

**REGULATING ADVERTISEMENTS TARGETING FAMILIES: LEGAL
FRAMEWORK FOR PROTECTING FAMILY VALUES AND CHILDREN FROM
HARMFUL CONTENT**

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CERTIFICATION

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DEDICATION

I dedicate this project to God, in the person of my Lord and Saviour Jesus Christ, the wisdom of God who gives insight and understanding.

To my family and friends, whose unwavering support continues to strengthen, inspire, and uplift me.

To my future wife and children, my future family, who already inspire me to become a better man and a more responsible custodian of the values this research seeks to protect.

To all children and families across Nigeria, whose rights, values, and future this research hopes to safeguard.

And to every child whose protection and well-being this work aims to advance — may your innocence always be preserved.

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LIST OF ABBREVIATIONS

ARCON	–	Advertising Regulatory Council of Nigeria
APCON	–	Advertising Practitioners Council of Nigeria (predecessor to ARCON)
NBC	–	National Broadcasting Commission
NB Code	–	Nigeria Broadcasting Code
CRA	–	Child Rights Act
CRC	–	Convention on the Rights of the Child
FCCPC	–	Federal Competition and Consumer Protection Commission
NAFDAC	–	National Agency for Food and Drug Administration and Control
NITDA	–	National Information Technology Development Agency
NDPA	–	Nigeria Data Protection Act
SON	–	Standards Organisation of Nigeria
UNCRC	–	United Nations Convention on the Rights of the Child
AVMSD	–	Audiovisual Media Services Directive
FTC	–	Federal Trade Commission (U.S.)
PKM	–	Persuasion Knowledge Model

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ABSTRACT

This research critically examines the adequacy of the Nigerian legal framework in regulating advertisements that target families, with a particular focus on protecting family values and shielding children from harmful content. In an era where media and marketing profoundly shape societal perceptions and behaviours, advertisements have moved beyond mere commerce to become potent cultural forces. Nigerian families, especially children, are increasingly exposed to advertisement content that promotes materialism, distorts parental roles, encourages early sexualisation, and reinforces unhealthy stereotypes, etc — raising serious moral, psychological, and societal concerns. Despite the existence of regulatory bodies such as the Advertising Regulatory Council of Nigeria (ARCON), the National Broadcasting Commission (NBC), and protective laws like the Child Rights Act and the APCON Code of Advertising Practice, enforcement remains weak, coordination among regulators is inconsistent, and legal provisions often fall short of addressing the unique vulnerabilities of families and children in the digital age. Using a mixed-method approach, this study combines doctrinal analysis of statutes, regulatory frameworks, and case law with empirical data collected through structured interviews and questionnaires administered to parents, legal professionals, educators, and regulatory officers and societal stakeholders. The research draws on the Social Responsibility Theory of the Press and the theory of Legal Paternalism to assess the role of the law in curbing harmful advertisements. It finds that while legal instruments exist, they lack the moral, cultural, and psychological sensitivity required to address the full impact of modern advertising on Nigerian families. The study ultimately recommends legal reform, enhanced media literacy, stronger institutional collaboration, and proactive regulatory strategies aimed at reinforcing societal values, safeguarding children's mental and moral development, and ensuring that advertising content contributes constructively to the social fabric of the nation. This work contributes to the growing scholarship on media law, family law, and child protection in Nigeria.

CHAPTER ONE

INTRODUCTION

1.1. Background to the Study

Advertising has become a potent instrument of cultural transformation capable of influencing values, norms, and behaviours. It plays a crucial role in influencing consumer behaviour as it has the potential to shape consumer perceptions, attitudes, and purchase decisions¹. Advertising forms a vital part of the communication, media, and creative sectors. Beyond serving as a means of promoting business, it functions as a powerful instrument for driving socio-economic transformation and development in various aspects of society. Like the family, education, religion, and political institutions, as well as other media influences, advertising plays a significant role as an agent of socialisation.² Advertising operates as a powerful sociological and cultural force by shaping identity, cultural values, and social norms. It leverages psychological principles such as social proof, authority, and scarcity to influence individual perceptions and behaviours, thereby molding cultural values and impacting how people see themselves within their cultural context. For example, advertising often sells aspirations and lifestyles that affect societal ideals around family, success, and beauty, sometimes reinforcing or challenging traditional cultural norms³.

¹ Kotler, P., & Armstrong, G. (2021). *Principles of Marketing* (18th ed.). Pearson.

² Rotimi, Williams & Olatunji, Rotimi. (2018). *Trends in Advertising and Cultures in Nigeria. Communication Cultures in Africa*. 1. 10.21039/cca.5.

³ Hahn, Allison PhD, "Advertising and Social Change", EBSCO Research Starters (2024), available at: <https://www.ebsco.com/research-starters/social-sciences-and-humanities/advertising-and-social-change>, accessed 27 October 2025.

Far from being solely a commercial tool, advertising is a fundamental feature of contemporary society and a powerful sociological and cultural force. Its pervasive influence extends to the economy, our way of life, the formation of our thoughts, and the broader culture⁴. For young people from strongly traditional backgrounds, the constant barrage of advertising showing fast-paced, city-centric individualism can prompt them to re-evaluate their inherited cultural values. This demonstrates that advertising holds significant influence in defining the normative standards of success and desire, though the resulting self-reflection can ultimately lead to positive growth. In Nigeria, advertising content increasingly reaches family spaces, shaping perceptions of roles, lifestyles, and consumer patterns⁵.

Advertising content in Nigeria, increasingly pervasive across digital and traditional media, has become a potent cultural force within family spaces. As scholars observe, a dominant trend in this content is the glamorisation of materialism, individualism, and adult themes, which generates considerable moral and psychological concern across the nation⁶. In actuality, Scholars have noted that this raises tangible moral and psychological concerns⁷. However, this glamorous narrative often clashes directly with the deep-seated communal

⁴ Bassey Esuk Bassey, 'Ethics and Regulations Against Proliferation of Product Advertising Targeting Children in Nigeria' in Peter Eshioke Egielewa and Blessed Frederick Ngonso (eds), *Ethics, Media, Theology and Development in Africa: A Festschrift in Honour of Msgr Prof. Dr Obiora Francis Ike* (Globethics.net 2022) 22-28.

⁵ Bassey Esuk Bassey, 'Ethics and Regulations Against Proliferation of Product Advertising Targeting Children in Nigeria' in Peter Eshioke Egielewa and Blessed Frederick Ngonso (eds), *Ethics, Media, Theology and Development in Africa: A Festschrift in Honour of Msgr Prof. Dr Obiora Francis Ike* (Globethics.net 2022) 22-28.

⁶ Okoro, C. A. (2022). Consumerism and Cultural Anxiety: A Study of Modern Advertising in Lagos and Abuja. *Journal of African Media Studies*, 14(2), 195-212.

⁷ Onabajo, O., & M'bayo, R. (2011). *Advertising Regulation in Nigeria: Issues and Perspectives*. Abeokuta: Royal Concepts.

and collectivist values inherent in traditional Nigerian societies, which emphasise kinship, mutual responsibility, and respect for societal elders and norms⁸

Advertising has evolved from a tool for informing and persuading consumers into a pervasive force shaping societal norms, attitudes, and values in Nigeria. With the rapid growth of digital, broadcast, and print media, advertisements reach households with unprecedented influence, particularly targeting families and children. The Nigerian advertising industry, valued at over ₦600 billion annually⁹, plays a significant economic role but also transmits social messages that can reinforce materialism, alter family roles, and influence children's behaviour. Nigerian advertising exerts a powerful influence within family spaces, defining new social roles and lifestyles while intensifying consumer desire. The content is characterised by a conflict: messages, such as those emphasizing traditional unity (e.g., Coca-Cola's "Mama di Mama"), coexist with broader trends that glamorise materialism and individualism. This duality creates societal friction, as aspirational modern narratives often clash with deeply held cultural and moral norms¹⁰.

Harmful content, such as advertisements promoting early sexualisation, consumerism, or disrespect for parental authority, poses risks to children's psychological well-being and conflicts with Nigerian family values rooted in cultural and religious principles¹¹. The family unit, a cornerstone of Nigerian society, is vital for moral formation and cultural preservation, yet it faces challenges from profit-driven media portrayals that often undermine communal harmony and modesty. The Nigerian family, grounded in communal

⁸ Ogbu, M. N. (2018). *Kinship, Community, and Conflict: Moral Frameworks in Post-Colonial Nigeria*. University Press PLC.

⁹ PwC Nigeria. (2023). *Nigeria Entertainment and Media Outlook 2023-2027*. Lagos: PwC.

¹⁰ Onifade, O. S., Adenusi, R. A., & Fasaanu, B. O. (2019). Advertising, Culture and the Representation of the Nigerian Woman: A Study of Coca-Cola's "Mama Di Mama" and Airtel's "Miss Out" Commercials. *Journal of African Sustainable Development*, 17(7).

¹¹ Ojukwu, E., & Ezenagu, N. (2018). Family values and media influence in Nigeria: A socio-legal analysis. *Journal of African Cultural Studies*, 20(4), 101-115.

values and moral structure, faces challenges from content that opposes traditional norms¹². Children, in particular, are susceptible to media influences due to their cognitive development stage¹³.

Nigeria's legal framework, including the Advertising Regulatory Council of Nigeria (ARCON) Act 2022, the Nigerian Code of Advertising Practice, and the Child's Rights Act 2003, seeks to regulate advertising to protect vulnerable audiences. However, with digital media's rise, harmful content increasingly bypasses traditional regulation. Even traditional media has little or no enforcement, warranting a reassessment of legal protections for families. This study evaluates the effectiveness of these frameworks in safeguarding family values and children from harmful advertising content, addressing the intersection of law, culture, and media in Nigeria.

1.2. Statement of the Problem

Despite Nigeria's regulatory frameworks, such as those enforced by the Advertising Practitioners Council of Nigeria (APCON) and the Federal Competition and Consumer Protection Commission (FCCPC), families remain exposed to advertisements that conflict with cultural and moral foundations. These regulatory bodies face significant challenges in enforcement¹⁴ due to limited financial and human resources, rapid market and technological changes, and the complex nature of digital advertising¹⁵, which often evades

¹² Okonkwo, E. O. (2020). Advertising, Culture and the Nigerian Family. *Journal of African Media Studies*, 12(4), 233–250

¹³ Bandura, A. (2001). Social Cognitive Theory of Mass Communication. *Media Psychology*, 3(3), 265–299.

¹⁴ Sambo, Luka Manasseh & Idi, Shadrach, "Ethical Issues and Dilemmas in Advertising in Nigeria", *Journal of Current Research and Studies*, Vol. 2, No. 4 (2025), pp. 1-10, <https://doi.org/10.64321/jcr.v2i4.39>

¹⁵ "Advertising Regulations in Nigeria: Ensuring Truth in Marketing", GenerisOnline (24 November 2024), available at: <https://generisonline.com/advertising-regulations-in-nigeria-ensuring-truth-in-marketing/#:~:text=challenges%20for%20regulatory%20bodies%2C%20primarily%20due%20to%20limited%20resources>, accessed 5 November 2025.

jurisdictional control. Consequently, monitoring and curbing harmful content, such as ads promoting early sexualisation, materialism, or disrespect for parental authority, remains inconsistent and insufficient.

