the works of the following authors: S. Andreyashkin, E. Topoleva; concerning institutionalization process of PSA is written in the works of S. Isaev, I. M. Markin and legislative regulation of PSA - in the researches of D. Badalov, F. Kravchenko, D. Korsakov, E. Topoleva; S. Isaev., R. Krupnov analyze PSA as a tool of social process management.

## 1. PUBLIC SERVICE ADVERTISING REGULATION

### 1.1. PSA legislative and practical issues in Russian Federation

Public service advertising (PSA) is one of the most important instruments influencing on public opinion. Though its development and regulation in Russian Federation began not so long ago we could observe some positive tendencies in its development due to the new law 'On advertising' from one side and qualitative work of public institutes and organizations from another one.

First of all, let's begin with the definition of public service advertising. It is important to underline that the notion of 'social advertising' exists only in Russian Federation. International notion which corresponds to our definition is 'noncommercial'

or 'public service advertising' or 'public service announcement'<sup>1</sup>. 'Noncommercial' advertising is advertising sponsored by non-commercial institutes with the aim to attract the attention of the society to a particular problem. The subject of public advertising is the idea which has a certain social value in order to change the attitude of the society to this problem. In order to avoid contradictions we will use the term 'public service advertising' which unifies the two above mentioned notions.

According to the new law of advertising regulation of Russian Federation PSA is information which could be spread in any way, any form and with the help of any means, addressed to indefinite number of people and addressed to achievement of charitable and other generally useful goals and also government interest security goals<sup>2</sup>. In contrary to commercial advertising information provided by public service advertising is not new. The more consumer of public service advertising knows about the problematic issue, more vivid he reacts to it, so the result of such advertising campaign would be more successful.

Nowadays in Russian Federation it is possible to figure out the following problems of which public service advertising is especially concerned: family relationships (including rise of birth rate); discharge of social duties (discharge of taxes etc.); healthy life-style (and prevention of AIDS); alcoholism and drug addiction; environment concern etc.

In Russian Federation there is no separate law which regulates public service advertising, so public service advertising is regulated by the law 'On advertising'. There are many discussions concerning this issue: do we really need to adopt a separate law or is it better to leave this regulation in the frameworks of advertising regulation. The drawbacks of adopting of the new law is that it would complicate the sphere of public service advertising regulation and that actually we are not ready to implement it at least nowadays<sup>3</sup>. On the other hand, there left some issues concerning public service advertising regulation (for example, about legal responsibility for refuse to spread public service advertising) which needed more detailed regulation provided for instance with the help of decrees and ordinances.

The reasons such as political and economic crisis in the country, new level of relationships based first of all on the material value priority, insecurity of society etc. led to aggravation of existing problems of social regulation. It became necessary to make challenges in the social policy, one of the components of which is public service advertising. Public service advertising became legally regulated not so long ago, in 1994 (for example, in comparison with many European countries where the first attempts to regulate it dated more than 100 years ago).

Before the adoption of the new law of advertising public service advertising was regulated by the previous law 'Of advertising' dated year 1995 where the notion of PSA were another one, per set it was practically the same but more short one in comparison with the new definition. According to the previous law public service advertising represents public and government interests and is directed to charitable goal achievement. It was forbidden to mention about natural persons and legal entities, to mention about trademarks, products, ideas and initiatives. According to the new law it is permitted to mention about sponsors that was made in order to activate appearance of public service advertising. So the new law provides the definition of 'sponsor' and 'advertising of sponsor' (before there were no definition of a sponsor). Like it was before, there is no legal responsibility for refuse to spread public service advertising<sup>4</sup>.

Several months after the adoption of the new law there was organized 'round

<sup>1</sup> The notion of public service advertising instead of social advertising I'm using intentionally in order to avoid misunderstanding because we compare the same advertising regulation in Russian Federation and in Europe.

<sup>2</sup> См.: Российская Федерация. Законы. Федеральный закон о рекламе [федер. закон: принят Гос. Думой 22 фев. 2006 г.: по состоянию на 22 янв. 2010 г.] // КонсультантПлюс. (<http://www.consultant.ru/>).

<sup>3</sup> По материалам журнала «Рекламодатель», 2008, № 11. ([http://www.marketing.spb.ru/lib-comm/advert/social\\_adv.htm](http://www.marketing.spb.ru/lib-comm/advert/social_adv.htm)).

<sup>4</sup> См.: Российская Федерация. Законы. Федеральный закон о рекламе [федер. закон: принят Гос. Думой 22 фев. 2006 г.: по состоянию на 22 янв. 2010 г.] // КонсультантПлюс. (<http://www.consultant.ru/>) и Российская Федерация. Законы. Федеральный закон о рекламе [федер. закон: принят Гос. Думой. 25 июля.1995 г.] // КонсультантПлюс.



table' by Russian Parliament on public service advertising issues. The main reasons for it were the facts that modern legislation is primarily oriented only on commercial advertising, which reflects very weakly the needs of social problem. Moreover, the law 'On advertising' does not provide any legal basis for public service advertising development and does not allow the adoption of regional acts covering social advertising by the bodies of local self-government structure. So according to the new proposals to the law 'On advertising' of Russian legislation:

1. Public service advertising should be spread on TV only on the gratuitous basis.

In order to use the notion of gratuitous basis and to make it clear there should be the legal notion of onerousness. First of all, it is the question of accountability and taxation of all the advertising participants beginning from advertising producers to media channels. Moreover, it is not determined on which basis public service advertising should be spread in case if we deal not with the media channels but with the other advertising medium.

2. The duration of the advertising should last no less than 30 seconds per hour.

The reasoning for such duration should be proved in accordance with already existing norms concerning commercial advertising and quantity of possible advertising blocks per hour.

3. Interruption of the TV programs by advertising should be done no more than three times per hour.

It is obligatory to specify is it concerns only the interruption of TV programs or about advertising blocks per hour.

4. There must be avoided mentioning about sponsors while the public service advertising.

This proposal goes contrary to the law 'On advertising' where it is forbidden to mention about the particular product brands (models, code number), trademarks, service mark and other methods of product individualization. Also it is forbidden to mention about natural persons and legal entities with the exception of mentioning of government bodies, bodies of local self-government and city government which is not the part of bodies of local self-government structure and sponsors. Moreover, it is the first time in Russian advertising legislation when it became possible to mention sponsors what was made in order to increase public service advertising appearance, especially the outdoor one. There were no precedents when it was noticed the negative effect of such permission.

5. There should be organized special body with functions of controlling of quality and of the process of advertising implementation.

Another opportunity is to give these functions to already existing body – Public Chamber of Russian Federation for instance<sup>5</sup>.

In order to get better understanding of public service advertising first of all let's look through its functions, purposes and methods. Functions of public service advertising are: propagandize social values, ideas, social phenomena; play the role of powerful instrument of public opinion formation which helps the formation of social institutes, strengthening of cultural values, social support of population; help in restoration of humanistic relationships between people and on this basis – development of the base of civil society (for example, struggling against homelessness, public service advertising not only tries to direct the attention to this problem but also in the strategic perspective directs at challenges of behavioral line); increases social responsibility of society for their activity and their actions/inactions; inform about social services; form new behavioral guidelines (refuse to smoke, non-drinking propaganda and others elements of healthy life-style); create positive image of government and of public social services; form feedback channels between governmental and of public social service organizations and their clients<sup>6</sup>.

<sup>5</sup> См.: Социальная реклама в России. (<http://www.1soc.ru/pages/view/45>).

<sup>6</sup> См.: Коммерческое право. Учебное пособие. / Под ред. А. Н. Толкачева. М.: Перспектива, 2006; Правовое регулирование маркетинговой деятельности. Учебное пособие. / Под ред. А. Н. Толкачева. М.: Инфра-М, 2007.

Purposes of public service advertising are the following:

- Humanistic: the public attention is focused on social problems, which in the end helps to solve them;
- Educational: people should clearly understand that there is not only commercial advertising, which promotes products and services, but also advertising which helps to find out common values<sup>7</sup>.

The other purposes that we could find in literature are: creature of an emotional basis which brings indirect political problematic, forming of the appropriate emotional and mental attitude to the problem; forming of social base for reforms; consolidation of image of political forces; etc.<sup>8</sup>.

Methods of public service advertising realization: posters, cards, clips, billboards, leaflets, graffiti, computer graphics, comics, photographs, caricature etc. The advertising could also be expressed in the form of scenario, show, slogan, poem, humorous rhyme, tale, composition, reportage, satirical article, fable. TV commercials also could be divided into three groups: artistic, documental (devoted for example to true stories) and informational (introductory)<sup>9</sup>.

