Regulatory and Ethical Challenges in Nigerian Advertising: A Critical Analysis of ARCON's Digital Enforcement Strategies

Social & Digital Media Discourse
2025, Vol.6(1), 66-77

URL: http://sdmd.net.ng/
SDMD

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Abstract

In the evolving landscape of digital marketing, advertising practices have become increasingly contentious, with regulatory bodies facing challenges in maintaining ethical standards and public accountability. This study examines the response of the Advertising Regulatory Council of Nigeria (ARCON) to selected controversial advertisements that have surfaced within Nigeria's digital space. Using a qualitative content analysis approach, the study interrogates ARCON's regulatory strategies through the lens of deontological ethics, which emphasises duty-bound, principle-based judgement in advertising oversight. Six high-profile digital advertising cases involving well-known Nigerian brands were selected based on their virality, public backlash, and ARCON's formal responses. Findings reveal a growing dissonance between advertiser innovation in the digital sphere and the regulatory agency's capacity to enforce timely, transparent, and culturally sensitive interventions. The study highlights ARCON's increasing reliance on post-publication sanctions and public statements rather than proactive engagement or pre-publication scrutiny, thereby raising concerns about its overall effectiveness and the level of advertiser accountability in the digital age. It further notes a tension between creative freedom and ethical compliance, especially in a fragmented media environment where audience reactions are instant and often polarised. The study concludes that while ARCON has demonstrated increased visibility in recent years, its approach remains largely reactive and bureaucratic, necessitating a shift toward real-time digital monitoring, stronger partnerships with platform providers, and increased industry education. The paper contributes to the discourse on advertising regulation by offering practical recommendations for policy reform and ethical consistency in the digital communication ecosystem.

Keywords: Advertising regulation, ARCON, digital media ethics, controversial advertising, Nigeria

Introduction

The Advertising Regulatory Council of Nigeria Act, 2022 (ARCON Act), was enacted following presidential assent by Muhammadu Buhari. This Act repealed the previous APCON Act (Cap. A7, Laws of the Federation, 2004) and dissolved the Advertising Practitioners Council of Nigeria (APCON), replacing it with ARCON (Elias, 2022). According to the ARCON website, the Act significantly broadens the scope of advertising regulation, extending its applicability beyond individuals to include corporate organizations, government institutions at federal, state, and local levels, and all entities involved in advertising, marketing communications, or related activities. It also applies to any party sponsoring or benefiting from advertising services within Nigeria. By expanding the regulatory framework, the ARCON Act aims to establish a more comprehensive and unified system for overseeing advertising practices (ARCON, 2022).

Elias et al. (2023) note that the new legislative framework introduces several key changes, including mandatory permits for media advertisements and pre-publication approvals for social media ads targeting Nigerian audiences. ARCON executes its regulatory functions through various statutory committees, including the Advertising Standards Panel (ASP) and its sub-committee, the Advertising Practitioners Investigative Panel (APIP). When complaints are received, they are investigated by APIP—particularly in cases involving unethical practices, offensive advertisements, or regulatory breaches. Recommendations from this panel are forwarded to the Advertising Practitioners Disciplinary Committee (APDC), which determines appropriate sanctions (Chudi & Osakwe, 2020).

In addition to ARCON, Nigeria's advertising ecosystem includes multiple regulatory bodies such as the National Broadcasting Commission (NBC), Association of Advertising Agencies of Nigeria (AAAN), Advertisers Association of Nigeria (ADVAN), Media Independent Practitioners Association of Nigeria (MIPAN), Newspaper Proprietors Association of Nigeria (NPAN), Outdoor Advertising Association of Nigeria (OAAN), and the Broadcasting Organisation of Nigeria (BON). In Lagos State, the Lagos State Signage and Advertisement Agency (LASAA) also plays a regulatory role. Furthermore, institutions like the National Agency for Food and Drug Administration and Control (NAFDAC), Nigerian Communications Commission (NCC), Central Bank of Nigeria (CBN), and the Federal Competition and Consumer Protection Commission (FCCPC) are involved in sector-specific advertising regulation (Omowale & Sunday, 2022; Spaajibade, 2019). ARCON also provides a comprehensive code of conduct that outlines ethical principles for advertising. These include legality, decency, honesty, truthfulness, and respect for Nigerian culture. Advertisements must be prepared responsibly and must not exploit sex or promote harmful myths or supernatural beliefs. Other provisions relate to product authenticity, consumer safety, and accurate endorsements (Chudi & Osakwe, 2020).