The challenge posed to families' cultural and moral foundations can be visibly seen among children, due to their cognitive vulnerability¹⁶. They are particularly susceptible to content that glamorises adult behaviour, promotes consumerism, or undermines values like respect and modesty¹⁷.

Advertisements often portray parents as irrelevant¹⁸, weakening their moral authority¹⁹, as seen in campaigns promoting fast food or digital games without parental guidance. Also, families and children are still exposed to content that may be culturally inappropriate²⁰, morally disruptive, or psychologically damaging²¹. Obscene or harmful advertisements in public places such as roads, streets, and transit areas pose significant risks to children and

¹⁶ Dhakad, Anand. Protecting Young Minds: The Ethics of Advertising to Children. June 10 2024. Available at SSRN: <https://ssrn.com/abstract=5315989>

¹⁷ Gbadamosi, A., "Advertising to Children in Nigeria: Improving the Status Quo for Enhanced Ethical Marketing Practices," Proceedings of the 10th Annual Conference of the International Academy of African Business and Development (IAABD) (2009), available at: <https://nairametrics.com/wp-content/uploads/2013/01/advertising-to-children-in-Nigeria.pdf>

¹⁸ Lapierre, M., Fleming-Milici, F., Rozendaal, E., McAlister, A., & Castonguay, J. (2017). The Effect of Advertising on Children and Adolescents. *Pediatrics*, 140, S152 - S156. <https://doi.org/10.1542/peds.2016-1758v>.

¹⁹ Cojan, C. (2023). EXPLORING HOW PARENTS INFLUENCE THE VALUES PROMOTED IN ADVERTISEMENTS FOR GAMES AND TOYS. *Journal of Public Administration, Finance and Law*. <https://doi.org/10.47743/jopaf-2023-28-06>. See also, Goldberg, M., & Gorn, G. (1978). Some Unintended Consequences of TV Advertising to Children. *Journal of Consumer Research*, 5, 22-29. <https://doi.org/10.1086/208710>.

²⁰ Radesky, J., Chassiakos, Y., Ameenuddin, N., & Navsaria, D. (2020). Digital Advertising to Children. *Pediatrics*, 146. <https://doi.org/10.1542/peds.2020-1681>.

²¹ Backholer, K., Gupta, A., Zorbas, C., Bennett, R., Huse, O., Chung, A., Isaacs, A., Golds, G., Kelly, B., & Peeters, A. (2020). Differential exposure to, and potential impact of, unhealthy advertising to children by socio-economic and ethnic groups: A systematic review of the evidence. *Obesity Reviews*, 22. <https://doi.org/10.1111/obr.13144>.

families. Research consistently shows that exposure to sexualised²², violent, or unhealthy product advertising can negatively impact children's cognitive, emotional, and behavioural development²³.

Also, digital advertising on social media frequently escapes effective censorship and regulation due to jurisdictional gaps²⁴, inconsistent enforcement²⁵, and rapid technological change²⁶. This creates significant challenges for consumer protection, transparency, and the prevention of harmful or misleading content. Digital advertising on social media in Nigeria is no different as it weakens enforcement capabilities. The challenge is especially the borderless nature of digital platforms²⁷, which makes it difficult for local regulatory bodies like the Advertising Practitioners Council of Nigeria (APCON) and the Federal Competition and Consumer Protection Commission (FCCPC) to exercise full control²⁸. Moreover, the rapid evolution of social media marketing, through influencers, sponsored content, and targeted ads, creates enforcement challenges as these forms of advertising often bypass traditional regulatory frameworks designed for conventional media

²² Collins, R., Strasburger, V., Brown, J., Donnerstein, E., Lenhart, A., & Ward, M. (2017). Sexual Media and Childhood Well-being and Health. *Pediatrics*, 140, S162 - S166. <https://doi.org/10.1542/peds.2016-1758x>.

²³ *ibid*

²⁴ Matyash, A. (2024). Challenges and prospects of legal regulation of advertising on online platforms. *Legal Horizons*. <https://doi.org/10.54477/lh.25192353.2024.2.pp.9-17>.

²⁵ Krnel, S., Levičnik, G., Van Dalen, W., Ferrarese, G., & Tricas-Sauras, S. (2023). Effectiveness of Regulatory Policies on Online/Digital/Internet-Mediated Alcohol Marketing: a Systematic Review. *Journal of Epidemiology and Global Health*, 13, 115 - 128. <https://doi.org/10.1007/s44197-023-00088-2>.

²⁶ Haenschen, K., & Wolf, J. (2019). Disclaiming responsibility: How platforms deadlocked the Federal Election Commission's efforts to regulate digital political advertising. *Telecommunications Policy*. <https://doi.org/10.1016/j.telpol.2019.04.008>.

²⁷ Adedipe, Aderonke Alex & Itah, Promise, "Influencer and Digital Marketing Regulation in Nigeria", *Chambers and Partners* (24 March 2025), available at: <https://chambers.com/articles/influencer-and-digital-marketing-regulation-in-nigeria-by-aderonke-alex-adedipe-and-promise-itah>, accessed 5 November 2025.

²⁸ Adebisi, Rasheed Ademola, PhD; Egbokhare, Olayinka Abimbola, PhD; and Olajire, Shukurat Opeyemi, "Regulatory and Ethical Challenges in Nigerian Advertising: A Critical Analysis of ARCON's Digital Enforcement Strategies", *Social & Digital Media Discourse*, Vol. 6, No. 1 (2025), pp. 66–77, © Department of Mass Communication, University of Ilorin, Ilorin, Nigeria.

channels²⁹. Advertisers can leverage international platforms that fall outside Nigerian jurisdiction, complicating oversight and enforcement.

The rapid expansion of digital media has exacerbated these issues, with social media influencers and targeted online ads bypassing traditional content checks³⁰. For example, unregulated Google and Facebook ads have been criticised for exposing children to inappropriate content, yet enforcement remains inconsistent³¹.

The Nigerian Code of Advertising Practice, while comprehensive, contains legal ambiguities around concepts such as "harmful content" and "family values," which create enforcement challenges. For instance, the Code articulates principles that advertisements must be legal, decent, honest, truthful, and respectful of Nigerian culture and public decency, including specific protections for children (e.g., Articles 1-4, 116). However, terms like "offend public decency," "exploit sexual behaviour," and "respect family values" are open to interpretation, making consistent application difficult³². Also, regulatory fragmentation between ARCON, the National Broadcasting Commission (NBC), and the Federal Competition and Consumer Protection Commission (FCCPC) causes delays³³. Limited parental media literacy³⁴ and low public awareness leave families less able to recognise, manage, and counteract harmful media influences, increasing

²⁹ Matyash, A. (2024). Challenges and prospects of legal regulation of advertising on online platforms. *Legal Horizons*. <https://doi.org/10.54477/lh.25192353.2024.2.pp.9-17>.

³⁰ Pochat, V., Edelson, L., Van Goethem, T., Joosen, W., McCoy, D., & Lauinger, T. (2022). An Audit of Facebook's Political Ad Policy Enforcement. , 607-624.

³¹ Kreiss, D., & McGregor, S. (2019). The "Arbiters of What Our Voters See": Facebook and Google's Struggle with Policy, Process, and Enforcement around Political Advertising. *Political Communication*, 36, 499 - 522. <https://doi.org/10.1080/10584609.2019.1619639>.

³² Nigerian Code of Advertising, 2023

³³ *ARCON v. Unilever Nigeria Plc, 2022; Digi Bay Limited v. Attorney General of the Federation, 2024*

³⁴ Rančić, J. (2022). The role of digital media in the socialisation of children. *CM: Communication and Media*. <https://doi.org/10.5937/cm17-32342>.

children's exposure to inappropriate, misleading, or risky content³⁵. Internationally, cases like *FTC v. The Walt Disney Company*³⁶ highlight stronger protections, exposing Nigeria's regulatory gaps. This study, through doctrinal research aims to propose reforms to safeguard children and preserve family values. These gaps highlight the need for a critical review of Nigeria's advertising regulations to ensure they protect children and preserve family values, particularly in the digital era.

1.3. Aim and Objectives of the Study

1.3.1. Aims

To critically assess the Nigerian legal framework regulating advertisements targeting families, focusing on its inadequacy in protecting family values and children from harmful content.

1.3.2. Objectives

1. To identify and analyse the statutory and regulatory instruments governing advertisements directed at families and children in Nigeria.
2. To examine the moral, cultural, and psychological implications of harmful advertising on the Nigerian family.
3. To evaluate the extent to which existing laws protect children and family values from exploitative or offensive advertising.
4. To propose legal and policy reforms that enhance the role of advertising regulation in promoting moral and cultural integrity.

³⁵ Liana, C., & Soemardjo, H. (2022). Media Literacy in the Family (Descriptive Study of parents' Actions of SDIT ALFAUZIEN Depok Students in Assisting the Use of Media in Children). *COMMUSTY Journal of Communication Studies and Society*. <https://doi.org/10.38043/commusty.v1i1.3691>.

³⁶ *Federal Trade Commission v. The Walt Disney Company*, Case No. 2:25-cv-08223, United States District Court for the Central District of California, Western Division (filed 2 September 2025)

1.4 Research Questions

1. What are the major legal instruments regulating advertisements targeting families and children in Nigeria?
2. How effectively do these instruments protect family values and the welfare of children?
3. What moral and cultural challenges arise from exposure to harmful advertisements?
4. What legal reforms are necessary to strengthen the protection of family and child interests in the advertising industry?

1.5 Scope and Limitations of the Study

This study focuses on Nigeria's legal system, analysing statutes like the ARCON Act 2022, Child's Rights Act 2003, Consumer Protection Act 2018, Nigerian Code of Advertising Practice, National Broadcasting Commission (NBC) Code (2016, with amendments), and Nigerian Communications Act 2003. It covers traditional (television, radio, print) and digital media (social media, online video, influencer marketing). The research adopts a normative and analytical perspective, examining how these instruments uphold (or fail to uphold) family and child protection principles. It does not include empirical research and will attempt a comparative analysis with other jurisdictions. Furthermore, the study confines itself to the legal implications of advertising content, excluding the economic or technical aspects of marketing practice.

1.6 Significance of the Study

This study is significant on several grounds;

First, it contributes to academic discourse on the intersection between media regulation, child rights, and family law, a relatively underexplored area in Nigerian legal scholarship.

By situating advertising within the context of moral and cultural preservation, it extends the debate beyond consumer protection to societal ethics and human development.

Secondly, the research has practical importance for regulators and policymakers. It exposes deficiencies in current legal frameworks and offers actionable reforms that align with Nigeria's constitutional values under Section 17(3)(f) of the 1999 Constitution³⁷, which emphasises the protection of children and the promotion of morality in public life.

