

Legal Concerns in User-Generated Digital Media Advertisement in Nigeria

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Abstract

The study examined legal issues in User-Generated digital media advertisement in Nigeria. The objectives of the study were among others to examine the nature of user-generated advertising in digital media advertisements in Nigeria. The theoretical framework of the study was drawn from the technological determinism theory and network advertising model. This study adopted a mixed research method which combined content analysis and analytical descriptive survey designs. The study was made up of two population streams. For content analysis the population is 10,750 online advertisement copies from User-generated advertising online pages. The second population stream comprises staff of the Advertising Regulatory Council of Nigeria (ARCON) was 27, according to the Administrative Officer of ARCON in Lagos State. The sample size for the study was also of two streams. The interview schedule sample size comprised three (3) key members of Exco, the Investigation Panel and Disciplinary Committee. Purposive sampling technique was used for the in-depth interview schedule segment. For content analysis, census of the 10,750 advertisements was used. The instrument for data collection for the study were in-depth interview guide schedule for the survey and the coding guide will be used for the content analysis. Data for this study were analysed using quantitative and qualitative methods. The data obtained from coding of user-generated advertisement copies were arranged in tabular format. The interview was analysed strictly qualitatively and adopted the explanation building technique in presenting the responses obtained from the interviewees. The findings revealed that the nature of user-generated advertising in social media advertising copies in Nigeria were majorly the posts. This was followed by videos, photos reviews, word-of-mouth referral, artwork and music. The study concluded that posts, videos, photos, reviews, word-of-mouth, artwork and music were predominant formats utilised. This diversity underscores the dynamic nature of user-generated

content in shaping advertising strategies within the Nigerian market. The study recommended that Advertisers should actively collaborate with users to diversify user-generated advertising in social media by incorporating a variety of content formats such as posts, videos, photos, reviews, word-of-mouth, artwork and music.

Keywords: *Legal Concerns, User-Generated, Digital Media, Advertisement*

Introduction

For a contemporary business organisation to succeed, it must adopt an effective system for promoting, distributing, and selling its goods and services. Advertising is one such promotional materials that is prepared and placed for the purpose of generating sales revenue. The main goal of advertising is to inform and encourage potential consumers to purchase products or services. Arens (1996) describes advertising as “the structural and composed non-personal communication usually persuasive in nature about products (goods, services, and ideas) and sponsored through various media” (p.7). The overarching aim of advertising is to sell goods and/or services and to achieve this; its message content is usually packaged to be informative and persuasive. The purpose of an advertisement is to convey information and elicit a positive attitude about a product or service or a company in such a way that consumers and customers will be more favourably disposed towards its purchase.

Advertising is, therefore, on the basis of the above, seen as a form of communication that attempts to persuade potential customers to purchase more of a particular brand of product or service. Additionally, there is more to advertising than sales and pushing out of products and services. Advertising awakens, enlightens, and activates the public’s awareness of a brand. It drums into the minds of the public information about the product. Advertising communications intend to inform and transform audiences. Since its origins, advertising aimed to identify product manufacturers, and whilst advertising is still generally informational, its role has evolved to persuade audiences to change attitudes, beliefs, and behaviours. Advertising’s objectives are achieved by generating awareness about a brand, product, or service; by creating or changing consumer attitudes; and by stimulating purchase intentions. With this in mind, advertising is usually designed to broadcast positive messages to persuade audiences to take positive actions towards a brand, product, or service. From a firm’s perspective, in the short term, advertising aims to increase sales; in the long term, advertising seeks to build stronger brands by positioning the product and services in the mind of consumers (Breuer & Brettel, 2012).

The growing number of Internet users makes online advertisement an inevitable means of disseminating sales messages for various products and ideas as it has become attractive to advertisers and online publishers. Statista, an online platform specialising in data gathering and visualization, offers statistics and reports, market insights, consumer insights and company insights reports that as at the commencement of Quarter 2, 2023, there were 5.18 billion Internet users worldwide, which amounted to 64.6 percent of the global population. Of this total, 4.8 billion, or 59.9 percent of the world's population, were social media users. Therefore by connecting billions of people worldwide, before the Internet has core pillar of the modern information society and digital is now at the heart of many communication. The new communication technology has changed the DNA of advertising in terms of how the brands

and agencies can initiate and maintain contact and how the consumers can play a more proactive role in affecting the marketing and production process. This new advertising landscape built around today's communication technologies is the foundation for User-Generated Advertising production.