Although ARCON has introduced new rules such as the mandatory pre-publication approval and a ₦500,000 fine for airing unapproved advertisements, to reinforce regulatory compliance, challenges persist in the digital era. The rise of social media and online advertising has blurred the boundaries between traditional and digital spaces, making enforcement more complex. Critics argue that the current guidelines lack clarity, especially for digital platforms, and that the pre-approval process may stifle creativity and place undue strain on small and medium-sized enterprises. Additionally, ARCON's limited capacity to monitor fast-moving online content weakens its regulatory effectiveness in today's dynamic media environment (Ugwu, 2022; ThisDay Live, 2022; Chambers and Partners, 2025; Dickinson-Delaporte et al., 2020).

Despite ARCON's expanded mandate, several challenges undermine regulatory compliance. First, misleading and indecent content remains widespread (Olubodede et al., 2024). Second, digital formats such as pop-up ads are criticized as intrusive (Mohammed, 2019). Third, enforcement struggles due to outdated legal provisions and unclear digital standards (Omowale & Sunday, 2022).

Nwosu (2020) highlights the absence of specific rules for online advertising in Nigeria, warning that inadequate regulation exposes the public to harmful and unchecked content. Similarly, Aliede (2020) questions whether the growth of digital media is allowing advertisers to sidestep ethical scrutiny, thereby increasing the risk of culturally or religiously insensitive content.

Although the updated ARCON Code now includes provisions for digital advertising, recent legislative changes have introduced more stringent controls, such as mandatory pre-publication permits for all ads, including those on social media (Elias et al., 2023). Nevertheless, most existing research focuses on practitioners' compliance with these laws rather than evaluating ARCON's performance as a regulator. Recent studies offer valuable insights: Anyadubalu et al. (2025) assessed the ethical impact of ARCON regulations on online advertising in Enugu State, while Olubodede et al. (2024) examined adherence to advertising rules in Lagos. Adeyemi and Bello (2021) explored ethical consciousness among Lagos-based agencies, finding compliance levels influenced by agency size and client pressure. Ojo and Hassan (2022) reported general awareness but weak enforcement perceptions among young creatives. Olatunji and Igbokwe (2023) emphasized the tension between creative freedom and regulatory compliance in the digital space. However, these studies largely neglect the effectiveness and responsiveness of ARCON itself.

Therefore, this study aims to fill that gap by critically evaluating ARCON's response to selected controversial advertisements in Nigeria. It examines the agency's actions, the timeliness of its interventions, the sanctions imposed, and the public and industry reactions. Given that regulation without enforcement is symbolic, this evaluation is necessary to determine whether ARCON's interventions are proactive, timely, and effective in upholding ethical standards. The findings will contribute to media and communication scholarship and inform policy efforts aimed at strengthening ethical advertising practices in Nigeria.

The theoretical framework for this study is grounded in Deontological Ethics, which emphasizes duty, rules, and moral obligation in evaluating ethical behavior. Rooted in the philosophy of Immanuel Kant, deontology holds that actions are morally right when performed out of duty and adherence to ethical norms, irrespective of consequences (Barrow & Khandhar, 2023). In advertising, this perspective requires that practitioners prioritize honesty, respect, and fairness even when deceptive messages might yield profit (Onipede &

Falana, 2024). Deontology thus provides a basis for evaluating compliance not just based on outcomes, but on whether actions align with professional obligations.

From this standpoint, practices such as bypassing approval processes or misusing religious symbols are inherently unethical, regardless of commercial success or audience interpretation. ARCON's actions, issuing sanctions, retracting ads, and publishing disclaimers,will be assessed within this ethical framework to determine whether the agency fulfills its moral and regulatory obligations (Okocha & Ojoma, 2023; Onuorah, 2022; Kayode et al., 2024).

