

## Advertising Agencies' Deontology and the Implementation of the Greek Advertising-Communication Code

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**Abstract:** *Many advertising agencies would argue that they cannot regulate advertising messages because this creates an oxymoron schema: how would the advertising agency commit himself/ herself if advertising communication itself as a procedure is a free expression of ideas and cannot be controlled? The aim of this specific paper is to put emphasis on the necessity of the presence of the advisory control in the advertising creation process, as a way of self regulation -apart from the existence of the system of state legislative mechanism using Greece as a case study. We argue that even if the advertising agencies validated the Greek Code of Advertising-Communication (GCAC), there are violations made to the articles of GCAC. Content analysis and descriptive statistics were used for the examination of an 8 year period since the first complaints about the content of advertising messages at the end of 2003 were submitted at the Council for the Regulation of Communication in Greece in a total of 452 cases. The most frequently violated articles include those of human dignity, misleading advertising, honesty and indirect defamation in comparison to other articles of GCAC that are not violated. Suggestions are made on the education of people who are directly or indirectly involved with advertising for the adoption of responsibility and self-regulation within the framework of the communication of the advertiser with society.*

**Keywords:** *Deontology, Greek Advertising-Communication Code, Greece, advertising messages*

### 1. INTRODUCTION

An inseparable part of the procedure of the creation and promotion of advertising is the understanding of the legal and ethical framework which determines the way in which the advertising message is created aiming to communicate with the potential target group. Although ethical issues on advertising, on the field of marketing, research and the reliability of the results are an important part in bibliography (Carrigan, Marinova and Szmigin, 2005; Drumwright and Murphy, 2004; Sinclair and Irani, 2005), nevertheless, Drumwright and Murphy (2004) refer that academic research is not analogous of the importance that these issues have. Issues which are examined with the most frequency related to legislation and advertising mainly focus in advertising and the related with medicine products, where research has demonstrated that in USA statements exist in advertisements aiming at minorities for food substitutes, which are forbidden from legislation (Chung, Hwang and Kim, 2007) or for advertisements aiming at sensitive groups, such as kids (Gao, 2005). On the other hand, there are far fewer references to the concept of ethics, of the examination of the influence of non acceptable forms of advertising or offensive advertising on people (Balasubramanian, Karrh and Patwardhan, 2006) or the understanding of the way consumers understand advertising which is unacceptable and causes reactions (Drumwright and Murphy, 2004, p.8). Most business professionals in the advertising field are influenced and comply with legislation as this is defined from the state to a higher degree than complying with the rules of self regulation that the advertising agents create themselves (Gao, 2005, p. 76) even if the issue of the creation and the content of the advertising messages is directly associated with ethical issues from the point of view of the professionals in the field (Drumwright and Murphy, 2004, p.8). This paper examines the role of the Council for the Regulation of Communication in Greece. We argue that even if the advertising agencies validated the Greek Code of Advertising-Communication (GCAC), there are violations made to the articles of GCAC. In fact, violations have an increasing tendency in the years under study (December 2003 when the first three applications registered till December 2011), a well defined 8 year period where cases that reached the Council for the Regulation of Communication were examined and an examination of 452 cases. Violations take place, yet, relatively huge amounts are spent for the design, the organisation and the promotion of the advertising campaign for the information of the people for the advertised resources and the increase of the sales taking into consideration the price of the products as we see on Table 1.

**Table 1: Total Advertising Expenditure in Media 2000-2010 (in Euros)**

Years	Television	Magazines	Newspapers	Radio	Total
2000	665.115.184	470.389.109	302.522.188	70.511.236	1.508.537.716
2001	660.957.961	532.226.519	255.335.620	70.826.074	1.519.346.174
2002	712.588.777	604.008.984	253.467.725	87.676.744	1.657.742.230
2003	720.721.329	684.648.101	302.534.737	98.551.860	1.806.456.027
2004	771.121.549	803.450.933	352.894.848	115.627.113	2.043.094.442
2005	783.115.305	885.882.672	407.375.064	113.921.308	2.190.294.348
2006	793.555.287	978.271.748	452.379.252	119.364.988	2.343.571.275
2007	941.520.268	1.047.879.468	499.732.045	165.596.520	2.654.728.301
2008	862.041.386	1.113.277.589	478.566.892	214.982.071	2.668.867.938
2009	714.783.627	889.805.032	441.723.560	166.191.984	2.212.504.204
2010	583.161.818	746.009.155	434.131.644	124.237.490	1.887.540.106

Source: Media Services S.A.