Thirdly, it provides insight for the advertising industry, encouraging content creators to align with ethical standards that reflect Nigerian cultural identity and moral heritage.

Finally, the study reinforces the judicial doctrine that the welfare of the child is paramount, calling for its broader application to media and advertising regulation.

1.7 Research Methodology

This study adopts a mixed-method research methodology, combining doctrinal legal analysis with empirical investigation. The doctrinal component involves a systematic examination of statutes, case law, regulatory codes, policy documents and scholarly literature relating to advertising, family values, and child protection in Nigeria. This approach enabled the identification of legal principles, regulatory gaps, institutional overlaps and emerging digital-era challenges.

Complementing the doctrinal analysis is an empirical component, designed to capture real-world perceptions and experiences. Data were collected through a structured questionnaire administered to adults—including parents and guardians—to assess levels of exposure to advertisements, awareness of regulatory bodies, and perceptions of harmful advertising

³⁷ Section 17(3)(f) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides that “children, young persons and the aged are protected against any exploitation whatsoever, and against moral and material neglect.”

content. The empirical method allowed the study to measure public sentiment and compare lived experiences with the legal framework.

The combination of doctrinal and empirical approaches strengthened the study by providing both normative legal analysis and evidence-based insights, ensuring that the conclusions and recommendations are grounded in law as well as social reality.

1.8 Chapter Outline

Chapter One introduces the study, outlines the problem, objectives, scope, significance, and methodology.

Chapter Two reviews relevant literature, defines key concepts, and discusses theoretical frameworks such as the Social Responsibility Theory of the Media and Legal Paternalism.

Chapter Three examines Nigeria's legal and institutional framework for advertising regulation, analysing statutes, codes, and regulatory bodies.

Chapter Four assesses the moral, cultural, and psychological implications of harmful advertising and discusses judicial principles that support family and child protection.

Chapter Five summarises findings, presents conclusions, and proposes recommendations for reform.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 Introduction to the Chapter

Every sound legal research requires a strong conceptual and theoretical foundation. While Chapter One introduced the general background and problem statement of this study, the present chapter deepens the inquiry by exploring the intellectual, legal, and theoretical underpinnings of advertising regulation as it relates to family values and the protection of children from harmful content. Advertising, as both an economic and cultural activity, raises complex moral and legal questions that cannot be understood without examining the concepts and ideas that frame it. Thus, this chapter provides a systematic clarification of the key concepts, such as *advertising*, *family values*, *harmful content*, and *child protection*, which are essential for the proper interpretation of the study's objectives.

In addition, the chapter outlines the theoretical perspectives that justify and guide the legal regulation of advertisements. These include the Social Responsibility Theory of the Media, which emphasises the ethical obligation of media and advertisers to serve the public good; Legal Paternalism, which supports state intervention to protect vulnerable audiences, especially children; Cultural Relativism, which demands that advertising standards reflect Nigeria's indigenous moral values; and the Best Interest of the Child Principle, which grounds all child-related policy decisions in the welfare of the child.

Furthermore, this chapter reviews relevant local and international literature, identifying key scholarly contributions, gaps, and debates concerning the legal and moral regulation of advertising. It situates the study within existing scholarship and underscores its doctrinal contribution to Nigerian legal development. By integrating conceptual clarity,

theoretical justification, and literature synthesis, this chapter provides the analytical framework upon which the subsequent examination of Nigeria's legal and institutional structures (in Chapter Three) will be based.

2.2. Conceptual Clarifications

2.2.1. Advertising

Advertising is a multifaceted concept that can be defined variously as a pervasive activity, a marketing tool, and a formal communication vehicle designed to influence consumer behaviour and promote goods, services, or ideas¹. The meaning of "advertising" depends largely on the context—whether referring to the communication activity itself, the specific media material, or the professional industry that executes it. In scholarly and regulatory sources, the terms "advertisement" and "advertising" are sometimes used interchangeably.² Generally, the term advertisement is defined as 'a public notice promoting a product', while "to advertise" means 'publicise goods or to promote sales'. The Black's Law Dictionary defines advertisement as "A commercial solicitation; an item of published or transmitted matter made with the intention of attracting clients or customers, while Advertising is "The action of drawing the public's attention to something to promote its sale".³

Advertising is "a paid, mediated form of communication from an identifiable source, designed to persuade the receiver to take some action, now or in the future".⁴ According to

¹ Soti, Rupam, "Ethical Issues in Advertising: An Analytical Study", *World Journal of Advanced Research and Reviews*, Vol. 14, No. 3 (2022), pp. 706–711, <https://doi.org/10.30574/wjarr.2022.14.3.0577>

² *ibid*

³ Black's Law Dictionary 11th Edition, pg 65

⁴ Richards, J., & Curran, C. (2002). Oracles on "Advertising": Searching for a Definition. *Journal of Advertising*, 31, 63 - 77. <https://doi.org/10.1080/00913367.2002.10673667>.

Richard *et al*, the is called the classical definition of advertising⁵. From a conceptual perspective, advertising is both an art⁶ and a science⁷ that involves creativity, strategic planning, and data analytics to tailor messages effectively to specific audiences. It is a key element of the promotion mix in marketing and serves several functions: raising awareness, providing information, shaping attitudes, and stimulating demand⁸. The contemporary definition is With digital transformation, advertising has now been conceptualised as “brand-initiated communication intent on impacting people,” reflecting the rise of new media, consumer behaviours, and extended effects beyond simple persuasion⁹.

From a communication perspective, advertising is fundamentally a paid, non-personal form of communication designed to persuade a target audience to take specific actions, primarily related to purchasing or consuming products, services, or ideas. It operates as a strategic component of the marketing mix, focusing on image creation and demand generation¹⁰. Advertising is a creative process involving message design, emotional appeal, and storytelling to engage audiences and motivate action¹¹. From a business standpoint, Kotler and Armstrong define advertising as “any paid form of non-personal

⁵ Richards, J., & Curran, C. (2002). Oracles on “Advertising”: Searching for a Definition. *Journal of Advertising*, 31, 63 - 77. <https://doi.org/10.1080/00913367.2002.10673667>.

⁶ Scientia NG, ‘Advertising in Nigeria’ (2024) <https://scientiang.com/2024/07/09/advertising-in-nigeria/> accessed 5 December 2025.

⁷ Shopify Staff, “What Is Advertising? Definition & Types (2026 Guide)” (2025) <https://www.shopify.com/ng/blog/what-is-advertising> accessed 5 December 2025.

⁸ Lucknow Public College of Professional Studies, “Selling & Advertising - Unit 3” (n.d.) https://e-sarthi.lpeps.org.in/uploads/Notes/10/51/346/Unit%20III/Selling_and_Advertising_-UNIT-_3.pdf accessed 5 December 2025.

⁹ Dahlen, M., & Rosengren, S. (2016). If Advertising Won't Die, What Will It Be? Toward a Working Definition of Advertising. *Journal of Advertising*, 45, 334 - 345. <https://doi.org/10.1080/00913367.2016.1172387>.

¹⁰ Hunold, K., Vestergaard, T., & Schröder, K. (1986). The Language of Advertising. *Language*, 62, 959. <https://doi.org/10.2307/415209>.

¹¹ Poels, K., & Dewitte, S. (2019). The Role of Emotions in Advertising: A Call to Action. *Journal of Advertising*, 48, 81 - 90. <https://doi.org/10.1080/00913367.2019.1579688>.

communication about an organisation, product, or service by an identified sponsor”¹². Advertising drives awareness, shapes consumer preferences, and supports market competition. It is a key tool in the marketing mix and business communication¹³. Yet, this definition does not capture the social and moral dimensions of advertising. Scholars now recognise that advertising is a cultural institution, one that shapes identities, constructs ideals, and reproduces social norms. From the cultural perspective, advertising is a powerful social discourse, influencing values, lifestyles, and even political or ideological¹⁴. Advertising plays a crucial role in modern society, shaping societal values, consumer behaviours, and cultural landscapes¹⁵. According to Onabajo and M’bayo, “advertising not only markets products but also markets ways of life, social meanings, and perceptions of reality.”¹⁶ In Nigeria, advertising has evolved into a social narrative that influences how people think about family, success, and happiness. The danger, however, is that advertising often portrays unrealistic and morally questionable ideals, encouraging consumerism, vanity, and early exposure of children to adult themes. The portrayal of the “perfect family” in advertising often excludes the moral and cultural realities of Nigerian households, leading to psychological dissonance and identity confusion among impressionable youth¹⁷. Thus, advertising is not a morally neutral enterprise. Its persuasive power can reinforce or undermine societal values. For this reason, it has attracted the attention of legal scholars like this author and regulators concerned with balancing

¹² Kotler, P. & Armstrong, G., *Principles of Marketing* (17th ed., Pearson Education 2018) 522.

¹³ Kumar, D., & Raju, K. (2013). *The Role of Advertising in Consumer Decision Making*. .

¹⁴ Jibril, A. (2017). Reviewing the Concept of Advertising from the Print Media Perspectives. *Journal of Creative Communications*, 12, 239 – 249. <https://doi.org/10.1177/0973258617723250>.

¹⁵ Semenenko, O. (2023). ADVERTISING AS A FORM OF MASS COMMUNICATION. *Odessa National University Herald. Series: Philology*. [https://doi.org/10.18524/2307-8332.2023.1\(27\).297882](https://doi.org/10.18524/2307-8332.2023.1(27).297882).

¹⁶ Onabajo, O. & M’bayo, R., *Advertising Regulation in Nigeria: Issues and Perspectives* (Abeokuta: Royal Concepts 2011) 15.

¹⁷ Omenugha, K., Uzuegbunam, C., & Ndolo, I. (2016). Celebrity culture, media and the Nigerian youth: negotiating cultural identities in a globalised world. *Critical Arts*, 30, 200 – 216. <https://doi.org/10.1080/02560046.2016.1187791>.

freedom of expression and social responsibility. From a legal perspective, advertising is primarily considered “commercial speech”¹⁸ This categorisation places it under the protection of the right to freedom of expression, as enshrined in Section 39 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).¹⁹ However, this right is not absolute and is lawfully subjected to restrictions necessary for maintaining public order, morality, and decency. The **Advertising Regulatory Council of Nigeria Act, 2022 (ARCON Act)** provides the primary statutory definition, describing advertising broadly as commercial communication intended to promote goods, services, or ideas. Legally.

The **Advertising Regulatory Council of Nigeria (ARCON) Act, 2022** defines advertisement as:

a notice, announcement, exposure, publication, broadcast, statement, announcement, infomercial, commercial, hype, display, town cry, show, event, logo, payo, or trademark to promote, advocate, solicit, showcase, endorse, vote or support a product, service, cause, idea, person or organisation with the intention to influence, sway, actuate, impress, arouse, patronise, entice or attract a person, people or organisation by an identified sponsor irrespective of media, medium or platform”²⁰

Advertising means:

any act, action, activity, construct or undertaking directly, or indirectly, intentionally, or unintentionally, aimed at creating, planning, strategizing, managing, developing, producing, propagating, servicing or facilitating an advertisement, brand or marketing communications ideas²¹

This statutory definition underscores the broad nature of advertising as both commercial expression and a vehicle for influencing behaviour. The NBC CODE defines same as:

¹⁸ Schauer, F. (2021). Free Speech and Commercial Advertising. The Oxford Handbook of Freedom of Speech. <https://doi.org/10.1093/oxfordhb/9780198827580.013.24>.