Now let's try to distinguish public service advertising from commercial one. Public service advertising co-exists in the same advertising dimension as commercial advertising. Of course, they cooperate, influence on each other, and borrow speech influencing methods. But what are the differences?

1. Commercial advertising promotes product on the market, where public service one serves to humanization of society and formation of moral values;
2. Commercial advertising changes behavioral moral in society from economical point of view, but PSA changes behavioral moral in society from human, social point of view<sup>10</sup>;
3. The roles of commercial advertising are: marketing, economic, social, communicative and informational, the roles of public service one – educative, agitation, communicative and informational;
4. Difference by subject: commercial advertising - product, service, PSA – idea bringing certain social value;
5. Difference by purposes: commercial advertising – to inform, pursue, remind, encourage, PSA – to get the attention to burning social problems, to change relation of population to a particular problem;
6. Effectiveness. If effectiveness of commercial advertising we are able to value on the assumption of concrete market indicators, such as level of sales of a particular product or service, the effectiveness of public service advertising should be measured with the help of such indicators as consumer recognition of a certain social phenomena and challenges in social position, formation of stable public opinion. Also we should take into account that in comparison with commercial advertising public service one often does not bring very rapid results, its effectiveness may appear in several years or even more.
7. Target group: due to the fact that public service advertising has its purpose to change the relation to different public appearances of the whole society, target groups of both commercial and public service advertising differ.
8. Customer. The main customer of commercial advertising is commercial organization and that is why this advertising is paid while the customers of public service advertising could be government, non-commercial or public organizations, business and others and this advertising could be free of charge<sup>11</sup>.

Concerning the similar characteristics public service advertising uses the same methods as commercial one: TV advertising, published, outdoor and transport advertising and so on. PSA also has the characteristics of physiological effectiveness

<sup>7</sup> См.: Архив библиотеки РГИУ. ([http://www.i-u.ru/biblio/archive/parshinceva\\_soc/](http://www.i-u.ru/biblio/archive/parshinceva_soc/)).

<sup>8</sup> См.: Информационно-аналитический портал. ([http://www.socreklama.ru/sr\\_article.php?arti\\_id=50](http://www.socreklama.ru/sr_article.php?arti_id=50)).

<sup>9</sup> См.: Архив библиотеки РГИУ. ([http://www.i-u.ru/biblio/archive/parshinceva\\_soc/](http://www.i-u.ru/biblio/archive/parshinceva_soc/)).

<sup>10</sup> См.: Социальная реклама в России. (<http://www.1soc.ru/pages/view/45/>).

<sup>11</sup> По материалам журнала «Рекламодатель», 2008, № 11. ([http://www.marketing.spb.ru/lib-comm/advert/social\\_adv.htm](http://www.marketing.spb.ru/lib-comm/advert/social_adv.htm)).

such as 'memorability', attractiveness, self-descriptiveness etc<sup>12</sup>.

According to the law of advertising (Federal law 'On advertising' of Feb., 22 2006) the main participants establishing Russian public service advertising are: natural persons, legal entities, government bodies, bodies of local self-government and city government which is not the part of bodies of local self-government structure.

The main organizations influencing on public service advertising regulation are the following:

- Union of PSA-makers: the organization was created in the year 2003 and its aims are formation and development of social communication institutes in Russian Federation and also organization of public service advertising of Russian market.
- Russian SocialAd Coalition: the organization unified a number of leading non-commercial organizations such as 'Studio-Dialogue', funds of 'FOCUS-MEDIA', 'Downside up', 'WWF', 'Life line', "PSA laboratory", 'Social information agency' and some others. Among the partners of the Coalition are CAF, UNISEF, International center of non-commercial law in Russia, donors' forum etc (Тополева, 2010). The reasons for creation of the Coalition were first of all simplification of work process due to the fact that the Coalition deals with the advertising experts who have great experience in the sphere of public service advertising. From the year 2009 there was created official website of Russian SocialAd Coalition telling about organizations which form it, activity of the coalition and also about cases of social projects of non-commercial organizations<sup>13</sup>.

There are also organized annual festivals of public service advertising such as Moscow festival of public service advertising; Youth festival «ART.START»; Student festival of public service advertising; St-Petersburg international festival; District youth festival 'Vinogradar'. Nowadays a number of commercial advertising were included in the programs of festivals with additional reward called using of elements of public service advertising<sup>14</sup>.

In fact in Russian Federation there is not so many public service advertising agencies, meanwhile European countries experience shows that the role of marketing in it permanently increases. This fact can be explained by: expansion of public service advertising volume; complication of problems in social sphere (drug addiction, crime rate etc.); lack of concurrence because of the fact that these problems are solved by the government and less by public charitable organizations. That is why it is important to create special mechanism of realization of social help idea<sup>15</sup>.

According to the information provided by internet journal 'Advertising ideas – Yes' Russians people give the following answer for the question 'Why public service advertising is not well developed in Russian Federation?': 71 percent of participants says that it is fault of government who did not order such advertising though this initiative should be from the side of government and government bodies, 20 percent was sure that our country has qualitative public service advertising and 9 percent of participants told that public service sector is not interesting sphere for advertising agencies<sup>16</sup>.

Market share of public service advertising on TV and outdoor is less than 1 percent from the total advertising volume. There are several reasons for it. First of all, advertising market and more precisely communication market is not well elaborated, it is decentralized. The second reason is that in our country public service advertising is considered as charitable one but to make really qualitative PSA is rather expensive process and television do not adore the fact of bringing free of charge advertising. The third reason is that the legal base for public service advertising is not very well and clearly done. In fact, according to the law public service advertising contract is the obligatory condition in order for the advertising to become widespread and the interest

<sup>12</sup> См.: Социальная реклама в России. (<http://www.1soc.ru/pages/view/45/>).

<sup>13</sup> См.: Пресс-релиз. ([http://www.donorsforum.ru/news/2009/04/25/news\\_461.html](http://www.donorsforum.ru/news/2009/04/25/news_461.html)).

<sup>14</sup> См.: Информационно-аналитический портал. ([http://www.socreklama.ru/sr\\_article.php?arti\\_id=292](http://www.socreklama.ru/sr_article.php?arti_id=292)).

<sup>15</sup> См.: Электронная библиотека социологического факультета МГУ Информационно-аналитический портал. (<http://lib.socio.msu.ru>).

<sup>16</sup> См.: Информационно-аналитический портал. ([http://www.socreklama.ru/sr\\_article.php?arti\\_id=56](http://www.socreklama.ru/sr_article.php?arti_id=56)).

for it equals five percent of annual advertising production (including the time devoted to the advertising on TV, on radio, in the printed matter and on advertising constructions). Furthermore the norms concerning payment of PSA are redundant due to the fact that according to the article 423 of Civil Code of Russian Federation any agreement is considered as onerous if otherwise agreed<sup>17</sup>. Agreement on rendering of PSA services is a civil agreement, so it is not free of charge though it is sometimes considered. Moreover charitable advertising is only one of the types of public service advertising. In literature the following types of public service advertising are sorted out:

1. Advertising of a certain manner of life: such advertising is against negative manifestations in society (smoking, alcoholism, propaganda, drug addiction, disrespect of elders) and supports healthy life-style (family strengthening, protection from AIDS, children education, sport studies etc.)
2. Advertising of lawfulness and law and order: this advertising is oriented on development of a sense of justice, defense of interests of civil society institutes, constitutional rights and freedoms of humans.
3. Targeted advertising: information concerning placement that coordinates by special services both governmental and public (fire-prevention services, life-saving services, services of maintenance of a public order, psychological support services).
4. Event-trigger advertising: such advertising propagandizes events of public importance, oriented on nation unity by means of certain ideas and concepts (festive occasions, sport events).
5. Charitable advertising: examples of such advertising could be fund-raising of church reconstruction, operation of a child, opening of a cafeteria for homelessness, and building of nursery for animals)<sup>18</sup>.

As to the outdoor advertising the situation is a little better because it is less expensive in comparison with TV advertising, so in some regions where the attention is paid to social problems public service advertising appears regularly (in Moscow, Saint-Petersburg and some other cities), but still the situation is rather dramatic, there is not so much PSA in the country, only nearly 1 percent.