### 1.1 The protection of the creation of advertising in EU and the case of Greece regarding advertising content

Legislation and deontology go hand in hand in many European countries as in Greece in relation to the creation of advertising messages. Regulation in advertising has many forms including regulation from the state or self regulation even if the role of state is invaluable and most professionals stick to the state regulation rather than self regulation created by themselves (Gao, 2005, p.76). At European level, harmonisation of regulation for the content of advertising creation, is imperative since markets are open for the free movement of products and people (Kavoura and Kiriakidis, 2004; Kavoura and Bitsani, 2011). The aim is to “safeguard a high degree of the protection of consumers of European Union with the main focus on the same level of the provision of information” (Papaioannou, 2007, p.139). In Greece, following and incorporating European Directives in Greek legislation, advertising is considered to be a commercial communication; entrepreneurial business practices towards consumers, includes every action, or way of behaving and being represented, a commercial communication, which is directly related to promotion, sales of a product to consumers (Greek Law 3587/2007, article 9a §d which amended Greek Law 2251/1994 incorporating Directive of the European Council 2005/29 and Committee EE L 149).

European Directive 89/552/EEC of the Committee of the European Communities of 3.10.89, as this was amended with European Directive 97/36/EK of the European Parliament and the Council of European Union concerning radiotelevision activities was incorporated in member states’ legislation. In Greece, harmonisation exists with the Greek Presidential Decree 100/2000 following European Directives and legislation so that Greek legislation acts in accord with them regarding the content of advertising communication (article 2§c, d, e) so that the creation of misleading, unfair, or comparative advertising is avoided. In addition, Directive of the European Parliament and the Council 2006/114/EC 12.12.2006 concerning misleading and comparative advertising replaced Directive 84/450/EC on misleading advertising and codifies the amendments made to Directive 97/55/EC which included comparative advertising. This Directive essentially has effect from 12.12.2007 from member states for their policy and legislation. The abovementioned legislation refers to misleading advertising which includes false or not true information as a whole regarding the product and its characteristics while it may be also manipulative when it is contrary to the demands of professional deontology; comparative advertising as the one which implies the identity of the competitor, yet, the creation of such advertising may be allowed when this is done in an objective way for more than one characteristics of a product and does not aim to the depreciation of trademarks or the name of the competitor. Directive 89/104 EEC approximated the laws of the member states relating to trademarks. Those involved with the implementation of the advertising campaigns need to be aware and become familiar with the legal advertising framework for the best possible adjustment of advertising messages in society and the avoidance of the creation of an advertising communication programme of a business or of a cultural organisation which does not pay attention to the legal requirements created for the protection of the business sector and the consumers. Advertising may be also in control within the framework of self-regulation from the field of advertising itself and the agencies and committees control, such as the German advertising Council (Werberat) or the Council for the Regulation of Communication for Greece created by the Committee of Greek Advertising Agencies and enforcing the Greek Code of Advertising-Communication (<http://www.edee.gr>). This is a Code which was initially enforced voluntarily then was legally established and which incorporates rules that are associated with the way communication ought to be promoted.

The Association of advertising agencies was created in 1968, consists of the professional organ which represents the advertising market in Greece and has been associated with the sector of self regulation and self control for deontology in advertising (<http://www.edee.gr>). In 1977 the Association of Advertisers in Greece and the Association of Greek Advertising Agencies, cooperated for the compliance to the regulations and they operated together till 2003 when the

Council for the Regulation of Communication was in charge according to Law 2863/2000, Article 9. Its role is the provision of advice before the advertising communication is created or acts with repressive measures so that there is compliance with GCAC. GCAC is in correspondence with international standards of Codes of deontology ([http://www.edee.gr/de\\_code.html](http://www.edee.gr/de_code.html)). The Council for the Regulation of Communication in Greece is an active member of the European Advertising Standards Alliance (EASA) which is the sole representative of the advertising market in Europe in relation to self regulation issues. There is reference to GCAC that advertisers, advertising agencies and media owners ought to be familiar with GCAC and the other regulative issues related to advertising (<http://www.see.gr>). Our hypothesis is that the existence of GCAC would account for a small number of applications to the Council for the Regulation of Communication. GCAC includes codes for dignity, honesty (article 3), social responsibility (article 4), truth (article 5), comparisons (article 11), celebrities' testimonies, deception, protection of private life, taking advantage of a brand's fame (article 12), imitation, respect, safety and health, children and young people (<http://www.see.gr>).