¹⁹ CRFN, Sec 39

²⁰ Sec 63, Advertising Practitioners Council of Nigeria Act, Cap A7, LFN 2004

²¹ *ibid*

Any form of communication about goods, services or facilities placed at a cost, before, within or after a programme with the intention of marketing said goods, services and facilities and attract patronage.²²

For this author an advertisement is conceptually defined as a:

complex, paid, non-personal, strategic communication, disseminated via a mass medium or targeted digital channel, on behalf of an identified sponsor, with the primary intent to persuade, inform, influence, or remind a specific target audience to adopt a particular belief, attitude, or course of action concerning a product, service, brand, or idea²³

This definition is crucial as it encompasses:

- i. **Traditional Mass Media:** Television commercials, radio jingles, print ads in newspapers and magazines, billboards, and cinema advertisements.
- ii. **Digital and Convergent Media:** Social media sponsored posts, search engine marketing, influencer endorsements, in-game advertisements, targeted behavioural ads based on user data, and native advertising that blurs the line between content and promotion.²⁴ This inclusive definition is vital for a contemporary analysis, as the most potent and pervasive advertisements targeting families now reside in the digital realm.

2.2.2. Family and family values

The family continues to be widely recognised as the fundamental unit of society. However, the growing diversity in family structures and modern perceptions of what constitutes a family cannot be overlooked. This diversity has made defining the family in contemporary society increasingly complex, as individuals interpret the concept differently based on their cultural, religious, social, and economic contexts. In some cases, definitions are

²² Nigeria, *Nigeria Broadcasting Code* (5th Edition, 2010), National Broadcasting Commission.

²³ This definition draws from the standard marketing definition but is adapted for a legal context. See, for example, the Advertising Practitioners Council of Nigeria Act, Cap A7, LFN 2004, which implicitly defines advertising through its regulatory scope.

²⁴ See generally, Ofcom, *Advertising Regulation in a Digital World* (Ofcom Report 2019).

shaped by factors such as marriage, blood relations, self-identification, or functional roles²⁵. Wait L.J stated in *Fitzpatrick v Sterling Housing Association Ltd*²⁶ that the question is more of “*what a family does than what a family is required*”.

A family unit is a social organisation which functions through linking its members closely together. The functions may be procreative, sexual, sociable, economic, or emotional. The list is not exhaustive.

The family is universally regarded as the cornerstone of society and the first environment where individuals learn moral and cultural norms. In Nigeria, the family occupies a sacred position in customary and statutory law. Section 17(3)(h) of the **Constitution of the Federal Republic of Nigeria, 1999 (as amended)** mandates the State to ensure that “the evolution and promotion of family life is encouraged.”²⁷. While Section 37 provides exclusively for Right to Family Life²⁸. This constitutional recognition positions the family as the unit deserving of legal protection against corrupting influences, including harmful media content.

In **Nigerian culture**, the concept of the family is predominantly **communal, patriarchal, and extended**. It goes beyond the nuclear unit of parents and children to encompass grandparents, uncles, aunts, and cousins, all of whom often play a collective role in the upbringing and moral instruction of a child²⁹. This traditional, broad scope is central to understanding the communal ethos undermined by individualistic advertising. The extended family system provides a robust social security network and moral guidance mechanism. In **Nigerian law**, the definition is often narrower, dictated by specific statutes.

²⁵ See general notes of Professor Michael Attah of the University of Benin and Attah, Michael, *Family Welfare Law in Nigeria*, (Ambik Press Limited, 2016).

²⁶ [1998] 1 F.L.R 6

²⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended), s. 17(3)(h).

²⁸ Constitution of the Federal Republic of Nigeria 1999 (as amended), s. 37

²⁹ Ogbu, M. N. (2018). *Kinship, Community, and Conflict: Moral Frameworks in Post-Colonial Nigeria*. University Press PLC.

The *Marriage Act*³⁰ and the *Matrimonial Causes Act*³¹ focus narrowly on the nuclear, spousal relationship. Crucially, the *Child Rights Act (CRA)*,³² while focusing on the child, acknowledges the broader custodial and care role of family members beyond the biological parents, implicitly reflecting the cultural reality. Section 277 of the *Child's Rights Act (CRA)*³³ defines "family," in relation to a child, as including any person who has parental responsibility for the child, as well as any person with whom the child is living or has previously lived. This is the nearest we have to a statutory definition of a family in Nigerian law. The closest and most precise of definition have been found in judicial precedent. It was Oputa JSC in *Chinweze v Masi*³⁴ in 1989 who noted: A man's family consists typically of the man, his wife (under monogamous marriage), or wives (if it is a marriage under the customary law) and the children born to him by such wife and wives. But a judgment earlier given a year before, In *Oloba v Akereja*³⁵, Obaseki, JSC defined a "family" in the Nigerian context to include:

"blood relations in its widest connotation even to the 100th degree or relationship by marriage".

His, lordship Joseph Tine Tur of the court of appeal giving the lead Judgement in the case of *Chukwu v. Okoh*³⁶ in attempting the particular definition of a family said:

I have looked into the authorities, which have confirmed the opinion which I entertained during the argument, that the primary meaning of the word "family" is "children,... What, then, is the primary meaning of "family"? It is "children"; that is clear upon the authorities which have been cited; and, independently of them, I should have come to the same conclusion." If, then, "family" prima facie means "children".

³⁰ **Nigeria**, *Marriage Act*, Cap. M6, Laws of the Federation of Nigeria 2004.

³¹ **Nigeria**, *Matrimonial Causes Act*, Cap. M7, Laws of the Federation of Nigeria 2004.

³² **Nigeria**, *Child's Rights Act*, Act No. 26 of 2003, Laws of the Federation of Nigeria.

³³ *Ibid*

³⁴ [1989] 1NWLR (pt.97) 254

³⁵ (1988) 7 SCNJ (Pt.1) 56

³⁶ (2016) JELR 40890 (CA)

This study therefore adopts that A "family" is conceptualised as a **fundamental social institution**, recognised by law, custom, or religious practice, typically characterised by some form of co-residence, economic cooperation, and kinship ties, whose core functions include the **nurture, socialisation, education, and moral guidance of children**, and the provision of mutual support and affection among its members³⁷.

Sociologically and morally, Family values refer to the moral and cultural principles that guide behaviour within family units, such as respect, responsibility, and protection of children. These values are shaped by societal norms and can be influenced—positively or negatively—by advertising content³⁸. Legally, family values are not explicitly defined in any single Nigerian statute. Instead, they are referenced indirectly through:

- i. **Chapter II of the Constitution (Fundamental Objectives and Directive Principles of State Policy):** This includes the national ethics of Discipline, Integrity, Dignity of Labour, Social Justice, Religious Tolerance, Self-Reliance, and Patriotism (Section 23).³⁹ These principles, which overlap heavily with accepted family values, represent a constitutional mandate for social order that regulation must uphold (Section 15 and 17).⁴⁰
- ii. **The Child Rights Act:** Provisions mandating the child's right to *moral and spiritual development* (Section 16)⁴¹ and parental guidance legally acknowledge and protect the function of the family as the moral custodian. The law provides an implied duty on the state to protect the integrity of the family unit as a foundational social structure.

³⁷ This is a more **functional, socio-legal definition** which recognises the family as a fundamental unit

³⁸ Adebayo, A. (2020). *Cultural Erosion and Advertising in Nigeria*. *Journal of African Media Studies*.

³⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended), s. 23

⁴⁰ Ibid, sec 15&16

⁴¹ Child Rights Act 2003, sec 16

Okonkwo describes family values as “the moral grammar of social life — the unwritten rules through which societies transmit virtue, discipline, and respect across generations.”⁴² In the Nigerian context, family values emphasise chastity, moderation, communal support, and respect for parental authority. However, advertising often distorts these values. Many Nigerian advertisements depict families as consumer-driven units rather than moral communities. Western cultural scripts dominate local media, creating a conflict between imported lifestyles and indigenous moral expectations. As **Chukwu and Onyema** notes, “the media has gradually usurped the moral authority of the family, becoming the new educator of values.”⁴³ This transformation creates an urgent need to examine how law can preserve the sanctity of family life in the face of commercial exploitation. Since the term family values is profoundly nuanced and often a culturally contingent construct. To avoid ideological entrapment, this study defines "family values" not as a fixed political dogma, but as a **set of shared, positive principles, ethical standards, and social mores** that are traditionally upheld within the family unit and are widely regarded within a given society (here, Nigeria) as conducive to the holistic well-being, stability, and moral development of its members (children) and the broader social fabric⁴⁴. These values include, but are not limited to:

⁴² Okonkwo, E. O. (2020). Advertising, Culture and the Nigerian Family. *Journal of African Media Studies*, 12(4), 233–250

⁴³ C. C. Chukwu and C. Onyema, “Social Media Usage, Moral Decadence and the Impact on the Nigerian Family Values: A Critical Perspective” (2019) 7(8) *Global Scientific Journal* 874.

⁴⁴ This approach is informed by scholarly discourse on law and morality. See Patrick Devlin, *The Enforcement of Morals* (Oxford University Press 1965).

- i. Respect for Elders and Authority: Showing deference to parents, elders, and constituted authorities is a foundational value, often expressed through greetings, obedience, and social conduct⁴⁵.
- ii. Religious Faith and Morality: Reverence for God and religious observance guide daily life and moral decisions, shaping honesty, justice, and fairness⁴⁶.
- iii. Hard Work and Diligence: Industriousness and striving for success are highly valued, with parents encouraging children to be responsible and productive⁴⁷.
- iv. Integrity and Honesty: Upholding truthfulness, loyalty, and moral uprightness is seen as essential for personal and communal reputation⁴⁸.
- v. Unity and Family Cohesion: Emphasis on family unity, mutual support, and collective responsibility, with the extended family playing a significant role⁴⁹.
- vi. Generosity and Hospitality: Sharing resources and helping others, especially within the community, are important social expectations⁵⁰.

⁴⁵ Chineyemba, L. (2023). Modernity and changing family values in Nigeria: implications for effective parenting. *International Journal of Modern Anthropology*. <https://doi.org/10.4314/ijma.v2i19.5>. See also, Omede, J. (2020). CAUSES AND CONSEQUENCES OF DIMINISHING CORE FAMILY VALUES ON THE 21ST CENTURY NIGERIAN CHILD: THE CASE OF IGALA PEOPLE IN KOGI STATE. , 13.

⁴⁶ ibid

⁴⁷ ibid

⁴⁸ Ibid, see also Nomishan, T., Andzenge, O., Kolawole, A., & Oyigebe, P. (2022). African Cultural Values and Corruption in Nigeria: New Insights. *Culture & Society: Journal Of Anthropological Research*. <https://doi.org/10.24036/csjar.v4i1.99>.