Concerning the positive tendencies the real advantage which our advertising legislation could benefit is international experience, we could analyze their legal basis and practical experience in order to improve our public service advertising legislation and to avoid possible falls. Moreover, nowadays public service advertising becomes more diverse (both more technical and more creative). The reasons of this process are the following: technical progress and the fact that it is not only government, like it was before in times of Soviet Union, but also business and 'third sector' merit (that is nonprofit and public organizations)<sup>19</sup>.

The effectiveness of realized public service advertising program is shown with the help of the sum returned to budget and by relation of population to government efforts, confirmed by sociological studies. The results obtained in the year 2000: there were paid back more than 43 billion rubles, there were instituted 43 thousands legal procedures, 10 thousands of those were terminates for the reason of 'active repentance', i.e. admission of guilt with full recovery of caused damages to government<sup>20</sup>.

From the year 2001 the total budget for public service advertising increased more than for 34 percent (from 29.347.444\$ to 44.041.131\$). The most part of public service advertising is shown on TV (70 percent in the year 2001), the other part – like outdoor advertising and other advertising (27 percent in the year 2001 – mostly in Moscow)<sup>21</sup>.

<sup>17</sup> См.: Российская Федерация. Законы. Гражданский кодекс. [федер. закон: принят Гос. Думой 30.11.1994 N 51-ФЗ: по состоянию на 22 янв. 2010 г.] // КонсультантПлюс. ([http://www.consultant.ru/popular/gkrf1/5\\_58.html](http://www.consultant.ru/popular/gkrf1/5_58.html)).

<sup>18</sup> См.: Коммерческое право. Учебное пособие. / Под ред. А. Н. Толкачева. М.: Перспектива, 2006; Правовое регулирование маркетинговой деятельности. Учебное пособие. / Под ред. А. Н. Толкачева. М.: Инфра-М, 2007.

<sup>19</sup> См.: Информационно-аналитический портал ([http://www.socreklama.ru/sr\\_article.php?arti\\_id=37](http://www.socreklama.ru/sr_article.php?arti_id=37)).

<sup>20</sup> По материалам журнала «Регионология», 2008, № 2. (<http://regionsar.ru/node/94?page=0>).

<sup>21</sup> См.: Электронная библиотека социологического факультета МГУ Информационно-аналитический портал. (<http://lib.socio.msu.ru/>).



According to some researches 72 percent of asked people tell that they are for public service advertising, 44 percent think that PSA could influence on solving of social problems, and 68 percent even criticize government for bad propaganda of national values and particularly for moral ones<sup>22</sup>.

At the same time there are several problems, first of all, is the financial side of the question. Still there are a number of solutions how to deal with it, for example this sort of advertising could be tax-free or it could be made some bonuses in order to attract the attention of advertising sponsors. The second problem and maybe the most important one is that nobody really believes in success of public service advertising. The drawback is also the lack of advertising theoretical basis and misunderstanding how it should work<sup>23</sup>. People do not believe in public service advertising.

Public service advertising is the advertising not of the products or services but advertising of social challenges. Who forms these challenges? It should be explained to the advertising consumer what is right, how it should be. The problem must be indicated, how it is nowadays, how it should be and what do we need to change. It is obligatory to show how it is right, how to solve it. In contrary, modern public service advertising tells about nothing of importance in fact or even tries to scare people. Eventually, the audience is scared but still does not know how to act<sup>24</sup>.

The negative side of the public service advertising regulation is also the fact that it is difficult to measure its effectiveness, but even in this case it is possible for example to organize some researches, with the help of these it would become obvious or at least more clear does the public service advertising really works or not. There is no condition for the advertising realization, no motivation, no real competition, no good specialists in this field, though public service regulation has its own peculiarities and nuances. Even good advertising could fail in case of wrongful placement. There should be introduces some business models which can provide qualitative basis for public service advertising and original approach (which require additional huge investments)<sup>25</sup>.

Though non-commercial organizations increase the efficiency of public service advertising, Russian legislation does not stimulate advertising grants; moreover, the law makes provision for this case in form of tax punishment. According to the tax legislation of Russian Federation rendering of advertising services on tax-free basis is considered as realization of such services and the customer is obliged to pay VAT in the amount equal to the amount paid for commercial advertising services. At the same time tax-free services are considered as unrealized gain of the organization and its market value becomes the subject of income tax, which is really crushing for many non-commercial organizations<sup>26</sup>.

Moreover, the problems rose due to the short development of public service advertising, in consumer's mind there is no clear understanding of public service advertising because the notion of it is rather new, not typical, people often mix the notions of social, government advertising and commercial advertising with the elements of social one.

For different social groups the source of the advertising should differ (such as internet, TV, radio, street advertising etc.) in order to deliver the information to focus audience. The audience should be divided into several groups according to the fact to whom this public service advertising is oriented. The second step is to provide the information with the help of the sources which are more appropriate to the particular group (for example for the young people it is better to provide information through internet). It is also not so easy to find out websites devoted to the social advertising problems<sup>27</sup>.

In literature there are sorted out the following key factors in public service

<sup>22</sup> См.: Интервью. (<http://www.advertology.ru/article46765.htm>).

<sup>23</sup> По материалам журнала «Рекламодатель», 2008, № 11. ([http://www.marketing.spb.ru/lib-comm/advert/social\\_adv.htm](http://www.marketing.spb.ru/lib-comm/advert/social_adv.htm)).

<sup>24</sup> Там же.

<sup>25</sup> Там же.

<sup>26</sup> По материалам агентства социальной информации. (<http://www.socpolitika.ru/rus/ngo/questions/document10701.shtml>).

<sup>27</sup> По материалам журнала «Рекламодатель», 2008, № 11. ([http://www.marketing.spb.ru/lib-comm/advert/social\\_adv.htm](http://www.marketing.spb.ru/lib-comm/advert/social_adv.htm)).

advertising success:

- Clarity and figurativeness of the key words: using the words, sense of which is clear, contents, that are easy to understand, will lead to the dramatic increase of suggestion effect. In contrary to it, unclear notions decrease the suggestion effect. Moreover, the words should be melodious; otherwise the result would be deplorable.
- Clarity of quality, figurativeness of quality: the higher the level of vagueness in describing of a thing and its characteristics the less suggestion effect would be.
- It is better to avoid the words 'no' or 'not': in order to increase the suggestion effect during the advertising announcement it is obligatory to avoid negative prepositions. For people it is more difficult to apprehend and in the end it leads to doubts. Advertising would be successful only in case if the peculiarities of man are psychic setup will be taken into account<sup>28</sup>.

Public service advertising directly reflects in which state the country and its nation is. That is why it is very important to make public service advertising qualitative and efficient, to use all the possibilities of it, to use creative approaches. The problems of PSA regulation in Russian Federation are first of all the lack of clear understanding of PSA and its aims by population, contradictions on the legislative level, considering PSA as not important element, which in fact is needed constant development and big efforts not only from the government part but also from the part of other sectors including the commercial one. Business should also be motivated to participate in establishing public service advertising in order to increase competitiveness of public service advertising. Though a lot of efforts were made in advertising sphere, our country falls behind European countries, our legislative basis is still weakly elaborated and it is left a long way to pass and a lot to improve.

### 1.2. PSA legislative and practical issues in European countries

The European experience of standardizing advertising regulation is unique. Advertising regulation closely reflects its social environment and is determined by a spectrum of social and historical forces, including culture, religion, legal tradition, and economy. The combination of these forces is the condition for country's advertising regulation. International organizations have also been coordinating efforts to establish common grounds of European advertising.

The reasons for unifying advertising legislative ground and particularly of public service advertising regulation were first of all harmonization of measures, setting out uniform conditions. This regulation was introduced against the background of conflicting views on the issue in different countries. So it is very important to provide a common set of rules on advertising which will allow European governments to significantly reduce their legal and marketing costs and simplify the process. On the other hand, in literature we can observe a general lack of comprehensive comparative research of government regulation of different countries, for instance, in which social areas a particular country succeeded in and why.

Nowadays in Europe it is possible to figure out the following issues of which public service advertising is concerned:

1. Energy conservation;
2. Drug addiction, alcoholism;
3. Prevention of AIDS;
4. Problems of guarantee of equal rights and its realization (including rights of women, sexual harassment (especially in relation to children) etc.);
5. Social security (including environment concern, problems of homeless, safety on the roads, crime prevention etc.);
6. Tendencies of society development (education, social challenges, medicine, tax issues, problems of modern youth etc.).

The main participants of public service advertising in Europe are the following:

<sup>28</sup> Архив библиотеки РГИУ. ([http://www.i-u.ru/biblio/archive/parshinceva\\_soc/](http://www.i-u.ru/biblio/archive/parshinceva_soc/)).