Materials and Methods

This study adopted a qualitative approach, employing content and thematic analysis to evaluate ARCON's responses to selected controversial advertisements in Nigeria. The research focused on six advertisements including digital, billboard, and television ads, from prominent brands such as Peak Milk, Sterling Bank, Chicken Republic, FIRS, and Globacom, and Trophy. These ads were purposively selected based on the presence of ethical violations such as cultural insensitivity, indecent dressing and exploitation of sensitive issues, the public attention they garner, and regulatory involvement. Data were collected from secondary sources, including press releases, media reports, social media platforms (X, formerly Twitter, and Instagram), and official statements by the Advertising Regulatory Council of Nigeria (ARCON). A purposive sampling strategy was employed to select six high-profile advertising cases that generated significant public attention and regulatory response between 2016 and 2024. These cases were chosen based on their virality, level of public backlash, and the availability of formal or public statements from ARCON addressing the controversies. The data were categorized into key content themes such as use of controversial imagery, religious or cultural insensitivity, exploitation of sensitive issues, and violation of ARCON guidelines. These themes were inductively derived from a close analysis of the advertisements themselves, allowing patterns to emerge based on recurring elements that triggered public backlash or regulatory intervention.

The unit of analysis included the visual and textual content of the ads, regulatory comments and regulatory actions such as ban, imposition of fines, content removal order. A coding sheet was developed as the primary instrument to systematically record and analyze the data. An inductive approach was used for thematic analysis to identify patterns and themes directly from the data.

Result

This study examined the regulatory interventions in response to the selected advertising controversies. By analyzing press releases and regulatory actions, the study assesses the effectiveness of bodies like ARCON in addressing ethical breaches and mediating stakeholder reactions. It explores whether regulatory measures successfully de-escalate conflicts or reinforce public dissatisfaction and to also know if the regulatory reactions are proactive or reactive.

Case-based Analysis of the Adverts and the Regulatory Interventions

In 2016, Chicken Republic released a controversial ad featuring a cartoon of its mascot delivering food to a prisoner, captioned "Special Delivery for Olisa"—a clear reference to Olisa Metuh, a former PDP spokesperson facing corruption charges. The ad's attempt at satire with the line "Why eat your words when you can eat our meals?" was widely criticized for making light of a serious legal matter and targeting an individual during an ongoing trial. Critics labeled the ad unethical and exploitative, arguing it trivialized corruption for commercial gain and violated the balance between humor and social responsibility.

According to the Nigerian Code of Advertising (2023), the ad breached key guidelines, including Article 22, which forbids content that ridicules individuals or institutions, and Article 18, which warns against inciting disrespect or hostility.

Despite a series of public criticisms on social media, ARCON did not issue any formal response or sanctions, indicating a lack of proactive regulatory engagement.