⁴⁹ Ibid, see also, Alabi, O., Shamaki, M., Omisakin, O., Giro, M., & Odusina, E. (2019). Family and Household Issues in Northern Nigeria: Change and Continuity. *Family Demography and Post-2015 Development Agenda in Africa*. https://doi.org/10.1007/978-3-030-14887-4_14., Owagbemi, G., & Ogungbuyide, O. (2022). Cultural Globalisation and Infiltration of Yoruba Family Value System in Ado-Odo Ota Local Government Area of Ogun State, Nigeria.. *Journal of Social Science Research*. <https://doi.org/10.24297/jssr.v18i.9312>.

⁵⁰ ibid

- vii. Modesty and Decency: Modest behaviour and appearance, especially among youth, are encouraged to maintain family honor⁵¹.
- viii. Value for Marriage and Children: Marriage is highly esteemed, and children are considered blessings and central to family continuity⁵².

2.2.3 The Concept of the Child

Children are viewed as natural persons with their own rights, not merely extensions of their parents. They are entitled to special legal protection due to their developmental immaturity and vulnerability⁵³. The *Child Rights Act (CRA), 2003*⁵⁴ and the *NBC CODE*⁵⁵, defines a child as “a person below the age of eighteen years.” This definition harmonises with Article 1 of the *United Nations Convention on the Rights of the Child (CRC)*, to which Nigeria is a signatory. Children occupy a particularly vulnerable position in society due to their evolving capacities and limited ability to distinguish between reality and persuasive intent. Consequently, advertising that exploits this vulnerability constitutes a form of manipulation that undermines their cognitive and moral development. The CRA thus provides a comprehensive legal framework for child protection in Nigeria, establishing that persons under eighteen years are entitled to special safeguards against exploitation and exposure to harmful influences, particularly in the mass media and commercial communication sectors.

⁵¹ ibid

⁵² Ibid. See also, Akinyemi, J., & Odimegwu, C. (2021). Social contexts of fertility desire among non-childbearing young men and women aged 15–24 years in Nigeria. *Reproductive Health*, 18. <https://doi.org/10.1186/s12978-021-01237-1>.

⁵³ Galeş, N., & Florea, D. (2021). Best Interests of the Child – the Legal Determination of the Principle. *European Journal of Law and Public Administration*. <https://doi.org/10.18662/eljpa/8.2/156>.

⁵⁴ Section 277

⁵⁵ Nigeria, Nigeria Broadcasting Code (5th Edition, 2010), National Broadcasting Commission.

In *Okwueze v. Okwueze*,⁵⁶ the Supreme Court of Nigeria affirmed that the welfare of the child must remain the paramount consideration in all matters affecting them. This principle, though traditionally applied in custody and guardianship disputes, extends more broadly to every social institution influencing a child's development—including media and advertising. The child's exposure to sexualised imagery, aggressive consumerism, or depictions that undermine parental authority can erode moral values and distort healthy socialisation. Consequently, the law bears a preventive and protective obligation to shield children from such harmful influences.

The principle of the “Best Interest of the Child”, codified in Section 1 of the **Child Rights Act (CRA), 2003**⁵⁷, and derived from Article 3(1) of the **United Nations Convention on the Rights of the Child (CRC)**⁵⁸, establishes this standard as the central tenet of child protection law. It mandates that in every action concerning a child—including the regulation of advertising and media content—their physical, mental, and moral well-being must be the overriding consideration. This doctrine provides the normative and jurisprudential foundation for restricting advertisements that exert demonstrable psychological harm, consistent with insights from Social Learning Theory, which posits that children imitate observed behaviours. Hence, where commercial expression threatens child welfare, the child's vulnerability must prevail over commercial freedom.

Child protection encompasses the totality of legal, policy, and institutional efforts aimed at safeguarding children from exploitation, abuse, and exposure to harmful or inappropriate content. *The Child Rights Act (CRA), 2003*, provides the

⁵⁶ (1989) 3 NWLR (Pt. 109) 321.

⁵⁷ Sec 1 CRA 2003

⁵⁸ Article 3(1) UNCRC

overarching legal framework for protecting children’s rights in Nigeria, including the right to dignity and the right to protection from harmful influences.⁵⁹ Drawing from the Act, child protection may be defined as a comprehensive system of laws, policies, and institutional mechanisms designed to proactively prevent and reactively respond to all forms of harm—whether physical, psychological, moral, or social.

In the specific context of advertising, child protection entails the establishment and enforcement of a regulatory environment that acts *in loco parentis*, that is, in the place of parents, to shield minors from content likely to exploit their innocence or compromise their development. This recognises children as a legally protected vulnerable class, entitled to heightened safeguards against commercial manipulation and media-induced harms.

Within media and advertising milieus, child protection assumes a prophylactic character, seeking to insulate minors from exploitation, deception, and undue commercial persuasion.⁶⁰ Grounded in developmental psychology, this paradigm acknowledges that children, particularly those under the age of twelve, possess limited cognitive capacity to discern the persuasive intent of advertising.⁶¹ This cognitive limitation renders them susceptible to what scholars term “*pester power*,” whereby repeated appeals to parents for advertised products strain family dynamics and resources.⁶²

⁵⁹ Child Rights Act, Cap C50, Laws of the Federation of Nigeria 2003, ss. 11–15

⁶⁰ International Labour Organisation, Handbook on Child Protection Policies and Procedures (Geneva: ILO, 2017).

⁶¹ American Psychological Association, Report of the APA Task Force on Advertising and Children (Washington D.C.: APA, 2004).

⁶² Juliet Schor, *Born to Buy: The Commercialised Child and the New Consumer Culture* (New York: Scribner, 2004).

In the Nigerian context, child protection converges with the preservation of family values through legal instruments such as the Child Rights Act, which emphasises shielding children from content fostering cyber exploitation, bullying, or unhealthy behavioural tendencies.⁶³ At the international level, instruments like UNICEF’s Guidelines for Responsible Marketing to Children and the World Health Organisation’s (WHO) recommendations advocate for curbs on marketing harmful or unhealthy products to minors, underscoring an ethical and legal duty to prioritise juvenile welfare over commercial interests.⁶⁴ Collectively, these frameworks illuminate the interrelationship between advertising, child welfare, and societal morality, forming the basis for evaluating Nigeria’s regulatory efficacy in protecting children from harmful content.

2.2.4 Harmful Content

This is a pivotal concept for this research. “Harmful content” encompasses any material capable of injuring the physical, psychological, or moral wellbeing of an individual — particularly children. Harmful content entails any ad material that is false, takes advantage, improper, stereotypical, or mentally damaging, especially to groups like children and families.⁶⁵ This includes promotions of unhealthy foods leading to obesity, sexual images causing early maturity, violent themes encouraging aggression, wrong claims creating false hopes, or insensitive cultural shows weakening local norms.⁶⁶

⁶³ Federal Republic of Nigeria, National Child Policy (Abuja: Federal Ministry of Women Affairs, 2013).

⁶⁴ UNICEF, Principles and Guidelines for Ethical Marketing to Children (New York: UNICEF, 2018); World Health Organisation, Set of Recommendations on the Marketing of Foods and Non-Alcoholic Beverages to Children (Geneva: WHO, 2010).

⁶⁵ Okigbo, C. A. (2020). Content regulation as a legal mechanism for child protection in Nigeria. *Journal of African Media Studies*, 12(2), 123-140

⁶⁶ Calderwood, C., et al. (2023). Harmful marketing by commercial actors and policy ideas from youth. *The Lancet*, 402(10415), 1941-1948. [https://doi.org/10.1016/S0140-6736\(23\)01226-3](https://doi.org/10.1016/S0140-6736(23)01226-3)

For analytical clarity, it is categorised thus:

Physically Harmful Content: Advertisements that promote products or lifestyles detrimental to physical health. This includes the aggressive marketing of High in Fat, Salt, and Sugar (HFSS) foods and beverages linked to childhood obesity and diabetes;⁶⁷ ads for alcohol or tobacco that are appealing to minors; or depictions of unsafe activities that children might imitate.

Psychologically Harmful Content: Advertising that causes or exacerbates mental or emotional distress. This encompasses content that fosters anxiety, low self-esteem, or inferiority complexes; promotes unattainable body images leading to eating disorders; uses excessive fear or shock tactics; or creates a sense of social exclusion for those who cannot afford the advertised product.⁶⁸

Morally Harmful Content: Advertising that erodes or contradicts the positive family values outlined above. This includes the premature sexualisation and objectification of children (e.g., in fashion ads);⁶⁹ content that glorifies violence, aggression, or anti-social behaviour; advertisements that perpetuate pernicious gender stereotypes (e.g., always depicting women in servitude roles); and ads that deliberately undermine parental authority by explicitly encouraging "pester power"—the nagging of parents to buy products.⁷⁰

Economically Harmful Content: Advertising that exploits the inherent credulity and inexperience of children as economic actors. This includes deceptive or misleading claims; the use of "blurring" techniques where children cannot

⁶⁷ World Health Organisation, Marketing of foods high in fat, salt and sugar to children: update 2012–2013 (WHO Regional Office for Europe 2013).

⁶⁸ American Psychological Association, Report of the APA Task Force on the Sexualisation of Girls (APA 2007).

⁶⁹ Ibid

⁷⁰ Stückelberger, Christoph; Ndolo, Ike S.; Ogbenika, Gregory E.; Ike, Obiora F.; et al., 'Ethics, Media, Theology and Development in Africa' (2022), Globethics.net Co-Publications & Others.

distinguish between program content and advertisement (e.g., host-selling); and leveraging "pester power" to create undue financial pressure on families.⁷¹

National Broadcasting Commission (NBC) Code proscribes any content that “exploits the credulity of children or undermines parental authority.”⁷² Likewise, the ARCON Code of Advertising Practice prohibits broadcast materials that are “obscene, indecent, profane, or contrary to public morality.”⁷³ However, Nigeria’s advertising law does not provide a precise definition of “harmful content.” This leaves regulators with wide discretion, often resulting in inconsistent enforcement. What may be considered harmful in Lagos might not attract sanction in Kano, due to cultural variation. This interpretive gap weakens the system’s capacity to protect moral values uniformly across jurisdictions. Akinwale argues that harm should not be restricted to physical or obscene exposure but should extend to “moral injury” — any media content that distorts virtue or undermines societal ethics.⁷⁴ The only close proximity to a statutory definition of “Harmful Content is found in the CRA, which is reproduced below;

“harmful publication” means any book, magazine, film, picture, video or audio tape or print or other medium which is a kind targeted at or likely to fall into the hands of children and which consists wholly or mainly of stories told in pictures, with or without the addition of written matter or video film and cassette tape, which contains pictures or stories which portray harmful information., such as—

(a) the commission of crimes ; or

⁷¹ See Federal Competition and Consumer Protection Act (FCCPA), 2018, S. 124(2) which prohibits an unconscionable representation that takes advantage of a consumer's inability to protect his interests.