- Government;  
Government plays a very important role on public service advertising market affecting and financing the promotion of different social problems of the society.
- Special social institutes, non-commercial organizations, international and regional charitable funds

In contrary to Russian Federation, practically each country of European Union has its own special institute which regulates not only public service advertising but also keeps up with its effectiveness, constantly publishing the achieved results and challenges in the social background.

- Commercial agencies and organizations  
As it would be mentioned more detailed a little bit further European commercial organizations rather often use social issues while realizing their main profit-oriented activity.

European public service advertising is often based on ironic attitude of the observed issues requiring process of thinking and analyzing by a person. You cannot understand this advertising after the first viewing, but only after viewing it for several times. European public service advertising does not try to introduce the problem because in EU countries it is considered that the problem is already known, but they try to motivate people to react on it.

Public service advertising works with the help of different sources like posters, billboards, photographs, caricature, humorous rhyme, satirical article etc., but the most influence is made by TV and radio advertising. European public service broadcasting is regulated by Amsterdam protocol on the system of public broadcasting in the Member State which entered into force 1 May 1999<sup>29</sup>. As it is stressed by Ingrid Nitsche<sup>30</sup>, the main purpose of the protocol is to presume prerogative of the Member States to shape their national TV system.

Besides Amsterdam protocol, public service broadcasting is regulated by Communication from the Commission on the application of State aid rules to public service broadcasting adopted by the Commission on July, 2 2009 (the new one); by Communication on the application of state aid rules to public service broadcasting adopted in 2001; Directive 2007/65/EC of the European Parliament and of the Council of December, 11 2007 in which public service broadcasting legal norms were reviewed and particularly those of Amsterdam Protocol<sup>31</sup>. The reasons for it were first of all the changes of the media market in recent years in order to make legal regulation better and clearer; to review the financial side of public service broadcasting. The countries, such as Germany, Ireland and Belgium, have already reflected the new legal challenges in their own legislative basis.

In Europe there are established special organizations like World Health Organization, Foundation for a drug-free Europe etc. which pay special attention to public service advertising covering programs against smoking and drug dependence. Moreover, they are not only doing such public service advertising, but also make analyses on its effectiveness, constantly publishing the results and statistics of different countries.

On the legislative level the new tendency in the field of European public service advertising regulation is the attempt of European Union to consolidate public service directives in order to avoid contradictions between them and making these improvements European Union is taking into account the differences and special features of national legislation of different countries, leaving them the space to regulate on their own some certain aspects of public service advertising due to the peculiarities of the countries.

One more tendency in modern public service advertising in Europe is the 'shocking advertising'. The purpose of such advertising is to change the attitude of

<sup>29</sup> See: Official Journal of the European Union. (<http://eur-lex.europa.eu>).

<sup>30</sup> See: *Nitsche I.* Broadcasting in the EU. (<http://books.google.com>).

<sup>31</sup> See: Official Journal of the European Union. (<http://eur-lex.europa.eu>).

society to a particular social problem, to which people are already got used to. We know about these problems and see it every day that makes us less sensitive, we stop to react on it keenly because we realize that there are so many problems that it is impossible or really very difficult to solve and to worry about them every moment is not the solution. In such situation the only exit to attract the attention of society is to use the “shocking therapy”. That is why public service advertising becomes more and more aggressive in order not only to make people feel guilty or scared but also to remain a trace in people’s mind<sup>32</sup>.

Sometimes European public service advertising tends to be too shocking for population by providing very natural details of caused harm or showing frightening consequences, nevertheless such advertising attracts the attention of people and force them to change their behavior. To my mind the worse case would be if people considered the advertising as not interesting, boring and switched off the TV. One more tendency is not only scared advertising, but creative approach in achievement of social goals, trying to make people think of the problem.

The results of studies show that such advertising is very efficient in Europe; it really changes the attitude of society to many social problems of modern civilization. For example, in France there is a festival ‘Grand Prix de la Communication Solidaire’ which takes place at the end of each year and which exists already for four years where an organization called Communication Sans Frontières (and from the last year is taking into account public opinion) rewards the best French public service advertising. The aim of the organization is rewarding of professional advertising agencies and public organizations for qualitative works.

In Great Britain there is no special law regulating the issues of public service advertising. Such advertising is ordered and paid by the government. In Britain this advertising is not free of charge because the government understands that in this case there would be no stimulus for TV channels to show social-oriented TV commercials. There is a special organization - Central office of information (COI) which was established in 1946. It is independent marketing centre; purpose of this centre is coordination of government structures activities in the field of communication with all levels of the population involved in order to develop and explain to people different social initiatives. Central office of information cooperates with government bodies on different public communication campaigns such as problems of health, safety, welfare etc. For the same reason as in case of paid public service advertising COI pays to advertising agencies in accordance with market prices. The most part of working force in COI is ex-communication advertising agencies which help the politicians to create good quality public service advertising. In comparison with French public service advertising the British one is not so aggressive and sometimes even funny<sup>33</sup>. In Germany like in Great Britain public service advertising is ordered by government bodies specialized in social sphere and also charitable organizations.

In comparison with Russian Federation foreign companies finance public service advertising without requiring promoting their logotypes (but in future they could have some tax benefits). The government also provides active financial help. One more advantage of foreign public service advertising regulation is stable PSA legislative base. Nowadays commercial agencies become more and more involved in public service interests by providing for instance different campaigns promising to transfer a part of profit to people with difficult diseases, to help children or to solve some other social needs. So it is possible to conclude that Europe overcomes Russian Federation both in the quantitative and qualitative issues.

In Europe commercial organizations are standing more close to public service advertising realization process than in Russian Federation. Of course, the advertising is not mixed, they have different goals, but European commercial advertising rather often uses social issues. There are several reasons for it. First of all, it is prestigious for

<sup>32</sup> См.: Информационно-аналитический портал. ([http://www.socreklama.ru/sr\\_article.php?arti\\_id=70](http://www.socreklama.ru/sr_article.php?arti_id=70)).

<sup>33</sup> See: COI official website. (<http://coi.gov.uk/>).



companies to create public service advertising, showing that they also help in providing social values to the population. The next reason is that the process of creating public service advertising is much more interesting than creating of commercial one; it differs in the techniques that such advertising requires and the more shocking it is the better would be the 'result'. By attracting commercial organizations to the process of creating public service advertising Europe increases the level of competitiveness between the advertising participants what makes European public service advertising more qualitative and creative.

European public service advertising is constantly growing not only in the quantitative dimension but also increases its quality: from one side government and special PSA institutions watch closely to modern social needs, elaborate different studies in order to attract the attention of the society and influence on their opinion, make huge investments in this field, etc., from another side commercial sector is also actively involved in social activity. Public service advertising is not making on the leftover principle like it is done in Russian Federation. In European Union there is a clear understanding that their social wellbeing is directly dependent on good qualitative public service advertising. It is not doing simply in accordance with the law but uses creative approach.

Moreover, there are constantly organized different competitions and festivals in order to find out the best public service advertising. In my opinion, it would be very useful if European Union will not only organize such competitions between different countries but also tries to understand the reasons of a particular advertising success what will help to achieve good results in other countries. Of course, each country has its own primary social problems and difficulties but nowadays modern society has many common social problems like environment concern, safety on the roads, AIDS, alcoholism and drug addiction so they could try to solve them together.

## 2. PUBLIC SERVICE ADVERTISING: THE PROCESS OF REALIZATION

The new public service advertising legislation with its imperfection and incompleteness has an ambiguous impact on PSA creators' behavior and consequences of it. Though a lot of positive challenges were made on the way of its improvement and simplification, the new adopted law 'On Advertising' left a number of gaps and unsolved problems, which from one side gives freedom for companies (willing to create and deal with PSA) how to create PSA and in which forms, how to manage with different legal aspects (including the possibilities for different interpretation of the legal norms) in their own manner and to avoid some complicated procedures in the process of its realization. For instance, there is no special body with functions of controlling of quality and of the process of advertising implementation, we do not have such strict PSA liability rules and sanctions, so there is no such a load of legal responsibility for the organizations like it takes place in European countries and due to that fact there is no reasons for the fear for the responsibility for refuse to spread, to broadcast public service advertising, to be punished for some other violations of the law. From the other side, these gaps including legislative instability (when the companies are not sure would their social activity be in accordance with the law tomorrow or not: for instance mentioning of sponsors); lack of PSA creating base, even of some basic explanations of the steps how to create PSA; finance and tax issues of PSA and many others issues does not stimulate and even stop the wiliness and activity of organizations which in the final analysis leads to decline of motivation of companies to create and promote PSA.