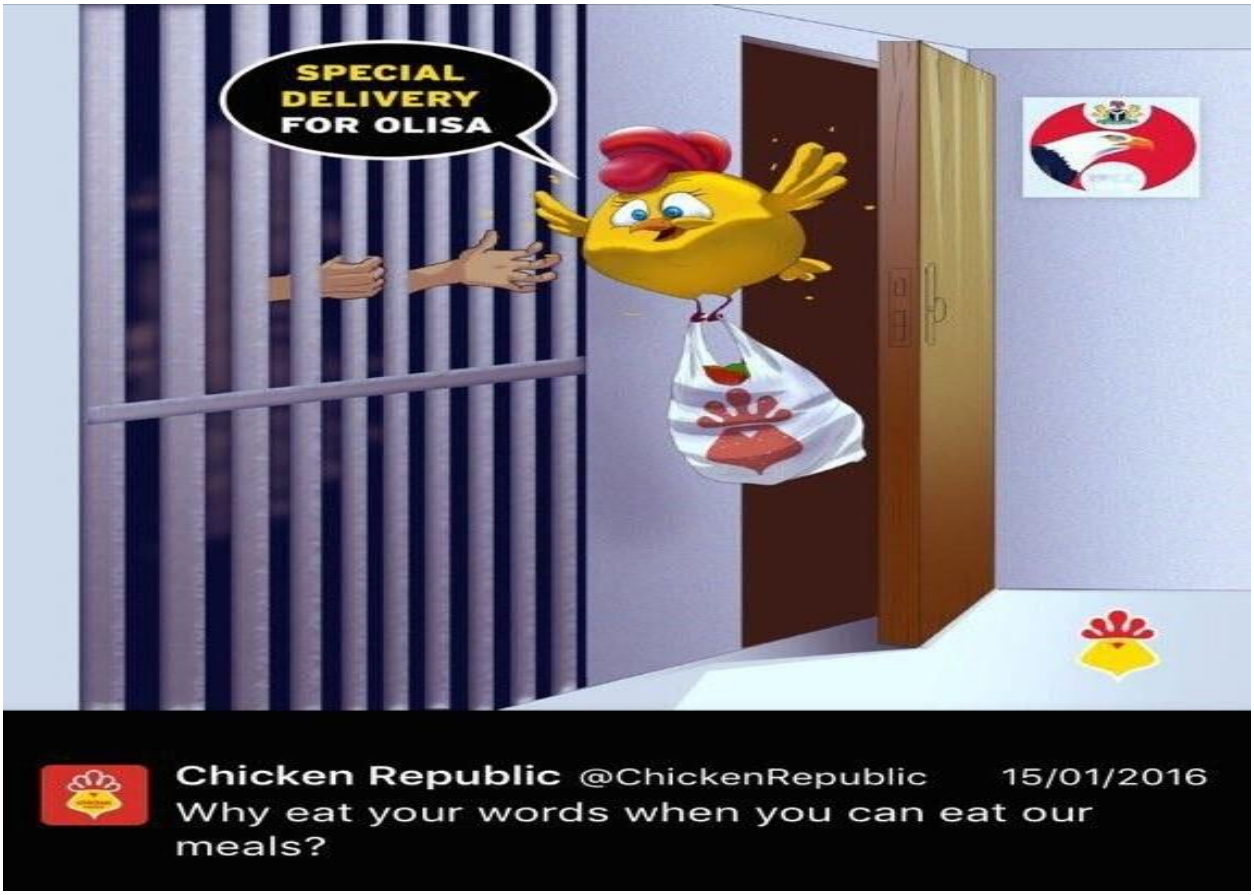

Figure 1: Chicken Republic Olisa Metu's Ad
Source: (Bella Naija, 2016)

Sterling Bank Easter Ad

In April 2022, Sterling Bank faced public outrage over Easter-themed advertisements that many perceived as disrespectful to Christianity. Sterling Bank's digital ad featured an image of a loaf of Agege bread split in two, accompanied by the caption, "Like Agege Bread, He Rose," in reference to the resurrection of Jesus Christ. The ad attempted humor through cultural relevance, but it was widely condemned for trivializing a sacred Christian event. Critics, particularly Christian communities, viewed it as irreverent, reducing the profound spiritual significance of Easter to a mere marketing ploy. The bank violated Articles 17(b) and 17(c) of the Nigerian Code of Advertising, which prohibit offensive or disrespectful references to any religion. Nigerians on the social media also condemned the advert (Nigerian Code of Advertising, 2023). This advert drew the attention of the Christian Association of Nigeria CAN, and the body drew the attention of the regulatory body towards taking proper regulatory action on the advertiser as they found the advert unethical.

In response to CAN's reaction, ARCON issued a press release stating that the body will sanction the brand in accordance with its regulatory provisions:

> "APCON will take necessary actions to ensure that Sterling Bank **is sanctioned** for the exposure of such offensive advertisement according to law and that no religious belief or faith is ridiculed or any blasphemous advertisement exposed in any guise." (ARCON, April 18, 2022)

The Advertising Regulatory Council of Nigeria Act (2022) provides for a ₦1,000,000 fine on any organization that refused or neglected to comply with the conditions and requirements for advertising, advertisement and marketing communications.

Figure 2: Sterling Bank Easter Ad
Source: (Business Day Newspaper, April 10,2022)

Trophy Atunilara Ad

The Trophy beer billboard displayed the slogan "Trophy Atunilára – Tó sì ẹ gẹ́gẹ́ bí ọmọ Ìlú Ìlọrin," meaning "you deserve a refreshing Trophy beer as a true child of Ilorin." The ad raised ethical concerns by associating alcohol consumption with cultural identity in Ilorin, a city with a strong Islamic heritage that forbids alcohol, making it highly insensitive to local religious beliefs.