⁷² **Nigeria**, *Nigeria Broadcasting Code* (5th Edition, 2010), National Broadcasting Commission, Chap. 7.1

⁷³ See General Principles of ARCON, Code of Advertising Practice

⁷⁴ Akinwale, T., “Redefining Harmful Content in Nigerian Advertising Law” (2021) 4 *Nigerian Journal of Media and Law* 102, 110.

- (b) acts of violence or cruelty ; or
- (c) incidents of a repulsive or horrible nature ; or
- (d) acts of words of an immoral character ; or
- (e) obscene and indecent representation, in such a way that the work as a whole would tend to corrupt or deprave a child into whose hands it may fall;

The word ‘Publication’ as used by the CRA is *idem ac* the word ‘Content’ and can be used interchangeably without losing the intended meaning. Also, when the definition is placed side by side with the understanding of harmful content as already elucidated above, we find they rest on the same pillars and indicative words such as “Commission of crimes, acts of violence or cruelty, Incidents of a repulsive or horrible nature, Acts or words of an immoral character, Obscene or indecent representation”. For the purpose of this research "Harmful content" refers to any advertising material, whether overt or subliminal, that has the demonstrable potential or proven capacity to inflict physical, psychological, moral, or economic detriment upon a child or to disrupt the healthy functioning of the family unit⁷⁵.

2.2.5. Regulation

Regulation, in government, a rule or mechanism that limits, steers, or otherwise controls social behaviour.⁷⁶ The Supreme Court in the case of *A.-G., Lagos State v. Eko Hotels Ltd*, defined Regulation to mean the act or process of controlling by rule of restriction.⁷⁷ It generally means rule or order. Regulation, therefore refers to the legal and institutional mechanisms established to guide and control conduct in

⁷⁵ This definition is informed by provisions in the Nigerian Code of Advertising Practice, 5th Ed., which prohibits ads that are "demeaning, derisive or cause physical, mental or moral harm.

⁷⁶ C. Woll, “Regulation” Encyclopedia Britannica (2025) <https://www.britannica.com/topic/regulation> accessed 5 December 2025.

⁷⁷ (2006) 18 NWLR (Pt. 1011) 378

the public interest.⁷⁸ In the advertising industry, regulation seeks to strike a balance between the right to freedom of expression guaranteed under Section 39 of the Constitution and the right to private and family life under Section 37, while also upholding the duty to protect public morality as provided in Section 45, which outlines permissible restrictions and derogations from fundamental rights.⁷⁹ The regulatory framework includes statutory bodies such as **ARCON, NBC, FCCPC, and NAFDAC**. Each plays a role in monitoring media content, licensing practitioners, and enforcing ethical standards. Yet, overlapping mandates and jurisdictional conflicts often weaken these institutions, creating loopholes exploited by advertisers. In the advertising context, regulation can be categorised as:

- **Statutory Regulation:** Enacted through parliamentary acts (e.g., ARCON Act, CRA), which carries legal penalties for non-compliance.⁸⁰
- **Self-Regulation (or Co-Regulation):** Developed and enforced by industry bodies (e.g., the ARCON Code), often acting as subsidiary legislation to statutory authority.⁸¹

The **relevance** of regulation to advertising control in Nigeria is multi-faceted: it serves the traditional role of ensuring consumer protection (truthfulness) but, more critically for this study, it serves the **social-moral role** of implementing the constitutional mandate to safeguard national ethics and protect the most vulnerable stakeholders “children and the family unit” from the negative cultural externalities

⁷⁸ A combine reading of both statutory and case law definition of regulation

⁷⁹ Section 37,39,45 of the CFRN

⁸⁰ Elias, G., Jikenghan, E., & Nkwor, L. (2023). Advertising Law: 2022 Federal Legislation and Social Media. *SSRN Electronic Journal*. <https://doi.org/10.2139/ssrn.4431940>.

⁸¹ Dickinson-Delaporte, S., Mortimer, K., Kerr, G., Waller, D., & Kendrick, A. (2020). Power and responsibility: Advertising self-regulation and consumer protection in a digital world. *Journal of Consumer Affairs*. <https://doi.org/10.1111/joca.12295>.

of globalised commerce. Regulation is the mechanism used to restrict the constitutional right to commercial speech in favour of the right to moral protection. A coherent regulatory approach that prioritises moral and cultural values is therefore imperative.

2.3 Theoretical Framework

2.3.1 Social Responsibility Theory of the Media

Emerging from the Hutchins Commission Report of 1947, this theory asserts that freedom of expression must coexist with responsibility to society.⁸² Media practitioners and advertisers are not free from moral accountability merely because they operate within a market economy. Their actions must reflect decency, truth, and respect for societal welfare.⁸³ It supports regulation to prevent harm and promote positive values, especially for vulnerable groups like children.⁸⁴ Therefore, Media and advertisers have a duty to serve the public interest, balancing freedom with accountability and ethical standards.⁸⁵ In Nigeria, the Code of Advertisement reflects this theory by mandating that advertisements must be “legal, decent, honest, and truthful.”⁸⁶ The NBC Code also enjoins broadcasters to ensure that programmes do not offend public morality. These instruments embody the principle that free communication must not harm the moral structure of society.⁸⁷

⁸² Hutchins Commission, *A Free and Responsible Press* (University of Chicago Press 1947)

⁸³ Hayes, J., & Duff, B. (2022). Introducing a special issue on advertising & corporate social responsibility. *International Journal of Advertising*, 41, 205 - 209. <https://doi.org/10.1080/02650487.2022.2056357>.

⁸⁴ McQuail, D. (2010). *McQuail's Mass Communication Theory*. Sage Publications.

⁸⁵ Antolović, K., Fraculj, M., & Dugonjić, E. (2025). Legal and ethical challenges of digital advertising. *Suvremene teme*. <https://doi.org/10.46917/st.16.1.2>.

⁸⁶ Nigerian Code of Advertisement, General Principles.

⁸⁷ NBC Code, General Principles

2.3.2 Legal Paternalism Theory

This is a classic jurisprudential theory that justifies state interference with an individual's liberty or autonomy for their own good—to prevent self-inflicted harm.⁸⁸ In the context of this research, paternalism provides the philosophical and ethical justification for regulating advertisements directed at families. Joel Feinberg defines legal paternalism as the use of law to prevent self-harm or protect individuals incapable of self-protection.⁸⁹ The theory acknowledges that while advertisers have a right to commercial speech and parents have primary responsibility for their children's upbringing, the state has a "*parens patriae*" (parent of the nation) authority.⁹⁰ This authority is invoked to protect vulnerable classes who cannot form rational judgments to protect themselves. Children fall squarely within this category. Children, due to their cognitive immaturity and inability to fully comprehend persuasive intent, are the quintessential beneficiaries of this paternalistic protection.⁹¹ The doctrine justifies state intervention to shield minors from media manipulation. Nigerian law operationalises this principle through provisions in the CRA, ACON Code and the NBC Code, which prohibit exploitative or age-inappropriate advertising. Because the possible harm to the child's wellbeing is seen as a greater societal good, this theory supports arguments for proactive, restrictive measures—such as outright bans on certain types of

⁸⁸ See generally, Gerald Dworkin, 'Paternalism' in Richard A Wasserstrom (ed), *Morality and the Law* (Wadsworth Publishing 1971)

⁸⁹ Feinberg, J., *Harm to Self* (Oxford University Press 1986) 12.

⁹⁰ *Prince v. Massachusetts*, 321 U.S. 158, 170 (1944) stating "It is cardinal with us that the custody, care and nurture of the child reside first in the parents, but the state as *parens patriae* may restrict the parent's control... to protect the child's welfare." See also, the case of *Centre for Oil Pollution Watch v. N.N.P.C.* (2019) 5 NWLR (Pt. 1666) 518, where the Supreme Court of Nigeria affirmed the this status of the State which is expressed through the A.G.

⁹¹ Sheets, A. (2020). Paternalism as a Justification for Federally Regulating Advertising e-Cigarettes to Children. , 12, 321-352. This is a widely accepted justification for regulations like the Children's Online Privacy Protection Act (COPPA) in the US and similar principles underpin the CRA.

harmful ads (e.g., junk food to young children)—even in the face of arguments about corporate freedom or parental choice. Individual liberty and social responsibility are reconciled by legal paternalism. It aims to make sure that liberty does not jeopardise moral development rather than to stifle speech. In the context of advertising, it means that messages that undermine family authority or taint children's innocence can—and should—be prohibited by law.

2.3.3. Vulnerability Theory

The necessity for legal paternalism is further stretched by this idea, which was developed extensively by legal scholar Martha Albertson Fineman and provides a more expansive and contemporary framework. It asserts that vulnerability is a universal, persistent, and constant feature of the human condition rather than a pathological condition that only affects a select few.⁹² The state's primary role, therefore, is to build "**resilient institutions**" that support individuals during periods of heightened vulnerability.⁹³ Applying this to the study: Children are vulnerable both naturally and as they mature. Strong outside pressures, in this case the multibillion-dollar advertising business with its sophisticated psychological strategies, can make the family, a fundamental institution, vulnerable. The problem is reframed by vulnerability theory. It shifts the emphasis from the parent or child's "responsibility" or "incapacity" to the legal and regulatory systems' inability to withstand these exploitative market forces and protect families.⁹⁴ It makes the case that a robust regulatory state is an essential component of a resilient society. Thus, it highlights how vulnerable some populations are by nature, particularly

⁹² Martha Albertson Fineman, 'The Vulnerable Subject: Anchoring Equality in the Human Condition' (2008) 20(1) *Yale Journal of Law and Feminism* 1.

⁹³ Martha Albertson Fineman, 'Beyond Identities: The Limits of an Antidiscrimination Approach to Equality' (2012) 92 *Boston University Law Review* 1713.

⁹⁴ Jonathan Herring, *Vulnerability and the Law* (Routledge 2016) 45.

youngsters. Stricter advertising regulations, more thorough inspection, and specific legal protections are necessary due to children's cognitive, emotional, and social weaknesses.

2.3.4. Consumer Protection Theory

This approach places the problem firmly within the framework of justice and market economics. It sees the child as an "unsophisticated consumer" who is engaged in a marketplace, in addition to being a developing individual. According to this view, transactions must be founded on informed decision in order for markets to be efficient and fair. Using children's gullibility, inexperience, and lack of discernment in advertising is considered an "unfair and misleading trade practice."⁹⁵ This theory is directly codified in statutes like Nigeria's **Federal Competition and Consumer Protection Act (FCCPA) 2018**, which prohibits misleading and unfair practices.⁹⁶ It shifts the legal lens from the child's vulnerability (the focus of Paternalism and Vulnerability theories) to the **advertiser's culpable conduct**. It provides a concrete cause of action and a regulatory mandate (for the FCCPC) to challenge harmful ads, not on moral grounds, but on the grounds of market integrity and fairness.⁹⁷ Therefore, Regulation is needed to prevent deceptive, harmful, or unfair advertising practices and protect consumer rights.⁹⁸

⁹⁵ Iain Ramsay, *Consumer Law and Policy: Text and Cases on Regulating Consumer Markets* (3rd edn, Hart Publishing 2012) 105.