### 2.1. The main obstacles to realization of PSA strategies in Russian Federation

In order to understand how to produce qualitative and effective public service advertising let's examine the main obstacles arising from legislative basis to avoid them in the future:

1. First of all, organizations making PSA and using creative approach should not

'go too far' in their good intentions and not forget about the fact that according to Russian legislation there is no censorship, no preliminary control of PSA before its publication and it is Federal Antimonopoly service who exercises legal and quality control of advertising sector in case of violation after PSA realization. So the creators of PSA should pay attention to all the details and requirements creating PSA.

Moreover, since April, 2010 our Parliament is actively working on initiation of changes to the law 'Of Advertising' which will in fact toughen PSA requirements. It is actively discussed law project about creating public council, which would exercise functions of PSA censorship before its publication or broadcasting. Though it is not decided yet would these amendments be made in already existing law of advertising or maybe it is better to adopt a separate bill regulating these issues, the challenges are already went through the first stage of discussions in State Duma of Russian Federation<sup>34</sup>.

2. Next important point is that PSA – makers should not mix the notions of public service announcement, charitable and other types of advertising in order to avoid legal responsibility in the future. Especially it concerns the issues of tax liability. Our legislation considered PSA as one of the advertising types and there is no differentiation between commercial advertising and PSA in the questions concerning tax liability, it is obligatory to pay taxes no matter which advertising, commercial or noncommercial is put up<sup>35</sup>.

3. Companies creating PSA should remember not only about legal responsibility for their illegal actions but also about their civil responsibility because the main purpose of PSA as it was already mentioned is humanization of society and formation of moral values of the whole society, so organizations creating PSA should remember about their double responsibility. This point is especially urgent when we are talking about advertising intended to influence on young people, who are especially emotionally exposed to external influence and opinion.

4. Another problem which could arise is strong opposition from the side of alcohol and tobacco organizations who are directly interested in promoting of their production and PSA programs do not stimulate increase of their revenue. These companies concentrate great economic and political power and pose a real threat to social marketing programs. Tobacco institution, oil industry, National shooting association are the examples of such organizations which withstand advertising against smoking, messages about alternative energy sources and restrictions of firearm's sales. In this case it would be more effective to act in cooperation with different social organizations, enlist their support because they are also interested in such consolidation of efforts (*Harris*).

5. The producers of regional PSA should be also very careful. Though according to the law "On Advertising" the prerogative to adopt legislation regulating advertising issues belongs only to federal bodies and it is forbidden to regional organs to issue their own advertising regulative laws, social issues are under the common authority of federal and regional bodies, so regions could adopt additional acts to support their own local PSA<sup>36</sup>.

For instance, in St. Petersburg there was adopted a law "On grants of St. Petersburg assisting in production and promotion of PSA". In Krasnoyarsk there were also adopted a law "On additional measures on health defense and ensuring of physical, mental and moral safety of children in Krasnoyarsk land". In some other regions of Russian Federation there were elaborated regional conceptions regulating the questions of regional PSA development. Thereby, the producers of PSA in regions should abide by the laws both of federal and regional bodies<sup>37</sup>.

<sup>34</sup> По материалам газеты «Коммерсантъ», от 05 апреля 2010 г., № 58/П (4358). (<http://www.kommersant.ru/doc.aspx?DocsID=1348986>).

<sup>35</sup> См.: Российская Федерация. Законы. Налоговый кодекс РФ [федер. закон: принят Гос. Думой 16 июля 1998 г.: по состоянию на 05 июля 2010г.] // КонсультантПлюс. (<http://www.consultant.ru/>).

<sup>36</sup> Там же.

<sup>37</sup> По результатам материалов круглого стола "О совершенствовании законодательного регулирования социальной рекламы" от 19 дек. 2009. (<http://www.sostav.ru/news/2006/12/20/17n/>).

According to the court practice reports the main problems that are PSA companies and organizations face and leading them to violations of the law are the following:

- Inaccuracy in basic notions and criteria of evaluation;
- Irregularity of production, distribution and promotion system of PSA;
- Lack of legal sanctions concerning the refuse to spread PSA and of encouragement for active distribution of effective PSA;
- Usage of PSA in commercial and political interests<sup>38</sup>.

PSA producers should also take into account that since spring 2010 (as it was already mentioned above) our government elaborates two law projects (one initiative was proposed by State Duma of Russian Federation, the other one was proposed by the Ministry of economic development) concerning the amendments to the law 'On Advertising', which will complicate the process of PSA realization, especially for nongovernmental sector. The main difficulties arising from this law project are the following:

- PSA would be under control of Federal Antimonopoly Service which would determine does PSA satisfy legal requirements or not;
- If Federal Antimonopoly Service decides that the proposed PSA does not meet legal requirements the organization would be liable under the administrative code of Russian Federation;
- Government and municipal organs gain an advantage to produce PSA over other sectors;

In every case of broadcasting governmental and municipal social advertising there should be strictly indicated that the PSA was made by government (or municipal body) to inform the society about the particular sector created the advertising. Moreover, in case of setting up a contract by government media with governmental or regional bodies the advertising services should be done on gratuitous basis.

- TV channels broadcasting PSA would have no tax concessions;
- Opinion and wishes of noncommercial PSA organizations were not taken into account while the process of elaborating of this law project, moreover, Russian Social Advertising Coalition was not even informed about these coming legal changes<sup>39</sup>;
- Concerning sponsorship, legislator wants to bring challenges in this question one more time: according to the latest proposals there should be determined the maximum limit of broadcasting time of such advertising, ipso facto to whittle the positive effect of sponsored advertising observed in recent times in our country.

It is not clear at the moment would PSA legal challenges come into force or not and in case if they do how soon it would be, it is high time for the necessity of the amendments, to bring them to life. Anyway our country is on the right track of modernization and improvement of our legislative basis realization of those is impossible without aggravation of responsibility of PSA producers trying to make the law 'On Advertising' more clear and transparent; so companies and organizations establishing public service advertising should be ready to undertake the obligations for producing of qualitative and efficient advertising (what would be especially urgent in case of adoptions of coming law projects).

## **2.2. The basic steps in the process of creation of an effective PSA for Russian companies and organizations**

In order to avoid the possible mistakes in PSA creation and not to repeat them let's indicate the most typical of them:

1. Creating PSA devoted to the particular problem the advertising-makers could be in fact not very competent in this particular question. The consequences of such

<sup>38</sup> Социальная реклама в российских СМИ: правовая обязанность и социальная ответственность: информационная бюллетень. М., 2009, № 12 декабрь.

<sup>39</sup> По материалам Российской газеты, от 09 декабря 2009 г., № 5059 (235). (<http://www.rg.ru/2009/12/09/reklama.html>).

advertising could be very dramatically because without understanding of an issue it is impossible to bring the idea to the society.

2. It is better to avoid the words 'no' or 'not' and other negative prepositions. For people it is more difficult to apprehend them, this causes negative reaction which in the end leads to decrease of an informational perception.
3. There should be shown the way how to decide the problem, the model of conduct, what to do and how to act in every indicated situation, but not only the problem itself.
4. According to the social direction of advertising there should be determined the appropriate informational sources to spread such information, otherwise it could lead to risk of advertising simply not be seen by the customer.
5. One more typical mistake is a refuse to analyze the results of advertising campaign. In this case PSA loses its sense because without estimation of its effectiveness it is impossible to know does it get a reply from PSA consumer's part or not<sup>40</sup>.

Moreover, in order to succeed in PSA sphere companies who are going to deal with social advertising market or who are already functioning on should not only be aware of its pitfalls and contradiction issues but also know the steps how to create efficient and competitive PSA. Now let's figure out some basic recommendations and advices for them after analyzing of Russian and European legislative and practical experiences:

1. To start to participate in different PSA annual festivals and competitions

One of the most spread and important PSA questions making obstacles is the financial side of advertising. Participation in PSA annual festivals and competitions is a good chance for the company to get the material support for its advertising programs.

2. To begin to cooperate with international PSA 'colleagues'

Another way to obtain the financial support and also to learn European experience is to work in cooperation with international organizations and PSA professional agencies for which it would be also interested possibility to apply their practical skills and abilities from one side and the chance to attract PSA specialists to our country from another side especially in terms of general lack of good PSA specialists and PSA professional agencies on our market.