Advertising is regulated in Nigeria under both general and sector-specific laws, regulations, and guidelines, which stipulate principles and requirements for advertising. The following laws, guidelines, and regulations provide general principles and requirements for all forms of advertising in Nigeria: (1) the Nigerian Code of Advertising Practice, Sales Promotion and Other Rights/Restrictions on Practice. (2) Advertising Regulatory Council of Nigeria (ARCON) Vetting Guidelines, (3) Federal Competition and Consumer Protection Act. (4) Standards Organisation of Nigeria Act, 2015 (SONA). The major administrative body responsible for regulating advertising in Nigeria is the Advertising Regulatory Council of Nigeria (ARCON), formerly known as Advertising Practitioners Council of Nigeria (APCON). The Apex regulatory body of marketing communications, recently announced the signing into law of the Advertising Regulatory Council of Nigeria (ARCON) Bill into law, and the change of name to ARCON. Other regulatory bodies are the National Agency for Food, Drug Administration and Control (NAFDAC), Nigerian Communications Commission (NCC), Central Bank of Nigeria (CBN), the National Broadcasting Commission (NBC) and Federal Competition and Consumer Protection Commission (FCCPC), among others. These bodies regulate the advertising of specific products and services in Nigeria, such as food and drugs, telecommunication services, and cosmetics. Therefore, advertising in the Nigerian space has to undergo a lot of scrutiny by respective regulatory agencies. Apart from the Advertising Regulatory Council of Nigeria (ARCON), some of the key stakeholders within the Nigerian Advertising Space include, The Association of Advertising Agencies in Nigeria (AAAN), Advertisers Association of Nigeria (ADVAN) and Media Independent Practitioners Association of Nigeria (MIPAN).

There are laws that mandate the disclosure of any material connections between endorsers and promoted products. Users are expected to disclose any financial incentives or relationships when creating endorsements. Privacy and data protection laws are applicable in User-Generated Advertising. This is rightly so as UGA may involve collecting and using personal data. Brands must comply with applicable privacy and data protection laws including obtaining proper consent for collecting, using, and disclosing personal information. Therefore regulating user-generated advertisements is one of the major challenges faced by the advertising industry and the society in the digital era. Based on the foregoing, this study is driven by the motivation to examine ethical and legal issues in user-generated social media advertisement in Nigeria.

Statement of the Problem

The explosion of new technologies in the last few decades has affected advertising practice considerably. Significantly, the emergence of social media has given rise to the deployment of hitherto existing forms of advertising. Social media, as potent tools for interactive communication, have led to the emergence of User-Generated Advertising. User-Generated Advertising has become a mainstay in the advertising digital space. However, the question of legal issues which are intrinsic in advertising remain very relevant. Some of the concerns bother

around false information, intellectual property infringement, defamation, offensive content, privacy, disclosure, and the responsibility for user-generated content.

It is not easy to avoid exposure to ads on social media platforms such as Twitter, LinkedIn, Facebook, Messenger, WhatsApp etc. There arises a strong law concern, because user generated online advertising has been a surge in social media. The code of advertising practice attempts a holistic exercise as it makes reference to the practice as well as the product of the practice. The extensive debate surrounding ethical and regulatory issues in advertising, especially in the digital space could be traced to the increased emphasis on ethics in modern business. It is axiomatic to aver that ethical and legal issues are bound to be raised since User-Generated Advertising takes place in the digital space. The question of accuracy and veracity of claims made in user-generated advertisements, privacy rights and issues, offensive and discriminatory materials, and additionally legal implications such as copyright have been raised with the use of User-Generated Advertising by brands.

One could identify this as one of the myths about online ads, where the level of protection in place for other media do not apply; children can be targeted by advertisements for age-restricted products online. This is still true in Nigeria where Ijedi Iyoha, the acting registrar of ARCON, admitted in Akingbolu (2019) that a lot of unregulated messages are being churned out by bloggers and influencers on products to deceive consumers and regulators have almost become helpless. The advertising industry needs effective regulation to forge ahead with the new emerging technological trends. Online communication must be legal, decent, honest, and truthful; adverts should not include anything that is likely to cause offence. The questions at the forefront of the advertising campaign should be how legal are user-Generated advertisements in the Nigerian digital space? Principles ought to be extended and observed by online advertisements in Nigeria as a cover for further abuse of advertising practice to the detriment of the society and the profession. The problem of this study is therefore to examine the legal issues thrown up by User-Generated Advertising in the Nigerian digital space.

Aim and Objectives of the Study

The aim of this study was to examine ethical and legal issues in User-Generated social media advertisement in Nigeria. The objectives of the study were to:

1. examine the nature of user-generated advertising in social media advertisements copies in Nigeria;
2. identify legal and regulatory issues in user-generated advertising in digital media advertisement in Nigeria;
3. ascertain the implications of user-generated digital media advertisements to advertising regulations in Nigeria; and

Literature Review

Conceptual Review

Advertising in Nigeria

In Nigeria advertising has been part of commercial activities even before the arrival of the white man. Tracing the history of advertising in Nigeria, Ekwelie (1980) as quoted by Abayomi (2012) says before the emergence of cities... villages and neighbourhood had ways of

advertising their wares. In communities children would sing recognizable songs to announce availability of goods. Ebeze (2012) supports Ekwelie by asserting that advertising can be done through the use of hawkers and vendors who announce their products in a sing-song manner. he also adds that advertising is done through the display of products on tree stump or flagpole. For example if a condemned bicycle or car tyres are hung on a tree stump, it sends a clear message that a bicycle repairer or a volcanizer is around the corner. Aboyomi (2012) maintains that “the view that traders were satisfied with the spreading of their wares on the ground waiting for customers to make the first advance is entirely misleading. He further points out that traders called the attention of prospective customers to the excellent quality of their goods and sometimes coins slogans to give added effects to their usual exaggerated claims. “With time their shouting was assisted with a more efficient and less labourious instruments, the bell. Acrobatic dancers, magicians, snake charmers and musicians also joined the trade as attention catchers. They were seen in market places...” (Aliede, 2012, p. 101).