The specific paper examines the total number of applications in the Council for the Regulation of Communication from December 2003 when the first application initially took place till 31/12/2011 - a well defined period where 452 cases of those available on the Internet were examined - to seek a) whether there is violation of GCAC in Greece b) which are the most frequent violations of the articles of GCAC. The paper argues for the necessity for the adoption of measures that would diminish the number of violations and the necessity for the dissemination of information for self regulation.

## 2. METHODOLOGY

The research project combined the methodological approaches of a) the statistical thematic analysis where the significance of the text is important in order to provide meaning to the message by grouping together, counting and analysing those articles of GCAC that breach the rules since 2003 contained in each web page (unit of analysis) b) language approaches where first, emphasis has been put upon the language analysis that defines the word and hierarchy of the meanings that the sender wishes to transmit through the text –and a hierarchy structure based on the frequency of the elements of analysis which are then analysed on the computer. The research also employed content analysis using a case study design (Yin, 1993); the units of analysis are the cases available on the internet ([www.see.gr](http://www.see.gr)) that the Association of Advertisers in Greece forwarded to the Council for the Regulation of Communication from the creation of the Council for the Regulation of Communication in December 2003 till December 2011. In 2003 there were only 3 applications that took place and the results are not comparable, that is why they are not presented. This is a well defined period to provide a holistic view of whether there is compliance or not with GCAC that advertising agencies themselves sealed and the codes that were searched in the units of analysis were the articles of GCAC that were violated. Analysis of the cases focused on text and the researchers counted the articles of the Code of the Control of Communication which were violated in these cases. Finally, interpretative phenomenology was a method which was employed which permits the identification of themes -a statement of meaning that runs through all or most of the pertinent data or one in the minority that carries heavy emotional or factual impact (Holstein and Gubrium, 1998, p.150). The researchers sought permission from the Council for the Regulation of Communication in order to examine the applications.

## 3. EXAMINATION OF THE COMPLIANCE TO THE GCAC

From the analysis of the decisions made in relation to the advertising messages that the Association of Advertisers in Greece has received, advertising communication messages do not comply in specific articles of GCAC, mainly articles 3, 4, 5, 11 and 12, briefly presented in the section. 452 applications to the Council for the Regulation of Communication from December 2003 till December 2011 were examined. Table 1 presents the total number of advertising messages that were communicated on television per year and the number of violations of GCAC.

**Table 2: Total number of advertising messages – number of violations of GCAC**

Year	Total number of advertising messages	Number of applications available of GCAC
2011	Not available at the time of writing the paper	66
2010	10270	66
2009	10542	53
2008	11807	68
2007	12548	49
2006	12195	52
2005	8852	58
2004	Not available	37

Source: Media Services & data analysis from <http://www.see.gr>

The content analysis in combination with descriptive statistics highlighted the following results. Many advertising messages violated more than once the GCAC. There was not availability to examine some cases thus, the numbers are only for the ones the researcher could have access to which were 452. In 2011, there were 66 applications, 15 were found not violate the GCAC. The most frequent violations were 39 violations for article 5 (reference to truth, not misleading advertisement), following article 8 (documentation) with 22 violations and article 3 (honesty) with 14 violations. In 2010, there were 66 applications, 13 of which did not violate the GCAC according to the decisions of the Council for the Regulation of Control and two complied with former decisions of the Council. In 2010, the most frequent violations were 39 violations for article 5 (reference to truth, not misleading advertisement), 27 violations for article 3 (reference to honesty), 14 violations for article 8 (inadequate documentation) and 9 for article 11 (comparative advertisement). In 2009 of the 53 applications available 7 did not violate the GCAC according to the decisions of the Council for the Regulation of Control and two complied with former decisions of the Council. Advertising messages breached the following rules: article 5 (reference to truth, not misleading advertising) with 34 violations and then the most frequent violations were made to article article 3 (reference to honesty) with 13 violations, article 8 (inadequate documentation) with 9 violations and article 11 (comparative advertisement) with 8 violations. In 2008 there were 68 applications in total in the Council for the Regulation of Advertising and 9 out of the 68 did not violate the GCAC according to the Council's decision while 4 altered their campaign according to previous decisions of the Council. Advertising messages breached the following rules: article 5 (reference to truth, not misleading advertising) with 42 violations and then the most frequent violations were made to articles 8 (reference to inadequate documentation) with 13 violations, article 3 (reference to honesty) and article 11 (comparative advertisement) with 13 violations each.