3. To cooperate with government, other non-government bodies and bodies of local self-government

It is simpler and more quickly way to achieve the positive results by unifying the efforts with other organizations also interested in this process.

4. To focus on one target group, not on all of them

The reason for this step is that it is impossible to influence on all the PSA consumers with equal effectiveness, for different groups of people there should be elaborated and applied different methods of influence. It is also very important to show the model of the right conduct in every particular situation for the given target group. Moreover, it would be simpler for the company to learn the peculiarities and nuances of one target group and to achieve the effectiveness of their actions.

5. Sponsorship

In this case we are observing the possibilities for the commercial organizations producing PSA. Nowadays sponsorship is becoming more and more popular. According to some researches, only for the last two years the volume of such kind advertising has increased by 23 percent and we should not forget that it was made in terms of global financial crisis. It is easier to participate in the process of creating PSA than to manage it on your own and by that avoid the negative part in case of the failure (for instance, incompatibility of legal requirements which could lead to legal responsibility of the advertising creator). So the organizations would not be afraid to make their advertising in accordance with strict legal frameworks<sup>41</sup>.

<sup>40</sup> См.: Социальная реклама. (<http://www.socialnaya-reklama.rcso.ru/>).

<sup>41</sup> По результатам материалов круглого стола "О совершенствовании законодательного регулирования социальной рекламы" от 19 дек.2009. (<http://www.sostav.ru/news/2006/12/20/17n>).



Moreover, the fact that an organization is interested in creating of PSA and really takes part in this process will have a direct positive impact on a dynamic characteristic of a company's conduct: its image, reputation is one of the criteria for choosing the product or service by the customer. Nowadays it is very actual question especially in terms of high level of competition, a wide choice between plenty of similar products and the customer has no idea what to prefer, so all the companies are completing with each other for the consumer loyalty. Social activity of the company would play a positive role in order to make the consumer come over company's side (Шилина, 2010).

#### 6. Placement of the advertising

For the same reason the right placement of advertising plays the important role in order to 'knock' to the particular target group. The preferences of the source of information popular among the focus group should be taken into account by PSA makers otherwise there would be no use to spent money for the sources which would not be ever heard by the focus group.

#### 6. To use internet advertising

Using internet advertising we should not forget about differentiation of target groups. Moreover, it is more practical to choice simple names of websites, which could be easy to remember. Unfortunately, websites devoted to PSA and even those which are well organized often have very complicated names. Even if the 'customer' of such advertising willing to find out mentioned above websites he could easily fail to do it. Then, banner advertising should be put up on popular data portals in order to 'have a chance' to be seen by focus audience.

#### 7. To use more creative, risky methods in PSA

The companies should not be scared to try something new, to experiment with different creating methods, to make the advertising different from its analogues and not to be concerned with the ambiguous reaction of public opinion. For instance, to use so called shocking advertising like it is already actively used in European countries.

#### 8. To hire PSA experts, special PSA agencies

The process of PSA producing differs from the process of creating of commercial advertising; there are required special skills to develop PSA messages. Organizations should keep that fact in mind.

On Russian PSA market little by little appeals more and more agencies specialized in PSA issues and make analysis on advertising effectiveness. For instance, PSA agency - SocResponse – organizes various tests of advertising materials. The organization makes analysis of text messages, advertising models, scenarios, promotional campaigns and many others<sup>42</sup>.

#### 9. The process of analyzing

Implementation of European methods used in Russian companies and organizations should be analyzed in a very detailed way otherwise this advertising would not 'work' in Russian realities. I would like to pay attention to the fact that too chocking advertising could lead not to positive, but rather negative reaction of society. Organizations should not follow blindly all tendencies and modern advertising directions of European countries otherwise they can get the opposite effect. At least, these shocking effects and details should not be demonstrated very often. The point is that that in comparison with European practices our society faces got used to see negative information, to worry about that, to feel unsecure etc. because our information sources (first of all we are talking about TV channels) abound in different sorts of horror. That is why people try to avoid it, to abstract from it; they do not want to come back to such realities one more time.

### 2.3. Marketing mix approach

It is possible to say that (created in the 60s) marketing-mix conception known also as the method of 4P (product, place, price, promotion) concerns not only commercial

<sup>42</sup> См.: Социальная реклама в России. Официальный портал 'Socresponse'. (<http://socresponse.ru/about/>).

advertising, but also very relevant to public service advertising which is formulated and created according to the same rules of promoting of its ideas as the commercial one<sup>43</sup>.

#### 1. Product

First of all, it is important to determine what is the problem, who are the addressee of advertising, how this problem influence on the society. New ideas and models of conduct are more likely to be approved in case of their transparency, evidence of its positive effect and if it would not be too complicated to put them into practice, when it is easily to try this new method. Hence, it is very important to simplify the posed problem as much as possible, make the possible variants of conduct more clear in order to make these changes adopted by the target group. The next component of this step is to formulate and describe the goals of advertising.

#### 2. Place

Creating and promoting PSA we should remember about the role of right placement of it. Nowadays the most popular and effective informational sources are TV channels and internet, but the main problem that we are facing with the high level of costs of such services, not every organization could afford it.

#### 3. Price

It is the most difficult part in the process of advertising realization. As it was already mentioned, in Russian Federation PSA is financed on leftover principle from government and municipal side so the exit could be cooperation with different PSA organizations and companies including international ones.

#### 4. Promotion

This phase implies the choice of target audience, of appropriate communicative messages and establishment of contacts with public. It is usually considered that PSA must be put up outdoors, should be spread with the help of printed matter, but the fact is that it is not often reasonable.

Though our legislative basis has a number of drawbacks which moreover could not be decided in the nearest future I would like to stress that it is more real (than it could be seen from the first side) to create qualitative and efficient public service advertising in our country. Unfortunately, very often Russian companies and organizations creating PSA do not use recommendations and experience provided by the examples of already produced good quality PSA, by international experience, do not analyze their mistakes. The typical obstacles preventing our organizations from establishment of creative and qualitative PSA are the following: instability of legal environment, tax issues, lack of government support and of PSA professional institutions and agencies, opposition from different companies concentrating a great economic and political power from one side, lack of competence in the examined social issues, wishes to decide all social problems into frameworks of one PSA campaign, the usage of inappropriate sources of information and refuse to analyze the results of advertising campaign from another one.

However, compliance with these methods and recommendations could considerably simplify the process of PSA establishment. The basic rules of advertising success are the following: use of creative approach, cooperation and consolidation of efforts of PSA market participants, following the models of conduct and detailed explanations of PSA creation process provided by special institutions and associations, estimation of PSA effectiveness and its results, focus on the particular target group, choice of the right placement of advertising. Nowadays Russian PSA market has all the necessary prerequisites for realization of competitive and efficient PSA and is on the right track of advertising development and improvement.

### 2.4. The main obstacles to realization of PSA strategies in European countries

As it was already mentioned above, theoretical basis of public service advertising and practical situation in European countries exceeded Russian PSA realities. At the

<sup>43</sup> По материалам доклада Юрия Шатилова на Международной научно-практической конференции «Социальные проблемы современного города в визуальной культуре». От 8 апр. 2008, ОмГТУ. (<http://omskmedia.ru/teoria04.html>).

same time there is a room for improvement (of course, qualitative and quantitative characteristics of these challenges varies from country to country) to increase the level of advertising effectiveness and quality characteristics.

The main obstacles to the process of realization of PSA strategies in European countries are the following:

- First of all the problems arise from the lack of unified advertising legislative regulation. Though nowadays European countries are on the right way of consolidation of their PSA legal norms in order to avoid contradictions between them, this process is not finished yet, not all the countries have implemented all the changes in their national legislative basis.
- The new provided changes often presume prerogative of the Member States of European Union to shape their own national advertising system ipso facto giving freedom and initiative to a particular country while deciding on PSA questions. This fact does not contribute to the process of unification of European PSA legislation and court practice<sup>44</sup>.
- Moreover, especially in recent years we could observe the process of constant changes in legislative sphere of European countries which also put obstacles on the way of establishment of legal stable situation.

We can conclude that all these challenges on the legislative basis complicate for the companies and organizations the process of PSA production and its' realization in European countries. So PSA organizations should be very attentive to the nuances and peculiarities while promoting their advertising not only in their local environment but also in other countries.