Digital Media and Advertising

The advertising landscape has changed dramatically in recent years, and nowhere is this more visible than online. The advertising medium is experiencing perhaps, the most dynamic revolution and technological developments made possible by the growth of communication through interactive media. The advertising industry has long sought to go where consumers go. Indeed, the industry has followed consumers online, even developing new forms of advertising to relate to consumers in their virtual world. In fact, the very philosophy of advertising has changed, not wholly but in large part, as a result of the opportunities created online (Tuten, 2018). Consequently, digital media advertising is a recent addition to organisations’ integrated marketing communications plans. Integrated marketing communications coordinates the elements of the promotional mix; advertising, personal selling, public relations, publicity, direct marketing, and sales promotion. In the traditional marketing communications model, the content, frequency, timing, and medium of communications by an organisation is in collaboration with an external agent, i.e. advertising agencies, marketing research firms, and public relations firms. However, the growth of digital media has impacted the way organisations communicate. With the emergence of Web 2.0, the Internet provides a set of tools that allow people to build social and business connections, share information and collaborate on projects online (Corruthers 2010: Para 1).

Legal and Regulatory Issues in Advertising

Sherma and Singh (2017) posit that all advertisement have to pass through the norms laid by the regulatory authorities because regulations affects usually every steps in the advertising process, including protecting the product with a trade mark, creating the message, showing the product in action and announcing a special sale. In most countries that take advertising regulation seriously, the following regulatory bodies provide an important check on advertisers, seeing to it that they do not advertise in a ways that is deceptive or otherwise socially irresponsible. To illustrate, as part of the entertainment software rating boards’ self-regulatory mission, the advertising review council (ARC) monitors all advertising, promotional and marketing materials interactive entertainment software productions that are released to the public. This includes print ads, packaging, radio television, sport, Internet advertising, online store, and poster.

The Internet, Digital media and User-Generated Advertising

From the perspective of marketing, it is an important tool for firm-to-consumer and consumer-to-consumer communication and interaction where consumers engage directly in brand communications that may not be controlled by the brand. Its first generation, Web 1.0, was considered a read-only platform and a system of knowledge gathering where businesses broadcast information providing catalogues or brochures similar to advertisements in newspapers and magazines to present their products and services for consumers to retrieve and contact the firm; it provided limited consumer interactions or content contributions (Cormode & Krishnamurthy, 2008). Although Web 1.0 did allow communication between firms and consumers, it was mostly oriented to online commerce based on a one-way communication system from sender to receiver, and interactivity between receivers and their contributions was not available. Web 1.0 was based on a one-to-many communication model following the linear models of communication espoused by Harold Lasswell where the sender (firm, (F)) transmits content to a large group of receivers (consumers) through mass media: television, radio, newspaper, magazines, direct mail among others; arguably, Web 1.0 follows this models of communication through search engines, electronic mail, and directories (Hoffman & Novak, 1996).

Advertising in the Digital Space

Digital media offers great potential to raise awareness and interest through the viral dissemination of product and service experiences and views. Brand communication specialists conduct various studies in the virtual environment to improve brand perception among consumers and to become a preferred brand by increasing brand awareness. As a part of this, people who share negative experiences about a service or product may spread to the virtual environment and create a negative situation in terms of service perception. Other users are also likely to see such negative comments. Even if the comments shared by users are right or wrong, displaying such negative search results in the virtual environment can damage the perception of the brand in the market. Deleting negative comments or having them deleted is another ethical issue. In other words, censoring the negative experiences of the consumer can undermine the trust in “libertarian” virtual platforms (Baker, 2009). Digital advertising has been undergoing a devastating change in recent years with the management of big data. The way companies and brands target consumers, record their preferences and behaviours, persuade them, and intervene in the consumer decision process has changed dramatically. New media has enabled the implementation of methods and forms that were not used in the advertising industry before, and provided conveniences such as instant productivity analysis, high performance, speed and interaction (Kotler, 2017).

Brand-Related User-Generated Content (UGC)

Brand-oriented UGC represents content which is created with reference to a brand and is intended to be brought to the notice of other users as well (Tang et al., 2014). It provides useful information to consumers who are in the process of arriving at a decision about buying products or services (Yadav 2016). eMarketer (2016) report highlights that a significant percentage of internet users in the United States of America regard product reviews by other consumers as influential factors for arriving at a purchasing decision. The importance, relevance and influence of UGC related to brands is increasingly enabling potential customers to make

decisions about brands (Munar & Jacobsen, 2013). Positive responses from consumers can be generated by brand-oriented UGC which includes favourable attitudes with respect to a brand if the brand-oriented UGC is in favour of the brand (Ryan, 2014). It is also important to note that the influence of UGC also depends on the person who generates it.

Social media has enabled users to generate and share content with each other. Among those who are in the social circle of consumers it is easier to get within the reach of UGC (Ransbotham, 2012). This is also referred to as creating eWOM and brings people together who share the interests of those within their personal network (Yadav, 2016). Consumers are also increasingly being exposed to UGC shared by celebrities on their social media pages. Twitter is increasingly becoming a source for politicians and celebrities to share information about what they like or dislike (Munar & Jacobsen, 2013). Research has shown that posts by celebrities can influence followers, even if the content is brand-related (Schultz, 2017). However, the extent to which such posts influence consumers who are making a buying decision and the extent to which brand perceptions are affected are clearly enunciated. Furthermore, with regard to the fact that brand-related UGC influences other consumers it is worth noting the nature of responses from recipients of UGC towards these two constructs (Ryan & Jones, 2012).