The advertisement violated the Articles 17 and 22 of the Nigerian Code of Advertising which states that denigration of any religion, person, ethnic group, tribe or group of persons, firm, organisation, industry, or commercial activities, profession or product, or any act which seeks to bring such into public contempt or ridicule is prohibited (Nigerian Code of Advertising, 2023).

The ad was flagged by community groups in Ilorin, despite existing provisions in Nigerian advertising law that govern traditional and culturally sensitive content. In response, ARCON issued a press release stating the ad would be sanctioned and ordered its removal. The agency stated: "Having failed to comply with the provisions of the regulatory body, ARCON will take all necessary and appropriate steps to ensure the violators are sanctioned in line with the relevant laws" (ARCON, April 10, 2023).

Figure 3: Trophy Lager Beer billboard in Ilorin
Source: (Radio Kwara, June 1, 2023)

Globacom Link Your NIN Ad

Globacom's "Link Your NIN" campaign, which featured a high-energy montage of popular Nigerian celebrities, sparked ethical concerns despite its engaging and vibrant presentation. Designed to promote the ease of linking a National Identification Number (NIN) to a SIM card and highlight a ₦20,000 bonus incentive, the ad employed quick visual cuts, bright colors, humorous settings, and upbeat background music. Celebrities from various entertainment sectors, including actors, musicians, and comedians, delivered energetic one-liners to boost audience engagement and brand appeal.

However, the ad came under scrutiny from the Advertising Regulatory Council of Nigeria (ARCON), primarily due to its timing and content. One scene featured a Nollywood actress wearing a dress that prominently exposed her cleavage—a depiction considered inappropriate for the time slot during which the ad was aired. This segment coincided with children's programming hours, prompting concerns over age-appropriateness. ARCON cited violations of Article 114 of the Nigerian Code of Advertising, which mandates that models in ads accessible to minors must be dressed decently and in line with societal norms. Additionally, the ad breached Article 84, which prohibits content containing obscenity or material unsuitable for younger audiences, especially in telecommunications-related advertising (Nigeria Code of Advertising, 2023).

Unlike other cases flagged by the public, Globacom ad was flagged by the regulatory body itself. The ad was criticized for failing to follow proper regulatory procedures. ARCON revealed that the advertisement had not been submitted for mandatory vetting prior to its broadcast, thereby violating advertising approval protocols. This oversight highlighted a broader issue of non-compliance with regulatory standards, an essential requirement in Nigeria's culturally and demographically diverse society.

ARCON also exercises its regulatory authority by ordering the removal of the advertisement as it violates ethical and professional standards. This was evident in its directive to Globacom regarding the removal of its "Link Your NIN" advertisement following complaints about its content. **"**ARCON has written to the management of Globacom Limited to stop further exposure of the advertisement/commercial on all media platforms (broadcast and social media)." (ARCON/ Instagram/ May 25, 2022)

Figure 4: screenshot of Glo Link your NIN ad
Source: (Globacom Limited, 2022)

Peak Milk Easter Ad

In April 2023, Peak Milk, a leading dairy brand in Nigeria also posted an ad that drew significant public backlash. The Peak Milk Good Friday advert depicted a can of evaporated milk with liquid dripping from the top. Below it, a nail appeared pierced and surrounded by a spill of milk. The tagline, *"Bruised and Pierced for Us,"* was boldly written beneath the image, followed by the hashtag *"#GOODFRIDAY."* The visual and textual elements unmistakably referenced the crucifixion of Jesus Christ. The dripping milk and broken biscuit

symbolized Christ's wounds and suffering. The advertisement was considered ethically problematic due to its appropriation of sacred Christian imagery for commercial purposes.

Just like Sterling bank, Chicken Republic and Trophy ads, this advert was also flagged by the religious body CAN. In the press statement by the body, they drew attention to a similar occurrence in 2022 by Sterling Bank and they called the attention of the regulatory body to sanction the brand. Immediately the press statement was released, ARCON also issued a press release stating that the brand will be sanctioned appropriately by the regulatory body.