In regard to the year 2007, applications to the Council for the Regulation of Communication that were available for examination were 49 and 9 did not violate the GCAC while the Council decided that 2 applications, were not its jurisdiction to judge. In 2007, the most frequent violations related with the violation of article 5 (reference to truth, not misleading advertisement) with 32 violations. Then, article 3 (reference to honesty) had 14 violations, article 11 (reference to comparative advertisement), 7 violations, article 12 (reference to indirect defamation) 4 violations and article 8 (reference to inadequate documentation) with the same number of violations as article 12. In 2006, there were 52 applications and 10 did not violate GCAC; the most frequent violations related with article 4 (reference to human dignity) (33), following with 15 violations for article 5 (reference to truth, not misleading advertisement) and 11 violations for article Article 7 (use of the word "free" or "guarantee"). In 2005, there were 68 applications, one advertising message was immediately banned and one case went in court. It was found that 5 applications did not violate GCAC. Article 4 (reference to human dignity) is presented with the most often violations (38), following article 5 (reference to truth, not misleading advertisement) with 19 violations and article 7 (use of the word "free" or "guarantee") with 11 violations. In 2004, 37 applications registered and 4 did not violate the GCAC. The most frequent ones were related with article 4 (reference to human dignity) with 23 violations following article 5 (reference to misleading advertisement) with 16 violations and articles 2 (reference to decency) and 7 (reference to words "free" and "guarantee") with 8 violations each. In 2003 there three applications. Table 2 provides a summary of the content analysis regarding violations of GCAC.

**Table 3: Violations of GCAC, Greece (years 2003-2011)**

YEARS	TOTAL	'11	'10	'09	'08	'07a	'06	'05b	'04	'03c
Applications	452	66	66	53	68	49	52	58	37	3
Decisions for not violation	80	15	15	9	13	9	10	5	4	
Article 1 (Basic principles- honesty, truth, trust)	25	11	3	2	5	-	-	1	-	3
Article 2 (decency)	16	2	1	1	-	1	1	1	8	1
Article 3 (honesty)	83	14	27	13	13	14	1	-	1	-
Article 4 (human dignity)	101	3	1	1	1	1	33	38	23	-
Article 5 (truth, not misleading advertisement)	236	39	39	34	42	32	15	19	16	-
Article 6 (use of technical terms)	11	2	6	-	-	-	1	1	1	-
Article 7 (use of the word "free" or "guarantee")	33	1	-	1	-	-	11	11	8	1
Article 8 (documentation)	62	22	14	9	13	4	-	-	-	-
Article 9 (recognition that it is an advertisement)	9	1	-	-	-	-	2	2	3	1
Article 10 (advertiser's identity)	11	-	-	-	-	-	4	3	4	-
Article 11 (comparative advertisement)	46	9	9	8	13	7	-	-	-	-
Article 12 (indirect defamation)	26	2	4	5	10	4	-	1	-	-
Article 13 (testimonials)	7	4	1	-	-	-	-	-	2	-
Article 15 (use of another company's logo or fame)	11	1	2	-	1	2	4	1	-	-
Article 16 (imitation)	24	9	4	2	4	5	-	-	-	-
Article 17 (safety, health)	2	-	-	-	-	1	1	-	-	-
Article 18 (children, youth)	4	2	-	-	1	1	-	-	-	-

a In 2007, 2 cases were re-examined b In 2005, 1 case was banned and one case went in court c In December 2003, the Council took over- one case was banned Source: Analysis of data from <http://www.see.gr> (last access 12/5/2012)