Theoretical framework

Technological Determinism Theory

This theory is a reductionist theory that presumes that a society's technology derives the development of its social structure and cultural values. Technological determinism has been defined as an approach that identifies technology, or technological advances, as the central casual element in processes of social change (Croteau & Hoynes, 2013). The term is believed to have been coined by Thorstein Veblen (1857-1929), an American sociologist. The most radical technological determinist in America in the twentieth century was most likely Clarence Ayres who was a follower of Veblen and John Dewey. But also William Ogburn was known for his radical technological determinism. Most interpretations of technological determinism share two general ideas: that the development of technology itself follows a predictable, traceable path largely beyond cultural or political influence, and that technology in turn has "effects" on societies that are inherent, rather than socially conditioned or produced because that society organizes itself to support and further develop a technology once it has been introduced.

The theory is relevant as it lies in its examination of how technological advancements shape societal norms, behaviours and regulations, thereby influencing the ethical and legal considerations surrounding user-generated content creations, dissemination and consumption in the Nigerian context. The theory explores how advancements in technology drive social, cultural and economic changes, often impacting individuals's behaviours and institutions. In the context of ethical and legal issues in user-generated social media advertisements in Nigeria, this theory can help researcher understand how technological developments in social media platforms influence advertising practices, user behaviour and regulatory frameworks. It sheds light on how user's interactions with technology shape their understanding of ethical and legal boundaries in advertising, as well as how policymakers respond to emerging challenges in regulating user-generated content. By considering media technological determinism,

researcher can better analyse the dynamic interplay between technology, society and advertising ethics in the Nigerian content.

Network Advertising Model (NAM)

The Network Advertising Model (NAM) was introduced by Rodgers and Thorson (2017). The NAM is a modification of Rodgers and Thorson's (2000) Interactive Advertising Model (IAM). The IAM explains how interactive advertising works in Web 1.0 environments such as emails and brand websites with the basic components including consumer-controlled aspects, such as Internet uses and information processes; advertiser-controlled aspects, like advert structures; and the range of responses that result from the interaction of a functioning, information processing individual with the structures of Internet advertising. While the IAM was more interactive than traditional advertising models, it could not explain higher levels of interaction in Web 2.0 and Web 3.0 environments.

Thus, Rodgers and Thorson (2017) proposed the NAM to reflect the complexities and emerging changes in interactive advertising on Web 2.0 and Web 3.0 channels. The NAM, while maintaining significant tenets of the IAM, is different in that it accounts for the “networked” potentials of social media such as Facebook, Google, LinkedIn, Snapchat, Pinterest, twitter, etc (Rodgers & Thorson, 2017). According to Rodgers and Thorson (2017), the idea of “spreadability” (Jenkins 2008; Jenkins, Ford & Green 2013) is a central feature of the NAM where advertising messages no longer needs paid media to be 'spread'. Rather, most brands now harness the power of spread of the network to employ combination of paid, earned, social, and owned media tools (Rodgers & Thorson 2017).

Relating this model to this study, the network advertising model can be linked to several key aspects, advertising placement and content - with the network advertising model, advertisements are placed on various websites or platforms that are part of the network. Ethical and legal issues can occur alongside inappropriate or harmful content such as hate speech, misinformation or illicit material. Advertisers must ensure that their ads do not support or endorse such content and that adequate measures are in place to prevent the association with harmful contexts. Ad fraud- online advertising is susceptible to ad fraud, where fraudulent activities attempt to generate illegitimate ad impressions, clicks or engagements. This can include practices such as click farms, bots, or deceptive placement. Ethical and legal issues arise when advertisers unknowingly pay for fraudulent interactions or when ad networks fail to implement measures to mitigate ad fraud. Transparent and ethical practices are necessary to combat and fraud and protect advertisers and consumers. User data privacy- the network advertising model often involves the collection and utilisation of user data to deliver targeted advertisements. Ethical and legal issues emerge when it compromises user privacy. Advertisers must adhere to relevant data protection laws, provide clear consent mechanisms and ensure appropriate data security measures. Additionally, transparency in data collection and usage allows users to make informed decisions about their privacy.

Empirical Review

A study was undertaken by Avila (2014) entitled User-Generated advertising: The effects of consumer-created brand videos and self-construal on brand attitudes. The study was premised on the speculation that consumer-generated messages have been considered to be more influential in consumer behaviour than firm-generated messages as people rely more on peer-

to-peer recommendations than mass media messages. The aim of the study was to assess the effects of video-based, brand-related user-generated advertising and consumers' self-construal on the evaluation of the advertised brand, brand communications and behavioural intentions. The study adopted different research designs. First, a content analysis of 230 User-Generated Advertising copies from YouTube was conducted to determine the characteristics of this type of brand communication. Second, 25 videos were selected, and a panel of expert judges validated their valence as positive, negative or neutral before specific User-Generated Advertisements were selected as stimuli. Finally, an Internet self-completion questionnaire was sent to the Business school students of University of Birmingham. The findings from the study showed that in comparison to firm-generated advertising, exposure to user-generated advertisements has more impact on attitudes towards the brand and behavioural intentions and that individuals with dominant interdependent self-construal are more affected by User-generated advertisements. Also, different types of UGA have different impacts: in particular, negatively valenced UGA has more impact than positive and neutral. The focus of the study under review is user-generated advertisements. This is quite similar to the focus of the present study. Both studies converge in the sense that user-generated advertisement is under examination. The point of departure is that the present study has as its core ethical and legal dimensions to user-generated advertisements as opposed to impact on attitudes which was the preoccupation of the former. Also, the area of divergence is on the objectives, scope and methodological approach.