⁹⁶ FCCPA, 2018, S. 123(1)(a) & (b).

⁹⁷ See the FCCPC's mandate under S. 17(b) of the FCCPA

⁹⁸ Antolović, K., Fraculj, M., & Dugonjić, E. (2025). Legal and ethical challenges of digital advertising. *Suvremene teme*. <https://doi.org/10.46917/st.16.1.2>.

2.3.5. Cultural Relativism Theory

Cultural relativism maintains that morality must be judged according to the standards of each society. Ethical standards in advertising are shaped by cultural norms; what is acceptable varies across societies.⁹⁹ Okonkwo contends that “advertising messages imported from Western culture often reflect materialistic and individualistic values incompatible with Nigerian communal ethics.”¹⁰⁰ The Nigerian Constitution supports this cultural perspective: Section 21(a) directs the State to “protect, preserve, and promote Nigerian cultures which enhance human dignity.”¹⁰¹ Hence, advertising regulation in Nigeria must be culturally grounded. The law should reflect indigenous conceptions of decency, not merely global commercial trends. This theoretical position is vital to ensuring that advertising upholds Nigerian moral heritage.

2.3.6. Best Interest of the Child Principle

This principle, codified in Section 1 of the CRA, provides that “in every action concerning the child, the best interest of the child shall be the primary consideration.”¹⁰² Nigerian courts have consistently applied this principle in family law cases, as seen in *Alabi v. Alabi*.¹⁰³ It underscores that every social institution — including the media — must prioritise child welfare. Therefore, any advertising content that undermines a child’s emotional stability, distorts their moral

⁹⁹ Treise, D., Weigold, M., Conna, J., & Garrison, H. (1994). Ethics in Advertising: Ideological Correlates of Consumer Perceptions. *Journal of Advertising*, 23, 59-69.
<https://doi.org/10.1080/00913367.1994.10673450>.

¹⁰⁰

¹⁰¹ CFRN

¹⁰² CRA 2003

¹⁰³ OJENIRAN v. OJENIRAN (2018) JELR 38371 (CA) “where in proceedings before any Court the custody or upbringing of a minor is in question, the Court in deciding the question shall regard the welfare of the minor as the first and paramount consideration. Williams v. Williams {1987} 2 NWLR (PT. 54) 66. Afonja v. Afonja {1971} 1 U.L.L.R. 105.”

understanding, or exposes them to harmful stereotypes contradicts this principle. Integrating the “best interest” test into advertising regulation ensures a child-centred approach to legal interpretation.¹⁰⁴

2.3.7. Social Learning Theory

Developed by *Albert Bandura*, Social Learning Theory (or Social Cognitive Theory) suggests that people, especially children, learn behaviours, attitudes, and emotional reactions by observing and imitating models. Learning occurs through observation, imitation, and modeling, often reinforced by perceived rewards.¹⁰⁵ Advertising typically uses celebrities, cartoon characters, or eye-catching imagery that children may easily copy.¹⁰⁶ Regulation is required because exposure to sexualised, violent, or materialistic advertising may affect children's behaviour in real life. When advertising glamorise or reward adult, risky, or irresponsible behaviours (such using suggestive models or displaying quick satisfaction through product use), children are likely to internalise them as acceptable, undermining values like respect and modesty. This idea backs up the legal argument for stricter content restriction based on the child's psychological development and preference for observation-based learning. It provides legal backing to the claim that, in addition to being offensive, advertising content endangers children by purposefully imparting negative norms.

¹⁰⁴ Aisha, E. (2023). Principles Of Best Interests For Children In The Broadcasting Industry. *Jurnal Indonesia Sosial Teknologi*. <https://doi.org/10.59141/jist.v4i10.705>.

¹⁰⁵ Bandura A, *Social Learning Theory* (Prentice Hall 1977).

¹⁰⁶ Lunz, J. (1983). Applying Social Learning Theory to Advertising. *South African Journal of Psychology*, 13, 13 - 17. <https://doi.org/10.1177/008124638301300104>.

2.3.8. Cultivation Theory

Pioneered by *George Gerbner*¹⁰⁷, Cultivation Theory posits that long-term, repeated exposure to media (like advertising) subtly shapes an individual's perception of social reality.¹⁰⁸ That is Continuous exposure to advertising cultivates materialistic aspirations, unrealistic body standards, and distorted family dynamics in children. Cultivation theory is very similar to Social Learning theory in many way but one uniqueness if the cultivation theory is that focus on television advertisements and its long term effect on the society's social units such as the family and children. Cultivation Theory is therefore articulating that long ad exposure builds wrong world views, like materialism or stereotypes, especially in media-heavy places like Nigeria's cities.¹⁰⁹ *Piaget's* growth stages support this, noting young kids can't separate ads from content until ages 7-8.¹¹⁰

2.3.9. Stakeholder Theory

According to Stakeholder Theory, which was first introduced by *Freeman*,¹¹¹ an organisation (in this case, a regulating agency like ARCON or NBC) must take into account the interests of all stakeholders, not only shareholders (advertisers and the industry). The approach gives regulatory activity a moral and normative foundation. Children and families in Nigeria are the study's main stakeholders. This theory offers the normative framework for arguing that regulatory bodies have a moral and legal obligation to put these vulnerable stakeholders' long-term social

¹⁰⁷ Gerbner G, "Cultivation Analysis: An Overview" in *Mass Communication and Society* (1980).

¹⁰⁸ Gerbner, G. (1998). Cultivation Theory: An Overview. *The Annual Review of Communication Research*, 22, 175-201.

¹⁰⁹ Cultivation Theory says long ad exposure builds wrong world views, like materialism or stereotypes, especially in media-heavy places like Nigeria's cities.⁴⁸ *Piaget's* growth stages support this, noting young kids can't separate ads from content until ages 7-8.

¹¹⁰ *ibid*

¹¹¹ Freeman RE, *Strategic Management: A Stakeholder Approach* (1984).

welfare, cultural integrity, and constitutional rights—such as the right to moral development and dignity—above the short-term financial interests of advertisers. The moral need to control external society effects serves as justification for the regulation. Thus, ARCON, NBC, and FCCPC serve as institutional stakeholders tasked with striking a balance between social duty and commercial freedom.¹¹²

2.3.10. Persuasion Knowledge Model (PKM)

The Persuasion Knowledge Model (*Friestad and Wright*) holds that individuals resist persuasion when they understand persuasive intent.¹¹³ Consumers use their knowledge of persuasion tactics to interpret and resist advertising, affecting ad effectiveness.¹¹⁴ Children lack this capacity, making them more susceptible to covert marketing, influencer endorsements, and digital ad-targeting techniques.¹¹⁵ PKM therefore supports legally imposed protective barriers.

2.4. Review of Related Literature

2.4.1. Foreign Literature

Advertising has a substantial impact on children's cognitive development, consumption patterns, and psychosocial well-being, as research from around the world repeatedly shows. The groundbreaking American Psychological Association (APA) Task Force Report on Advertising and Children, which states that children under the age of eight lack the developmental capacity to comprehend persuasive

¹¹² Stern, Reuben, “Stakeholder Theory and Media Management: Ethical Framework for News Company Executives”, *Journal of Mass Media Ethics*, (31 January 2008).

¹¹³ The Persuasion Knowledge Model (Friestad and Wright) holds that individuals resist persuasion when they understand persuasive intent.

¹¹⁴ Consumers use their knowledge of persuasion tactics to interpret and resist advertising, affecting ad effectiveness

¹¹⁵ Yousaf, A., Mishra, A., & Bashir, M. (2022). Consumer Behaviour to Be Considered in Advertising: A Systematic Analysis and Future Agenda. *International Journal of Environmental Research and Public Health*, 19(23), 16147. <https://doi.org/10.3390/ijerph192316147>

intent and thus interpret commercial messages as truthful or objective information, is a significant contribution.¹¹⁶ They are particularly susceptible to deceptive content because of this cognitive deficiency, which also raises the risk of materialistic attitudes, emotional pain, and family conflict brought on by unrelenting demands.

Wilcox et al. further show that children are unable to distinguish between entertainment content and commercial persuasion, thereby heightening susceptibility to embedded or cross-media advertising.¹¹⁷ In line with these findings, several jurisdictions have adopted stringent measures. Sweden and Norway, for example, prohibit television advertising directed at children under twelve, grounding the ban on developmental psychology and children's limited advertising literacy.¹¹⁸

Within Europe, the *Audiovisual Media Services Directive* (AVMSD) obligates Member States to ensure that audiovisual commercial communications do not cause physical, mental, or moral detriment to minors, and expressly prohibits direct exhortation urging children to persuade parents to purchase advertised products.¹¹⁹ The United Kingdom employs a sophisticated co-regulatory architecture through the *Advertising Standards Authority (ASA)* and the *Committee of Advertising Practice (CAP)*, imposing strict rules against sexualised content, harmful health claims, and appeals to "pester power."¹²⁰ In the United States, child-targeted digital advertising is regulated through the *Federal Trade Commission (FTC)* and the

¹¹⁶ American Psychological Association, Report of the APA Task Force on Advertising and Children (2004).

¹¹⁷ Wilcox et al., "The Role of Media in Child Development," *Journal of Public Policy & Marketing* (2004).

¹¹⁸ Swedish Radio and Television Act (2010).

¹¹⁹ Directive 2010/13/EU (Audiovisual Media Services Directive).

¹²⁰ Advertising Standards Authority (UK), BCAP Code.

Children’s Online Privacy Protection Act (COPPA), which restrict behavioural targeting and data harvesting from minors.¹²¹

Collectively, these foreign frameworks demonstrate the global shift towards child-centred advertising regulation and highlight the value of explicit, enforceable standards—an important benchmark for Nigeria.

2.4.2. Nigerian Literature

Nigerian scholars have produced a growing corpus examining advertising’s impact on children, families, and cultural norms. Bassey’s study on ethics and regulation argues that Nigeria’s advertising landscape suffers from weak enforcement, ambiguous standards, and inadequate protection of child audiences, especially concerning manipulative marketing and unhealthy food advertising.¹²² Olatunji’s analysis of food advertising underscores how foreign-styled commercials shape children’s preferences and expose them to unhealthy consumption patterns, contributing to rising rates of childhood obesity and nutritional imbalance.¹²³

Empirical work by *Akanbi and Ogbari* reveals that children influenced by advertising demand an average of fourteen products monthly, with 63% of parents reporting heightened financial pressure and strained family relationships resulting from persistent “pester power.”¹²⁴ Other studies show that advertisements in Nigerian magazines and television often portray children in stereotypical or adult-

¹²¹ Children’s Online Privacy Protection Act (COPPA), 15 U.S.C. §§ 6501–6506.

¹²² B. E. Bassey, “Ethics and Regulations Against Proliferation of Product Advertising Targeting Children in Nigeria” in *Ethics, Media, Theology and Development in Africa* (Globethics.net 2023) 444.