Figure 5: Peak Milk GoodFriday Ad
Source: Punch Newspaper, April 11, 2023)

The FIRS Religious Insensitive Ad

In 2024, FIRS drew backlash for an Easter ad widely seen as religiously insensitive, which many viewed as an inappropriate and offensive use of Christian symbolism. The ad featured a POS machine printing a receipt that read "HAPPY EASTER," accompanied by the bold headline, "Jesus paid your debts, not your TAXES," with "TAXES" highlighted in red. The FIRS logo and the tagline "…it pays to pay your tax" were also prominently displayed. The ad aimed to present a calm, formal appeal while attempting to blend themes of faith and civic responsibility. Regulators also found the advertisement in violation of Articles 17 and 22 of the Nigerian Code of Advertising, which prohibit content that disrespects or denigrates religious beliefs. Specifically, Article 17(c) states that "offensive or disrespectful references shall not be made to any religion or religious belief." The ad failed to respect the sacred significance of Easter and alienated a significant portion of the Nigerian population. Despite these regulatory provisions, the body did not see anything wrong with the advert and did not issue any press statement to address the concerns of the stakeholders. This suggests that the regulatory body may apply regulatory provisions inconsistently across different violators.

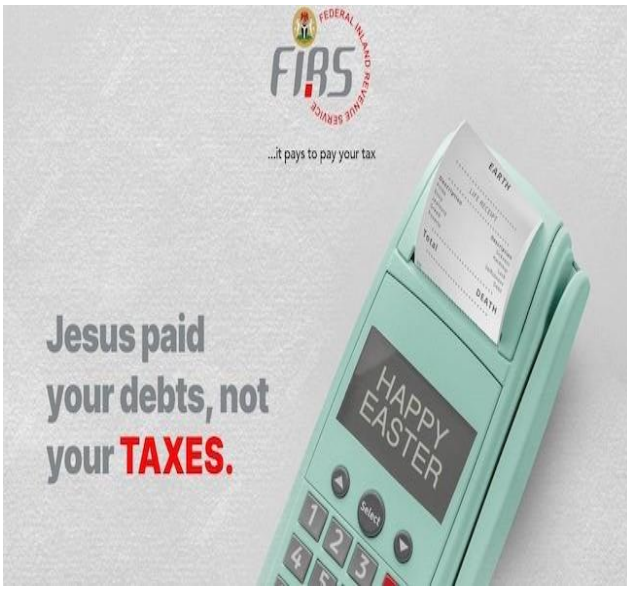

Figure 6: FIRS Easter AD
Source: (Punch Newspaper, April 2, 2024)

Table 1.0: Selected Brands, the Ethical Issues Violated and the Nature of ARCON's Response

S/N	Brands	Ethical Issue	ARCON RESPONSE
1	Chicken Republic	Exploitation of sensitive issue	No Response
2	FIRS	Religious insensitivity	No Response
3	Trophy	Cultural and Religious insensitivity	Reactive
4	Sterling Bank	Religious insensitivity	Reactive
5	Peak Milk	Religious insensitivity	Reactive
6	GLO	Indecency	Proactive

Source: Researchers' Compilation (2025)

Discussion of Findings

The research objective was used to examine the role the regulatory body played in addressing the concerns of other stakeholders to these selected adverts. In justifying this research question, the regulatory actions enforced on the brands were examined and how regulatory interventions, particularly by ARCON, play a critical role in addressing ethical breaches in advertising.

The cases of Sterling Bank and Trophy Beer demonstrate ARCON's commitment to holding advertisers accountable, particularly when advertisements are perceived as offensive to religious or cultural groups. These regulatory actions are aimed at preventing similar violations in the future and ensuring that advertisements do not provoke unnecessary public outrage. Additionally, ARCON's authority extends beyond imposing fines or penalties; it also includes content removal orders, as seen in the directive to Globacom to halt its "Link Your NIN" advertisement. However, when compared to Olojede et al. (2020), who argue that regulatory agencies are often weak and inefficient in enforcing compliance, ARCON's actions in these cases appear to contradict this assertion. This is also in contrast with Xu et al.'s (2022) submission that there is absence of stringent penalties for violations of advertising ethics which further exacerbates the problem, as advertisers have little incentive to comply with ethical standards. Widijowati & Denysenko's (2023) assertion that established ethical codes and legal regulations provide clear guidelines for ethical advertising practices and ensure accountability supports the findings of this paper.