#### 4. CRITICAL APPROACHES TOWARDS DEONTOLOGY IN ADVERTISING

It is typical that 8 consumers filed in 8 applications for the period 2003-2011 (registration number of applications A/2950/22.03.04, A/3213/27.10.2005, A/3213/22.2.2006, A/3515/25/6/2007, A/3540/30.7.2007, A/3901/6.2.2009, A/4250/11.6.2010, S/668/22.9.2011 <http://www.see.gr>.) to the Council for the Control of Communication with the demand to control the advertising messages, while the majority of the applications examined come from competitive businesses which argue that their interests are at stake. The consumer should have a more intense presence; he/ she should be more actively involved and his/ her presence is legitimate. The fact that the Council for the Regulation of Communication decided that the application of the consumers was correct and the advertising message violated highlights consumers' significant role. The fact that there were 80 decisions for applications that were not in violation to the GCAC is a point that illustrates the issue of relativity in issues of self regulation and deontology. Decisions in the applications are not always definite and many times the Council for the Control of Communication uses the phrase "even if fugitively" for different applications made (Council for the Control of Communication, Decision Number A / 3278 / 30.03.2006, <http://www.see.gr>). This phrase expresses the presence of relativity in ethical issues. The members decided by majority and not unanimously. The Council does not examine the range or the degree that an advertising campaign violates GCAC. Thus, there is a scale and differentiation in the use of terms of GCAC from one advertising message to the other. Shabbir and Thwaites argue that "it is not on the presence of misleading advertisement but on how serious it is that we should put emphasis regarding ethics" (2007, p.83) and Carrigan, Marinova and Szmigin (2005) agree on the relativity on ethics. In other words, the boundaries between right and wrong, legitimate or not, are not always exact and precise. That is why we should put more emphasis on the interpretation of the codes and the way consumers define terms so that advertising agencies design the advertising campaign. We might also take into consideration social and political factors, culture, religion in every country, which influence ethical issues from nation to nation. For example, based on market research Greeks are ethnocentric, viewing their own group as the centre of the universe and rejecting people who are culturally dissimilar (Tomaras and Frigkas, 2008) and this might be the study of another research to correlate such significance with violations in the creation of advertisements. Lastly, the role of mass media is very important and may contribute to the regulation in relation to the advertising communication. In particular, in Greece, reference to the Constitution (article 15) for the role of mass media including television, defines their role for the elevation of equal and objective provision of information, news and products of speech and art where advertising messages can be part of art.

#### 6. CONCLUSION

The knowledge of regulation and the cooperation with professional agents, consists of the measure of prevention for the best possible inclusion of advertising in society, useful elements for the advertiser, the advertising agency, the consumer but

also the state agents and the owners of media. All should be familiar with the GCAC and other regulative elements for advertising messages and they should be aware of the decisions of their sector related to the presentation of advertising messages that violate GCAC (article 25, <http://www.see.gr>), acting as gatekeepers for the messages that violate the code. Directly and indirectly involved with advertising messages such as advertising agencies, media owners should not publish advertising messages or other commercial communication which violated GCAC. This does not mean that the control within the framework of prevention, of the advisory character or the suppression will limit the freedom of speech and thought causing panic for the way communication will take place. For an issue that is associated with ethics and legitimization, as is the creation of advertising messages, discussion should take place, so that orientation for the avoidance of deontology violations can greatly help advertising agencies (Drumwright and Murphy, 2004; Adami and Kavoura, 2010).

Businesses and advertising agencies can function as orientation for the consumers and Rawwas, Patzer and Klassen (1995, p.74) suggest a) scholarships offered from businesses to competitions in the educational system which will give awards to students' projects related to issues of ethics in businesses, b) educational and informational campaigns from international organisations for the positive benefits from the ethical behaviour not only of the businesses but also the commercial relations, c) business support for the initiation of academic seminars in consumer and businesses ethics issues. If businesses express their interest for the way they communicate with the consumers, they may consist of imitation examples since an honest advertising message creates a positive environment for the exchange of loyalty with the consumer (Rawwas, Patzer and Klassen, 1995, p.73). In fact seminars for the creation of advertising messages that are ethical can take place from media themselves. Freedom remains, yet, evaluation should take place considering they way advertising messages present their content and any changes in society and its values. Changes in social norms leads to changes in ethical issues of how we create advertising (Carrigan, Marinova and Szmigin 2005, p.490; Drumwright and Murphy, 2004, p.17; Leiss, Kline, Jhally, Botterill, 2005). The use of subjective arguments in advertisements such as “the best”, “great taste”, in contrast to scientifically tested objective ones such as “fat free” (Leiss, Kline, Jhally, Botterill, 2005), may diminish misleading advertisements, although this may sound excessive. The consumer should be the focus and a significant step towards legislation goes hand in hand with what the consumers believe as is the case in other fields of study (Shabbir and Thwaites, 2007, p.83; Katsoni, 2011) and the examination of consumers attitudes for ethical issues and advertising and the way they understand the self regulation of the advertising agencies and whether advertising messages influence them or not needs to be under investigation (Adami and Kavoura, 2010).

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