Besides legal pitfalls putting obstacles in the way of PSA establishment there some difficulties and controversial situation arising in practice:

1. European companies and organizations often tend to create too shocking advertising and though it is rather efficient method to attract the attention of society to a particular problem, they should not forget about the load of responsibility in case of recognition of such advertising as not respective to moral values and norms of the society. Moreover, in comparison with Russian regulation, where there is no special body competent for controlling PSA implementation process and watching over its compliance with the legal requirements, practically in every European country there is such kind of controlling body and the only differences is whether this body is created by governmental or private organization. So the companies creating PSA should remember about the double load of their advertising campaign responsibility.

2. For commercial organizations there exists an advantage in the form of tax benefit proposed by their local government which could allow them to reduce considerably the costs for PSA. But advertising companies should take into account that the condition of usage of these tax benefits is not to mention about their logotypes in PSA. One more nuance in this case is that European companies are able to receive the benefits only after holding of PSA campaign so they should consider the costs beforehand.

3. Ideally, all the participants of a team creating PSA should be involved during all the process of advertising to understand the objectives and order of its realization. If it is found impossible at least they should be informed of the procedure at the preliminary planning stage of PSA creation. Unfortunately, PSA makers do not follow this proposal and many advertising executors are focused on the particular PSA element without having a full picture of the final result.

### **2.5. The basic steps in the process of creation of an effective PSA in European companies and organizations**

There is a number of common basic rules which could be applicable both to Russian Federation, European countries and in fact to every country in order to create

<sup>44</sup> See: EU procurement law: priority services. (<http://grahnlaw.blogspot.com/2010/01/eu-audiovisual-media-services-directive.html>).

efficient public service advertising like for instance to start to participate in different PSA annual festivals and competitions, to cooperate with government, other non-government bodies and bodies of local self-government of a country etc.

The common conditions of PSA efficiency which could be applied to European countries are the following:

1. PSA should lead to positive spirit.
2. The main participant of advertising should be a person with all his or her habits, problems and desires.
3. The basis of advertising is values, traditions and social norms.
4. PSA must not provoke difficulties between different levels of society.
5. Advertising should help to form respect to traditions and heritage of a nation.
6. In certain cases call to refuse of a certain action for a good cause of the consumer.
7. Advertising should assist in the increase of society's activity.
8. In long-term should form a certain manner of conduct, social sets<sup>45</sup>.

At the same time there are some differences and nuances for European companies on the way of creating of successful PSA according to the special features of European Union:

1. Presence of a sufficient number of different professional PSA organizations in European countries which are constantly publishing the results and statistics of different countries, determining the level of advertising efficiency could serve to PSA creating companies a positive role by giving them an opportunity to compare the advertising of different countries and to avoid similar mistakes in the future. European countries could use this opportunity provided by different PSA institutions while creating PSA in order to learn effective methods and techniques influencing on public opinion and implement them, not to loose time for finding out their own methods and means.
2. For the companies who are willing to begin PSA creating activity it would be very useful to follow the advices and recommendations composed by professional PSA organizations and institutions which propose detailed descriptions of basic steps and the order of their realization. This follow-through will simplify for companies the process of PSA creation and realization.
3. As it was already mentioned above a good opportunity for PSA-creators to increase the effectiveness of PSA is to participate in different PSA festivals and competitions, but not only on national level, but also in competitions between European countries for which the similarities of requirements to good quality PSA dispose.

It is also interested to analyze the main principles of successful health advertising found out by Brown and Einsiedel which to my mind could be applied to all types of PSA:

1. First of all, there should be developed interesting, bright messages, qualitative messages and chosen rigorously informational channels which would spread this advertising.
2. Address to the particular audience, target group, not to all the society in the whole.
3. You should not only draw public attention but also hold your positions.
4. Stimulate the audience to discussions of the problems after screening the advertising.
5. Focus on change of the attitude of population, make the idea clear to them.
6. You should try to make global challenges in the society.
7. Collect informational data, analyze its effectiveness (*Berlin Ray and Donohew; Harris*).

These recommendations also could be useful for Russian health advertising situation where according to the results of Russian researches of public opinion half of Russian citizens incline to believe that our level of public health as rather bad, 28

<sup>45</sup> См.: Социальная реклама в России. ([http://www.socreklama.ru/sr\\_article.php?arti\\_id=142](http://www.socreklama.ru/sr_article.php?arti_id=142)).



percent is sure the level decreases in its and 42 percent thinks that it stays without changes<sup>46</sup>.

The level of legislative regulation and practical experience of European countries exceeds the level of legislation and public service advertising development in Russian Federation. At the same time there are some problems and contradiction issues arising from European advertising practical realities and imperfection of their legislative base. European companies are also not insured against all risks, making mistakes, failure of PSA campaign etc. The advices and recommendations proposed in this chapter for Russian companies and organizations are universal and could be also applied to EU countries. However, European countries should take into account the nuances and peculiarities of their own PSA market and cooperate with each other in order to succeed in creating of efficient public service advertising.

**Summary:** In modern world public service advertising is a direct reflection of social values, world outlook of population, humanistic relationships between people, level of cultural development of the society. The main source of PSA is public life which consists from relations between different levels of society, social conflicts between them. The issues of which PSA is concerned are family relationships, discharge of social duties, healthy life-style, environment concern, strengthening of cultural values, social support of population, restoration of humanistic relationships between people, problems of guarantee of equal rights and its realization, social security, education and many others. The aim of PSA is to form social challenges in the society's mind, to lead to reforms in social sphere. The issues of public service advertising require deep analysis and consideration. PSA affects different aspects of social life and influence on state of civil society; it is one of the methods to restore relations between government and its population, which executes educational, informational and emotional functions. PSA helps to motivate people to socio-positive actions. That is why it is very important to form a stable basis for maintenance of values and create conditions for harmonization of relations on all levels in the country.

The difference of PSA from other types of advertising is that public service advertising does not try to promote and sell to the consumer, but to form moral values of the society, to change behavior of people and show how to make it, to get the attention to social problems and the ways how to decide them. Underestimation and inattentiveness towards social problems could lead to loss of moral values, destruction of culture and forming the basis for aggravation in relation between different levels of society.

Russian PSA issues are regulated by the law 'On Advertising' (2006) and by other normative legal acts adopted in accordance with the law, though in European countries there is no special law regulating advertising issues. Nevertheless, European advertising activity is regulated by consolidated normative acts elaborated and adopted by European Union, for instance: Amsterdam protocol, Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 and others.

We could conclude that modern PSA legal base of Russian Federation restrains the development of PSA in our country. Legislative regulation base is characterized by uncertainly of PSA institute and PSA norms, contradictions between articles of law (for instance concerning payment and tax issues; advertising sponsorship; the possibility to use logotypes of commercial organizations in PSA etc.) and lack of differentiation between PSA and other types of advertising, including commercial advertising using elements of PSA. Imperfection and duality of legislation cause the decline in quality of PSA and negative attitude of the society. All these shortcomings lead to necessity of elaborating and adoptions changes on the legislative level. There should be elaborated special normative act regulating PSA issues (but not in the context of advertising in general), eliminating the impact caused by commercial organizations by forbidden of commercial logotype's usage in PSA and establishing strict defined tax policy (including the amount of taxes it selves and tax bonuses).

<sup>46</sup> По результатам материалов круглого стола "О совершенствовании законодательного регулирования социальной рекламы" от 19 дек. 2009. (<http://www.sostav.ru/news/2006/12/20/17n/>).

On the practical level we could observed that the level of social activity increases each year in Russian Federation: there organized different festivals, competitions and tenders, the main purpose of those is to create social product. Little by little it is formed understanding of fundamental differences between PSA and commercial and political advertising. At the same time we could not assert that this tendency has become strengthened as social tradition<sup>47</sup>. The necessity of PSA development and its improvement is obvious nowadays, more and more governmental and non-governmental organizations become involved in this process. We could state a fact that PSA is in embryo at the moment; it still needed purposeful approach and hard work.

In comparison with EU our country falls behind European countries both in the level of legislative regulation and practical experience. In Europe PSA market was elaborated and improved during more than 100 years while in Russian Federation PSA has become regulated only 15 years ago. We could see that there should be made challenges and modifications of our PSA market, though these changes should not be done 'in rough-and-ready fashion', we should understand that it is impossible to achieve European results in several years.

The main problems complicated efficient functioning of PSA both in Russian Federation and in European countries are the following: insufficient volume of PSA on advertising market, lack of financing both from government and commercial sectors (high costs of TV and radio advertising, no benefits for commercial organizations dealing with PSA etc.), lack of understanding of PSA purposes and of belief in efficiency of PSA (people often confuse PSA with other types of advertising), vagueness and diffusiveness of statutory wording, difficulties in measuring PSA effectiveness and lack of researches in this field, creating methods which has already exhausted themselves, lack of qualitative PSA and explanations how to create such advertising, creating of PSA on leftover principle, lack of motivation and healthy competition between PSA-makers and some others.