This study's analysis of six controversial advertisements reveals a significant disparity in ARCON's regulatory responses between traditional and digital media. Only one advertisement aired on television was proactively flagged and sanctioned by ARCON, indicating a stronger enforcement presence in traditional media channels. In contrast, the remaining four digital advertisements, disseminated via social media and online platforms, were identified and criticized by the general public or other stakeholders, not ARCON. This supports the findings of Okoro and Agbo (2023), who observed that advertising regulation in Nigeria is still largely skewed towards traditional media, with digital platforms enjoying minimal oversight. Similarly, Olatunji and Igbokwe (2023) argue that while creative freedom has expanded on social media, it often occurs in a vacuum of effective regulatory supervision. Edewor and Abayomi (2022) also note that ARCON's existing regulatory instruments are not adequately tailored to digital advertising realities, leaving many unethical online adverts unflagged or unsanctioned. In addition, Bello and Johnson (2022) contend that the Nigerian regulatory framework is often reactive, intervening only after public outcry, especially on platforms like Twitter and Instagram.

Also, the case of the Federal Inland Revenue Service (FIRS) Easter advertisement, which was deemed offensive by the Christian Association of Nigeria (CAN), further underscores potential inconsistencies in ARCON's regulatory approach. Despite public outcry, ARCON did not take formal action against the FIRS ad, prompting questions about possible selective enforcement, especially when governmental bodies are

involved. This perceived partiality challenges the principles of fairness and impartiality that underpin effective regulatory frameworks. The situation aligns with broader criticisms of ARCON's regulatory practices, where stakeholders have expressed concerns over the council's overreach and the establishment of tribunals that may infringe upon constitutional rights. This observation is echoed in the work of Adeyemi and Bello (2021), who argue that regulatory silence is more common when government-affiliated bodies are involved, potentially undermining the independence of the regulatory process. This behavior also contradicts the deontological ethical framework that underpins ARCON's mandate, which emphasizes duty, fairness, and impartiality (Arowolo, 2022). In line with the deontological ethics theory, ARCON has a moral and institutional obligation to uphold the same standards of accountability for all advertisers, regardless of their affiliations (Chikezie & Oguamanam, 2023).

These findings are in contrast with Dickinson-Delaporte et al. (2020) that self-regulatory bodies in Nigeria lack the resources and authority to effectively monitor and enforce ethical standards and this creates an environment where unethical practices thrive, as advertisers are not held accountable for their actions.

Conclusion and Recommendation

This study examined ARCON's responsiveness to controversial advertisements in Nigeria, revealing a clear disparity between its handling of traditional and digital media content. The findings indicate that ARCON's enforcement mechanisms are significantly more effective in traditional advertising platforms such as television, where proactive sanctions were observed. In contrast, digital advertisements, particularly those disseminated on social media, largely escaped ARCON's immediate attention and were instead flagged by the public or stakeholder organizations. This suggests a reactive rather than proactive regulatory approach, raising questions about the adequacy of ARCON's digital monitoring tools and the consistency of its enforcement. The application of the deontological ethics theory underlines the duty-bound responsibility of regulatory agencies like ARCON to uphold ethical advertising standards regardless of the platform or the entity involved.

In light of these findings, it is recommended that ARCON invest in robust digital monitoring technologies and establish a dedicated digital compliance task force to enhance its oversight in the fast-evolving digital landscape. The agency should also ensure uniform application of its rules across all advertisers, including government bodies, to maintain public trust and regulatory integrity. Furthermore, stakeholder engagement, including collaboration with civil society and digital platforms, can aid in identifying unethical advertisements more promptly. Training programs for advertisers on ethical standards and legal expectations, guided by deontological principles, would also help foster a culture of compliance rooted in duty and responsibility.

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