Mathenge (2013) did a publication work on Ethical issues in advertising and marketing: An empirical analysis of the hindrances to efficient marketing and product communication management in Kenya. This research sought to find out key ethical issues in marketing and advertising management in Kenya. Key variables in this research were stakeholder satisfaction, value based observance, privacy enhancement and harm prevalence in the marketing and advertising campaigns of companies. The researcher employed empirical analysis using statistical tools such as analysis of variance (ANOVA), Component analysis and Regression analysis. From the discussions of the focus groups as well as the research objectives, it was established that companies have turned a blind eye on ethical marketing and advertising and are only motivated by profits. It was recommended that ethics be employed as a driver to efficient and effective marketing and advertising management in Kenya. The reviewed study and the present study are both related as the hinge on ethical issues in advertising and its implications. But whereas the reviewed study focused on ethical issues in advertising and marketing and product communication management in Kenya, the pioneer study focuses on legal and ethical issues in user-generated online adverts: implications of advertising regulations in Nigeria. but these studies differ on the objectives, scope and methodological approach.

Methodology

This study adopted a mixed research method which combined content analysis and analytical descriptive survey designs. The study was made up of two population streams. For content analysis the population is 10,750 online advertisement copies from User-generated advertising online pages. The study scraped all the user-generated contents from these ten top online platforms between 1st October, 2022 to 1st June, 2023, a study of nine months. The user-generated advertisement copies were scraped using Netlytic. The second population stream comprises staff of the Advertising Regulatory Council of Nigeria (ARCON). This population

is 27 (twenty-seven) according to the Administrative Officer of ARCON in Lagos State. The sample size for the study was also of two streams. The interview schedule sample size comprised three (3) key members of Exco, the Investigation Panel and Disciplinary Committee. Purposive sampling technique was used for the in-depth interview schedule segment. For content analysis, the total population is 10,750, the study adopted census since the population is manageable. The instrument for data collection for the study were in-depth interview guide schedule for the survey and the coding guide will be used for the content analysis. The units of analysis for the content analysis of the study was advertisements produced and posted on the social media. Data for this study were analysed using quantitative and qualitative methods. The data obtained from coding of user-generated advertisement copies were arranged in tabular format. The interview was analysed strictly qualitatively and adopted the explanation building technique in presenting the responses obtained from the interviewees.

Results and Discussions

Table 1: Nature of User-Generated Advertising in Social Media Advertisements Copies in Nigeria

Content	Social Media Platforms																			
	Twitter		Facebook		LinkedIn		WhatsApp		Instagram		Snapchat		Pinterest		YouTube		TikTok		Total	
	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	freq	%	Freq	%	Freq	%	Freq	%	Freq	%
Posts	315	3	1200	1	115	1	360	3	261	3	102	1	79	1	616	6	127	1	3175	30
Videos	140	1	238	2	95	1	230	2	203	2	84	1	65	1	300	3	103	1	1458	14
Photos	171	2	361	3	52	1	102	2	147	1	93	1	42	1	264	2	81	1	1313	12
Reviews	154	1	292	2	54	1	102	1	95	1	71	1	67	1	318	3	104	1	1257	12
Word-of-mouth referral	110	1	380	4	102	1	122	1	123	1	77	1	38	1	220	2	76	1	1248	11
Artwork	66	1	224	2	64	1	151	1	140	1	86	1	56	1	114	1	95	1	996	9
Music	94	1	412	4	122	1	241	2	71	1	69	1	49	1	171	2	74	1	1303	12
Total	1050	10	3107	9	604	6	1308	12	1040	9	582	5	396	4	2003	9	660	6	10750	100

Table 1 shows that the nature of user-generated advertising in social media advertising copies in Nigeria were majorly the posts. This was followed by videos, photos reviews, word-of-mouth referral, artwork and music.