Besides the difficulties that PSA-making companies are confronted on legislative level and which sometimes even stops them in their intentions, the organizations face obstacles in the process of PSA realization such as strong opposition from the side of commercial organizations concentrating great economic and political power, finance and tax issues, problems while transmitting of information (concerning informational sources) etc.

There could be figured out three main problems PSA-making organizations and agencies are facing in Russian 'realities'. The first issue is that organizations making order to create PSA do not understand properly the target audience of such advertising, so the companies give very unclear, fuzzy briefs and tasks to PSA agencies, which by-turn are unable to create efficient PSA without having clear perception what and for whom they are working. The second problem is that the customers of PSA have no idea about production techniques of the particular television advertising. The third one is frequent change of PSA customers. The process could be begun by one organization and finished by another one has no idea about of purposes of PSA or have their own point of view which is contrary to primary intentions and plans.

The main purpose of PSA is to receive the feedback. While observing the problems of PSA effectiveness and the ways how to achieve efficient results we came to the conclusion that the process of analyzing should come through all the stages of PSA realization. Effectiveness of PSA perception by the targets depends on the urgency of considered information, qualitative and quantitative characteristics of advertising. In order to increase the level of PSA effectiveness it is necessary to apply complex approach to realization of the announced idea: from the creation of advertising conception to different channels of communication. First of all, PSA should have a 'memorability effect'. It is the most important part of social advertising. Population should be interested in the message (should be ready to open the page in the internet devoted to

<sup>47</sup> См.: Повышение эффективности социальной рекламы в России. Сборник / Под ред. «Лаборатории социальной рекламы». М., 2010.

that social issue or to tell about it to friend and relatives). The last key component is the effect of PSA, has it changed the attitude to the problem or not. PSA which does not provide solution of the problem would have no results, it is not efficient.

The qualitative issue is very important component of PSA. The cost for an error is much higher than in case of an error in commercial advertising. For instance, wrongful presentation of information concerning tobacco issues would instead arouse the wiliness to smoke, lead to opposite effect. One more significant point is the problem of advertising mediums: only people who are deeply plunged into particular social problem and have clear perception of it could produce 'working' PSA. Insincerity and falsity in PSA should be avoided. For instance, home child and child from orphanage could be identified easily. People will not even watch the advertising if he feels falseness in it.

Russian PSA market has not achieved sufficient level of PSA effectiveness for the reasons such as the lack of legal and practical functioning, lack of feedback and the fact that there is no wiliness, desire from PSA producer's side to create qualitative PSA and be responsible for their actions. Separate organizations and institutions functioning in advertising realities of our country are not able to solve all the problems arising on legal and practical level. In order to deal with these issues it is necessary to consolidate the efforts, available resources and examples of successful international experience which have already been tested<sup>48</sup>.

PSA, its messages should be changed from time to time, the same approaches could not be used for decades, otherwise they would not work. In order to create 'working' message, we should not talk about already existing problems or show scary consequences but put ourselves on PSA consumer 's place, try to understand why our message could be interested for him or her.

Nowadays the most part of Russian PSA messages could be unified in three groups. The first one is forming of cynical relation to the problem, the second one is an attempt to scare people, 'shocking advertising' and the last one is an attempt to make people feel guilty or to arouse sympathy. All mentioned above methods do not work in Russian Federation. The society does not (and does not want to) apprehend horror and does not want to heed moral requests. The reasons of 'shocking advertising' producing in Russian Federation could be explained by the following two factors: first of all, it determines low professional level of people elaborating PSA-messages and explained by the lack of responsibility feelings from the side of people ordering such messages. The most part of such advertising does not pursue the aim to change the realities, the advertising is made only with the purpose to 'work' the financing provided for it or with the aim to receive reward, fame etc. The second reason of 'shocking therapy' appliance is the impossibility of making right explanations concerning for instance some diseases without demonstrating its symptoms and usage of vivid examples. The advertising should not only scare people, lead them to stress, but provide receivers of the message with concrete solution of the problem, model of appropriate conduct, knowledge, tells how to act, to avoid it, to help others etc.<sup>49</sup>.

The most important difference between PSA practice in Russian Federation and in European countries is that in Europe there is clear understanding that wellbeing of their citizens depends on the quality and effectiveness of PSA. Russian advertising market could benefit from European experience, use their legislative regulation and practical experience in order to improve our public service advertising legislation, follow its risky and creative approach in PSA producing, organize and finance researches on PSA effectiveness and so on. However, we could not simply copy European PSA methods, but elaborate our own criteria for PSA development due to the nuances and peculiarities of our country. Settlement of clear PSA regulation would also provide a better understanding of public service advertising.

<sup>48</sup> См.: Международный проект «Повышение эффективности социальной рекламы». ([http://www.esarussia.ru/publications/case/index.php?ELEMENT\\_ID=1492](http://www.esarussia.ru/publications/case/index.php?ELEMENT_ID=1492)).

<sup>49</sup> См.: Архив журнала «Наружка». (<http://www.takegrandprix.ru/articles/doc125.html>).

*Table 1*

**Comparative table of main differences between PSA issues in Russian Federation and European countries**

<b>Comparative criteria</b>	<b>Russian PSA</b>	<b>European PSA</b>
1. Key issues of which public service advertising is especially concerned	Family relationships; discharge of social duties; healthy life-style; alcoholism and drug addiction; environment concern etc.	Energy conservation; drug addiction; alcoholism; prevention of AIDS; problems of guarantee of equal rights and its realization; social security; tendencies of social development etc.
2. Main participants	Natural persons; legal entities; government bodies; bodies of local self-government and city government which is not the part of bodies of local self-government structure.	Government; special social institutes; natural persons; non-commercial organizations; international and regional charitable funds; commercial agencies and organizations.
3. Legal forms of regulation	Law 'On Advertising' (2006) and normative legal acts which could be adopted in accordance with the law of advertising	For European countries it is not rare situation when there are no special law regulating advertising issues though it is often ordered and paid by government. Nevertheless European advertising activity is regulated by consolidated normative acts elaborated and adopted by European Union, for instance: Amsterdam protocol, Directive 2007/65/EC of the European Parliament and of the Council of 11 December 2007 and others.
4. Controlling organizations	Federal Antimonopoly Service and its territorial bodies	Practically in every European country there is a controlling body, though it is not obligatory to be governmental controlling organization. For instance, in Great Britain these functions exercise COI (Central office of information).
5. Professional organizations and associations and its functions	Union of PSA-producers: its aims are formation and development of social communication institutes in Russian Federation; Russian SocialAd Coalition: the goal of the organization is simplification of work process for PSA companies	There is a number of organizations dealing with particular social aspect, for instance World Health Organization, Foundation for a drug-free Europe etc.
6. Main aims of PSA campaigns	To introduce the particular problem to the society, to tell about it.	European public service advertising does not try to introduce the problem because in EU countries it is considered that the problem is already known, but they try to motivate people to react on it.
7. Efficiency	There is no clear information concerning PSA effectiveness due to the fact that there are no special institutions and organizations making analyses on its effectiveness.	European Union is constantly publishing the results and statistics of different countries. There are a considerable number of governmental and nongovernmental organizations analyzing and examining that issue.



Cont. Table 1

Comparative criteria	Russian PSA	European PSA
8. Attitude of consumers towards PSA	In Russian Federation the attitude to advertising in general is rather negative in comparison with European countries, people does not believe it, moreover there is a lack of understanding of PSA aims by our citizens.	In European countries the attitude to PSA is more positive than in Russian Federation. There is a more clear understanding of its aims and goals. From the other side it is worth to mention that European PSA excels Russian one in quality and creativity.
9. PSA-producing process	In Russia PSA is mostly produced by governmental organizations than by private sector. PSA is making on the leftover principle, only in accordance with the law without putting much efforts into the process.	In Europe organizations making PSA are really interested both in the process and in the result of it. European public service advertising is constantly growing not only in the quantitative dimension but also increases its quality.
10. Financing issues	There is a general lack of PSA financing, government assigns insufficient means from the budget. At the same time there observed a positive tendency in this field, government began to pay more attention to PSA (including increase of financing of PSA).	European government does not consider PSA as charitable advertising; the process of its production is rather expensive. Government assigns considerable sums of money for PSA.

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