

6. ADVERTISING AS A TYPE OF SOCIAL COMMUNICATION

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THE PROBLEM OF MISLEADING ADVERTISING IN NETWORK PROMOTION

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Widespread popularity of the internet contributes advertisements have increasingly penetrated into people's lives. Internet advertisements are placed on social platforms, websites or applications in the form of internet promotion. Network promotion refers to the activities of publicity and promotion through various means of the Internet. To be precise, this is also a part of network marketing, that is, through network promotion, a higher conversion rate is finally achieved.[1]

The amount of internet browsing is large, but the target population is scattered, and behavioral targeted advertising effectively uses the network's IP address location and cookies behavior records and other functions to convey information to the target audience in a targeted manner. [2] In other words, network promotion can accurately identify the target audience, which is also an advantage compared to traditional advertising. In China, the most popular platforms for advertising are: WeChat, Weibo, Baidu, Douyin, Toutiao, etc.

Take Baidu as an example, as China's largest search engine, Baidu's PPC advertising platform can promote products and services by placing them on search engine results pages as well as on any website in the Baidu ecosystem. [3] To put it simply, after purchasing the service, the enterprise submits customized keywords, and the corresponding keywords appear in people's searches, and the paid content will be ranked in the front of the search results. Baidu will charge according to the frequency of clicks. Baidu has a high market share in the market, and people are used to finding solutions to problems through it. Advertisers rely heavily on this feature of Baidu.

Some content rank high in search results not because of their authority, but it's a paid service. As a result, paid content gets mixed up with other search results. This gives rise to the problem of misleading advertising. Although online promotion is different from traditional forms of advertising, there has been an intensified debate in China as to whether online promotion is advertising and is it subject to China's advertising law?

This was preceded by an incident that had a great resonance in society. In 2014, Chinese student Wei Zexi, who was diagnosed with synovial sarcoma, looked for a hospital to treat the disease on the Baidu platform. Since the Beijing Second Armed Police Hospital was at the top of the platform's search results, the patient chose this hospital. But the student passed away on April 12, 2016 due to the extremely ineffective methods of treatment used in the hospital. Doctors at the hospital had assured Wei that the treatment—immunotherapy—was developed by Stanford University and was 80 to 90 percent effective. However, after the incident came to light, experts said the treatment was completely outdated and not suitable for Wei's disease. [4] The trigger for the tragedy was paid promotion, because the hospital purchased this service from BaiDu.

When it is determined that advertising is illegal, such as false advertising of goods or services involving consumers' life and health, not only advertisers, but also advertising platforms will be fined. [5] However, this law does not expressly define this type of search promotion as advertising. Therefore, the parties involved cannot be punished under this law. After all, Baidu was only ordered to correct the mistake.

Data shows that in 2020, the scale of China's Internet advertising market reached 496.6 billion yuan, a year-on-year increase of 14.40%, surpassing TV advertising to become the largest advertising media.[6] Thus, the growing influence of online advertising required increased attention to its regulation. Draft of the Measures for the Administration of Internet Advertising adopted in September 2016, formally defined the promotion of paid search engines as internet advertising, and stipulated that paid search advertisements should be clearly distinguished from organic search results. [7]

Internet advertising has gradually become a huge industry. As a new advertising model, network promotion will inevitably have the problem of misleading advertising, which is more complicated than the phenomenon in traditional advertising. Therefore, it is up to the legislative system to strengthen the regulation and liability for misleading or illegal advertising as necessary in order to act as a deterrent. Also, the civil sector and consumers can contribute to the monitoring of online advertising, not only protecting their rights, but also maintaining information security in internet.

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