Table 4.5: Legal and Regulatory Issues in User-Generated Advertising in Social Media Advertisements Copies in Nigeria

Content	Social Media Platforms																			
	Twitter		Facebook		LinkedIn		WhatsApp		Instagram		Snapchat		Pinterest		YouTube		TikTok		Total	
	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%	Freq	%
False advertising-making misleading claims	136	1	367	3	75	1	162	2	128	1	74	1	83	1	667	6	138	1	1830	17
Deceptive advertising – using ambiguous language or images	147	1	420	4	95	1	172	2	127	1	86	1	39	1	191	2	84	1	1361	13
Endorsements and testimonials with undisclosed material connections	138	1	397	4	72	1	144	1	174	2	55	1	46	1	125	1	92	1	1243	12
Takes advantage of children credibility	121	1	374	3	74	1	144	1	122	1	73	1	37	1	261	2	95	1	1301	12
Offensive advertising	137	1	362	3	62	1	164	2	150	1	69	1	42	1	171	2	87	1	1144	11
No sense of social	93	1	406	4	84	1	193	2	111	1	88	1	60	1	165	2	66	1	1266	12

responsibility to consumers and society																				
False comparisons or disparagement of competitors' products	121	1	392	4	62	1	182	2	98	1	71	1	53	1	222	2	85	1	1286	12
Misuse or infringement of trademarks	157	2	389	4	80	1	142	1	130	1	66	1	36	1	201	2	-	-	1201	11
Total	1050	10	3107	29	604	6	1308	12	1040	9	582	5	396	4	2003	19	660	6	10750	100

Table 2 reveals that the legal and regulatory issues in user-generated advertising in social media advertisements copies in Nigeria were false advertising- making misleading claims, deceptive advertising- using ambiguous language or images, endorsements and testimonial with undisclosed material connections, takes advantage of children credibility, offensive advertising, no sense of social responsibility to consumers and society, false comparisons or disparagement of competitors' products and misuse or infringement of trademarks.

Interview Report

On how user-generated social media advertisements impact the existing advertising regulations in Nigeria, considering the diverse nature of content created by users

The section started with the understanding of how user-generated social media advertisements impact the existing advertising regulations in Nigeria, considering the diverse nature of content created by users. When asked, all the respondents agreed that user-generated social media advertisements wield a substantial influence on the advertising landscape in Nigeria, compelling a reassessment of existing regulations. The diverse nature of content generated by users introduces complexities that challenges traditional regulatory frameworks. First and foremost, the sheer volume and rapid dissemination of user-generated content make it difficult for regulatory bodies to monitor and enforce compliance with advertising regulations effectively. One of the respondents "A" stated that democratisation of content creation on social media platforms enables individuals from various backgrounds to participate in advertising, leading to a broad spectrum of creativity and messaging. However, this diversity raises concerns about adherence to ethical standards and legal requirements. The ambiguity surrounding ownership and accountability for user-generated advertisements adds an additional layer of complexity for regulatory bodies, ascertaining responsibility becomes a nuanced task.

Account in support of the above assertion, is the opinion of another respondent "B" posited that the dynamics nature of social media trends and user-generated content necessitates regulatory agility to keep pace with evolving advertising practices. The traditional static approach to regulations may struggle to adapt swiftly to emerging challenges posed by innovative and often experimental user-generated advertisements. This prompts questions about the adequacy of the existing regulatory infrastructure in accommodating the fluid nature of social media dynamics. Respondent "B" added that user-generated content often blurs the lines between personal expression and commercial promotion, challenging the distinction between organic and sponsored content. This blurring effect raises questions about the transparency and disclosure requirements within existing advertising regulations. Regulatory

bodies must grapple with the task of delineating between genuine user expression and promotional activities that may require oversight.

In line with the above reasonings, respondent “C” stated that the global reach of social media platforms amplifies the impact of user-generated advertisements, making it imperative for Nigerian regulatory bodies to consider the cross-border implications of such content. Harmonising regulations with international standards becomes crucial in addressing challenges related to jurisdiction, especially when user-generated advertisements may have a reach beyond national boundaries. Respondent “C” juxtaposed further that the participatory nature of user-generated content fosters a sense of engagement and authenticity, but it also introduces the risk of misinformation and deceptive practices. Regulatory bodies must navigate the delicate balance between preserving user freedom and safeguarding consumers against deceptive advertising practices, underscoring the need for nuanced and context-specific regulations.

Also, respondents “A” said that collaboration between regulatory bodies and social media platforms emerges as a vital aspect of addressing the challenges posed by user-generated advertisements. Establishing effective communication channels and shared responsibilities between these entities can enhance the monitoring and enforcement of advertising regulations. This collaboration extends to proactive measures, such as educational campaigns to empower users with the knowledge of ethical advertising practices. Respondents “A” established further that the potential for user-generated advertisements to go viral adds a layer of urgency to regulatory considerations. The speed at which content can gain traction requires regulatory bodies to respond promptly to mitigate potential harm or violations of advertising standards. This dynamic landscape necessitates continuous dialogue between regulators and stakeholders to ensure the relevance and effectiveness of regulations.

In the light of the diversity in user-generated content, all the respondents agreed that regulatory bodies may explore the possibility of adopting a tiered or adaptive regulatory approach. Tailoring regulations to different types of user-generated advertisements based on risk factors and impact can provide a more nuanced and flexible framework that accommodates the diverse nature of social media content. They also stated that ethical considerations surrounding user-generated advertisements extend beyond traditional boundaries, encompassing issues such as data privacy and consent. Regulatory bodies need to address these ethical dimensions comprehensively to protect users from potential exploitation and ensure responsible advertising practices in the digital realm.

Respondents “A” stated that the role of artificial intelligence (AI) in shaping user-generated advertisements introduces an additional layer of complexity for regulators. The understanding and regulating AI-driven content creation tools becomes crucial to maintaining ethical standards and preventing the proliferation of misleading or harmful advertisements. User-generated social media advertisements significantly impact advertising regulations in Nigeria. The diverse nature of content created by users introduces challenges related to enforcement, transparency, cross-border implications and the need for collaboration. Regulatory bodies adopt an adaptive approach that considers the dynamic nature of social media and leverages collaborations with platforms to ensure the ethical and legal integrity of user-generated advertisements. The evolving landscape requires continuous dialogue and proactive measures to strike a balance between fostering creativity and safeguarding consumer and societal values.

On challenges regulatory bodies in Nigeria face in monitoring and enforcing advertising regulations concerning user-generated content on social media platforms

This section examined the respondents' views on the challenges regulatory bodies in Nigeria face in monitoring and enforcing advertising regulations concerning user-generated content on social media platforms. All the respondent accepted that monitoring and enforcing advertising regulations concerning user-generated content on social media platforms presents a myriad of challenges for regulatory bodies in Nigeria. one of the primary obstacles stems from the sheer volume and rapid proliferation of user-generated content, making it a daunting task for regulatory agencies to keep pace with the dynamic digital landscape. The decentralised nature of social media platforms further exacerbates this challenge, as content creation is dispersed across a vast array of users and accounts. They further stated that the diverse and ever-evolving nature of user-generated content introduces complexities in determining what falls within the purview of advertising regulations. The boundary between personal expression and commercial promotion can be nebulous, requiring regulatory bodies to navigate nuanced distinction when identifying content that warrants oversight. This challenge is compounded by the fact that user-generated advertisements often employ unconventional and creative formats, making it difficult to apply traditional regulatory criteria.

Also, respondent "C" argued that the lack of clarity regarding ownership and accountability for user-generated content poses a significant hurdle for regulatory bodies. Determining responsibility becomes intricate when content creation involves collaborations or when content is reshared and repurposed by multiple users. This ambiguity hampers the enforcement of regulatory bodies must grapple with attributing accountability in a decentralised and interconnected digital space. The respondent "C" averred further that the global nature of social media platforms complicates matters for Nigeria regulatory bodies. User-generated content can easily transcend national borders, raising questions about jurisdiction and cross-border enforcement. The international reach of social media necessitates harmonisation of regulations with global standards to address challenges related to legal jurisdiction and ensure a cohesive approach to monitoring and enforcement.

Respondent "B" stated that the rapid evolution of social media trends and features adds an additional layer of complexity for regulatory bodies. New platforms and functionalities continually emerge, requiring regulators to adapt and update their strategies to effectively monitor and enforce advertising regulations. Staying ahead of technological advancements is crucial to addressing emerging challenges in the realm of user-generated content. The respondent added that participatory and interactive nature of social media platforms fosters a sense of community and engagement. However, it also poses challenges in terms of distinguishing between organic user interactions and orchestrated promotional activities. Regulatory bodies must develop mechanisms to differentiate genuine user expression from strategic marketing efforts, striking a balance between allowing creativity and preventing deceptive practices.

Respondent "C" posited that user-generated content often blurs the lines between personal and commercial activities, making it challenging to establish clear guidelines for enforcement. The informal and spontaneous nature of user-generated advertisements may not neatly fit into traditional regulatory frameworks designed for more formal advertising channels. Regulatory bodies must grapple with adapting existing regulations to accommodate the unique characteristics of user-generated content. Respondent "A" agreed that the speed at

which user-generated content can gain traction and virality on social media platforms introduces a sense of urgency for regulatory bodies. Swift responses are essential to mitigate potential harm or violations of advertising standards. However, the rapid dissemination of content makes it challenging for regulatory bodies to intervene in a timely manner, highlighting the need for proactive and agile monitoring mechanisms.

Respondent “A” illustrated that collaboration between regulatory bodies and social media platforms is crucial for effective monitoring and enforcement. However, establishing robust communication channels and cooperation may face resistance or reluctance from platforms, hindering the ability of regulatory bodies to access data and enforce regulations. Negotiating these collaborations becomes a delicate balance between regulatory oversight and platform autonomy. Respondent “B” accepted that the evolving role of artificial intelligence (AI) in content creation further complicates the regulatory landscape. AI-driven tools can autonomously generate content, blurring the distinct between user-generated and algorithmically generated advertisements. Regulators face the challenge of understanding and effectively monitoring AI-driven content creation to ensure compliance with ethical and legal standards.

Respondent “A” elicited that the prevalence of fake accounts, bots and automated content creation tools on social media platforms poses a significant challenge for regulatory bodies. Distinguishing between authentic user-generated content and artificial generated content and artificially generated content designed to manipulate advertising algorithms requires sophisticated detection mechanisms. The prevalence of these deceptive practices undermines the efficacy of regulatory efforts and compromises the integrity of advertising regulations. In addition, respondent “B” added that data privacy and consent issues associated with user-generated content pose additional challenges for regulatory bodies. The collection and use of personal information for targeted advertising raise ethical concerns. Regulatory frameworks must evolve to address the intersection of data privacy regulations and advertising standards in the context of user-generated content.

Respondents “C” and “A” agreed that educating users about advertising regulations and ethical practices becomes a crucial but challenging task for regulatory bodies. Many users may be unaware of the rules governing advertising on social media platforms and ensuring widespread awareness requires strategic communication efforts. Overcoming the information gap and fostering a culture of compliance among users is an on-going challenge. Respondent “B” affirmed that limited resources and manpower pose practical constraints for regulatory bodies in Nigeria. The sheer scale of social media platforms and the continuous influx of user-generated content necessitate substantial resources for effective monitoring and enforcement. Budgetary limitations and staffing constraints may hinder regulatory agencies from implementing robust and comprehensive oversight mechanisms. The challenges faced by regulatory bodies in Nigeria in monitoring and enforcing advertising regulations concerning user-generated content on social media platforms are multifaceted. From the sheer volume and diversity of content to jurisdictional issues and the evolving nature of technology, addressing these challenges requires a holistic and adaptive approach. Collaboration with social media platforms, technological advancement and proactive regulatory strategies are essential components of a comprehensive framework to effectively navigate the complex landscape of user-generated advertising content.

Discussion of Findings

The data analysed in tables 1 to 2 and interview reports provided the platform for this discussion which was purely done in relation to the research objectives and questions.

The result showed that the nature of user-generated advertising in social media advertisements copies in Nigeria were majorly were majorly the posts. This was followed by videos, photos reviews, word-of-mouth referral, artwork and music. This finding corroborates with the study undertaken by Avila (2014) entitled “User-generated advertising: the effects of consumer-created brand videos and self-construal on brand attitudes” as revealed that individual with dominant interdependent self-construal are more affected by user-generated advertisements. The network advertising model upon which this study is anchored give credence to this finding. The newtwork model is relevant for understanding the interconnected nature of social media advertising , emphasising the importance of ser engagement and collaboration within the network for successful campaigns in Nigeria.

The result revealed that the legal and regulatory issues in user-generated advertising in social media advertisements copies in Nigeria were false advertising- making misleading claims, deceptive advertising- using ambiguous language or images, endorsements and testimonial with undisclosed material connections, takes advantage of children credibility, offensive advertising, no sense of social responsibility to consumers and society, false comparisions or disparagement of competitors’ products and misuse or infringement of trademarks. This finding supports the study of Mathenge (2013) on “Ethical issues in advertising and marketing: an empirical analysis of the hindrances to efficient marketing and product communication management in Kenya” as found out that companies have turned a blind eye on ethical marketing and advertising and were motivated by profits.

The findings revealed that user-generated social media advertisements wield s substantial influence on the advertising landscape in Nigeria, compelling a reassessment of existing regulations. The diverse nature of content generated by users introduces complexities that challenges traditional regulatory frameworks. First and foremost, the sheer volume and rapid dissemination of user-generated content make it difficult for regulatory bodies to monitor and enforce compliance with advertising regulations effectively.

The network advertising model upon which this study unperinned give backings to this finding. The network advertising model is crucial in addressing the challenges posed by the sheer volume and rapid dissemination of user-generated content. This model emphasises the interconnected relationships within social media platforms, suggesting that effective regulation should recognise and leverage these network dynamics. Regulatory bodies can collaborate with platforms to implement monitoring mechanisms that consider the networked nature of content dissemination, ensuring a more agile and responsive approach to enforcing compliance with advertising regualtions in the ever-evolving digital landscape.

Conclusion

The study concludes that posts, videos, photos, reviews, word-of-mouth, artwork and music were predominant formats utilised. This diversity underscores the synamic nature of uer-generated content in shaping advertising strategies within the Nigerian market. However, it is crucial for advertisers and platforms to prioritise content quality, credibility and consistency while encouraging user creativity and distinctiveness. A comprehensive approach that balances

user-generated authenticity with ethical consideration and content standards can enhance the overall effectiveness and reliability of social media advertising in the Nigerian context.

His study explores significant legal and regulatory challenges in user-generated advertising within social media in Nigeria, including issues such as false advertising, misleading claims, deceptive practices, the use of ambiguous languages or images, undisclosed material connections in endorsements, and the exploitation of children's credibility. Addressing these concerns is crucial to ensure the integrity of advertising practices and safeguard users from potential harm.

The study highlights the intricate challenges arising from diverse nature of user-generated content, introducing complexities that strain traditional regulatory frameworks. The sheer volume and rapid dissemination of such content further exacerbate difficulties for regulatory bodies in monitoring and enforcing compliance with advertising regulations effectively. The dynamic and ever-evolving nature of user-generated material calls for a reevaluation on regulatory approaches to better adapt to the complexities of digital platforms. Balancing the need for regulatory oversight with the preservation of freedom of expression is crucial in navigating this intricate landscape.

Recommendations

Based on the result of the study, the following recommendations were made:

1. Advertisers should actively collaborate with users to diversify user-generated advertising in social media by incorporating a variety of content formats such as posts, videos, photos, reviews, word-of-mouth, artwork and music.
2. Advertisers and regulatory bodies in Nigeria should collaborate to establish and enforce clear guidelines, conduct regular audits and implement robust monitoring mechanisms to detect and rectify instances of false advertising, deceptive practices and other regulatory violations in user-generated advertising on social media platforms.
3. Regulatory bodies should collaborate with technology platforms to develop innovative monitoring tools and adopt a flexible regulatory framework that can swiftly adapt to evolving nature of user-generated content. This approach will enhance the ability to effectively enforce compliance with advertising regulations while respecting the diverse and dynamic nature of content generated by users on digital platforms.

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