¹²³ R. W. Olatunji, “Advertising Food to Children: Implications for Marketing Communications and Public Policies in Nigeria” (2015) 7(2) *Journal of Communication and Media Research* 229.

¹²⁴ O. O. Iyiola and J. F. Dirisu, “Children Advertisements and Their Effects on Family Purchasing Behaviour: A Study of Cannanland, Ota Nigeria” (2014) 3(5) *Information and Knowledge Management* 9.

like roles, thereby distorting identity formation and reinforcing problematic social norms.¹²⁵

Regulatory analyses remain critical. Scholars such as *Gbadamosi* argue that Nigeria's regulatory frameworks—now consolidated under the Advertising Regulatory Council of Nigeria (ARCON)—lack sufficient mechanisms for shielding children from harmful commercial content.¹²⁶ Onuoha observes that although the ARCON Act aims to centralise regulation, it fails to articulate explicit protections for child-targeted advertising.¹²⁷ *S. U. Mohammed* further contend that the Child Rights Act, while comprehensive, does not conceptualise advertising as a vector of psychological or moral harm despite its broad definition of child abuse.¹²⁸ *Rotimi*, examines how Westernised advertising conflicts with Nigerian moral frameworks, arguing that unregulated exposure undermines family cohesion and accelerates cultural erosion.¹²⁹ Together, Nigerian scholarship indicates significant concerns but also reveals doctrinal and empirical gaps that this research aims to address.

2.5. Thematic Literature Review

2.5.1. Psychosocial and Cognitive Vulnerability of Children

Developmental psychology literature consistently demonstrates that children possess limited persuasion knowledge, making them vulnerable to manipulative

¹²⁵ G. O. Okafor, C. F. Malizu and E. Okon-Bassey, "Portrayal of Children in Magazine Adverts in Nigeria: A Content Analysis" (2014) 3(10) *International Journal of Advancements in Research and Technology* 99

¹²⁶ A. Gbadamosi, "Regulating Child-Related Advertising in Nigeria" (2010) 11(3) *Young Consumers* 204.

¹²⁷ A. Onuoha and O. C. Nnubia, "The Advertising Regulatory Act 2022 and Good Governance in Advertising Industry in Nigeria" (2023) 10(2) *Rivers State University Journal of Public Law* 91.

¹²⁸ S. U. Mohammed, "An Appraisal of the Legal Framework for the Protection of Children's Rights in Nigeria" (2022) 6(1) *African Journal of Law and Human Rights* 190.

¹²⁹ Rotimi, Williams & Olatunji, Rotimi. (2018). Trends in Advertising and Cultures in Nigeria. *Communication Cultures in Africa*. 1. 10.21039/cca.5.

advertising strategies. *Valkenburg and Buijzen* show that children under eight lack the cognitive capacity to critically interpret marketing messages.¹³⁰ *Livingstone and Helsper* extend this by establishing a link between advertising exposure, reduced advertising literacy, and higher susceptibility to harmful content, including sexualised imagery and unhealthy food promotions.¹³¹

In Nigeria, *Nwabueze, Okonkwo, and Adibe* confirm that television advertising significantly influences children's consumption patterns and triggers parent-child conflicts due to increased demands.¹³² *Anweh*, critiques the sexualisation of the girl-child in commercial media, arguing that such portrayals distort self-concept and may result in long-term psychological harm.¹³³

Collectively, the literature highlights the acute cognitive and emotional vulnerabilities that justify stronger regulatory intervention.

2.5.2. Advertising, Family Dynamics, and Cultural Erosion

A robust strand of Nigerian sociological literature addresses the cultural tensions introduced by globalised advertising. *Ochonogor* argues that Western-styled commercials propagate values centered on material acquisition, individualism, and aspirational consumption—values that conflict with Nigeria's communal ethos.¹³⁴

¹³⁰ P. M. Valkenburg and M. Buijzen, "Identifying the Determinants of Young Children's Brand Awareness: Television, Parents, and Peers" (2005) 26 *Journal of Applied Developmental Psychology* 456.

¹³¹ S. Livingstone and E. J. Helsper, "Advertising Foods to Children: Understanding Promotion in the Context of Children's Daily Lives" (2007) 49(3) *Appetite* 5.

¹³² C. Nwabueze, E. Okonkwo and K. N. Adibe, "Influence of Television Advertising on Children's Consumer Socialisation in South-East Nigeria" (2018) 15(1) *The Nigerian Journal of Communication* 157.

¹³³ *Anweh, Grace.* (2019). Gender Roles Representation in Television Advertisements: Implications for the Nigerian Girl-Child and Role Modelling. *Athens Journal of Mass Media and Communications*. 6. 43-64. 10.30958/ajmmc.6-1-3.

¹³⁴ *Ochonogor, C., & Nwachukwu, F.* (2019). Transnational Advertising of Coca Cola and the Adoption of Pop Culture among Youths in South-South Region of Nigeria. *AFRREV IJAH: An International Journal of Arts and Humanities*, 8, 28-43. <https://doi.org/10.4314/ijah.v8i4.3>.

Nwoba, et al observes that imported advertising models promote lifestyles unattainable for most Nigerian families, generating “material anxiety” that destabilises parent–child relationships.¹³⁵

Onwubere and Osuji’s cultivation-theory analysis demonstrates that repeated media exposure cultivates unrealistic expectations and feelings of relative deprivation among children, often directed at parents unable to meet such demands.¹³⁶ *Ayo et al* shows how digital advertising accelerates “consumer socialisation,” shifting value-formation from parental authority to commercial influence.¹³⁷

This literature establishes advertising as a threat not only to child welfare but also to cultural continuity and family stability.

2.5.3. Legal and Regulatory Scholarship in Nigeria

Legal scholarship acknowledges Nigeria’s regulatory frameworks—ARCON Act, ARCON Code, National Broadcasting Commission (NBC) Code, and the Child Rights Act—but identifies significant substantive and procedural weaknesses. *Adebiyi et al* argues that the ARCON Code is vague, technologically outdated, and insufficiently adapted to digital advertising, influencer marketing, and cross-border content.¹³⁸ *Olatunde* highlights jurisdictional gaps and regulatory fragmentation,

¹³⁵ Nwoba, A., Mogaji, E., Zahoor, N., Donbesuur, F., & Alam, G. (2022). Obesity, family units and social marketing intervention: evidence from Nigeria. *European Journal of Marketing*. <https://doi.org/10.1108/ejm-08-2021-0662>.

¹³⁶ Onwubere, C. H. and Osuji, H. O., “Nigerian Youths' Exposure to Geospatial Data and Artificial Intelligence Technologies: Cultivation Theory and Perception of Social Relations” (2020) 8 *Communication, Technologies et Développement*. Available at <https://journals.openedition.org/ctd/2617> accessed 19 November 2025

¹³⁷ M. F. Ayo, O. J. Fasoro and O. S. Olusanya, “Digital Marketing and Consumer Purchase Behaviour of Selected SMEs in Oyo State, Nigeria” (2024) 12(6) *International Journal of Economics, Commerce and Management*, 151.

¹³⁸ R. A. Adebiyi, O. A. Egbokhare and S. O. Olajire, "Regulatory and Ethical Challenges in Nigerian Advertising: A Critical Analysis of ARCON's Digital Enforcement Strategies" (2025) 6(1) *Social & Digital Media Discourse* 66.

noting that advertising oversight is dispersed across multiple institutions, resulting in inconsistent enforcement.¹³⁹

Although the Child Rights Act (CRA) guarantees protection from psychological and moral harm, few scholars have applied its provisions directly to advertising. *Eseyin and Akpan* suggests the possibility but does not develop a doctrinal framework for viewing harmful advertising as a breach of CRA rights such as dignity, privacy, or protection from mental abuse.¹⁴⁰

Thus, while Nigerian law offers a foundation, the doctrinal integration between advertising regulation and child-rights jurisprudence remains underdeveloped.

2.5.4. Digital Advertising, Influencers, and Emerging Risks

Recent studies identify digital advertising as a rapidly growing threat. Calderwood et al. show that algorithmic targeting exposes children to harmful commercial content, including age-inappropriate products, unhealthy foods, and risky behaviours.¹⁴¹ In Nigeria, parental-mediation research indicates that despite attempts at supervision, children continue to experience harmful online interactions, including exposure to sexualised or violent content.¹⁴²

¹³⁹ A. M. Olatunde, "Addressing The Scope Of Jurisdiction And Limits Of Advertising Practitioners Council Of Nigeria (APCON) In Light Of Its Overstretched Regulatory Oversight On Advertising In Nigeria" (2023) <https://barristerng.com/addressing-the-scope-of-jurisdiction-and-limits-of-advertising-practitioners-council-of-nigeria-apcon-in-light-of-its-overstretched-regulatory-oversight-on-advertising-in-nigeria-by-adetunji-mustaf/> accessed 19 November 2025.

¹⁴⁰ M. Eseyin and E. Akpan, "Advertisement and the Protection of Children's Rights in Nigeria" (2018) 4 *Commonwealth Law Review Journal* 365.

¹⁴¹ C. Calderwood et al., "Harmful Marketing by Commercial Actors" (2023) 401 *The Lancet* 1150.

¹⁴² I. Adigwe and T. B. van der Walt, "Parental Mediation of Children's Internet Use: A Study of Selected Nigerian Parents" (2020) 38(1) *Information Development* 5.

Legal scholars note that ARCON and NBC frameworks are poorly suited to these emerging forms of advertising, which rely on data profiling, influencer endorsements, viral trends, and cross-border content delivery.¹⁴³

The lack of explicit rules for digital child-targeted content constitutes a major regulatory weak point.

2.5.5. Comparative Regulatory Models and International Best Practices

Comparative literature provides valuable guidance for reform. The UK’s ASA imposes prescriptive rules banning direct exhortation (“pester power”), unhealthy food advertising on children’s channels, and sexualised portrayals of minors.¹⁴⁴

The EU’s AVMSD sets out enforceable standards requiring Member States to protect minors from moral and psychological detriment.¹⁴⁵ Sweden’s outright ban on advertisements directed at children under twelve demonstrates a rights-based approach prioritising child welfare.¹⁴⁶ COPPA in the United States restricts data collection from children, reflecting a modern understanding of privacy as integral to child protection.¹⁴⁷

These jurisdictions show a clear shift from broad ethical principles to specific, enforceable, child-centred regulatory rules—offering a template for Nigeria.

¹⁴³ A. A. Jatto, A. O. Abdulquadri and O. S. Zubair, “Digital Marketing and Global Shift Toward Ethical Advertising” (2025) 27(1) *Nigerian Journal of Management Studies* 150. *Nigeria Broadcasting Code* (6th ed, National Broadcasting Commission 2016). *The Nigerian Code of Advertising Practice, Sales Promotion and Other Rights/Restrictions on Practice* (7th ed, ARCON 2023).

¹⁴⁴ The UK Code of Broadcast Advertising (Broadcast Committee of Advertising Practice 2010).

¹⁴⁵ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) [2010] OJ L95/1.

¹⁴⁶ Radio- och tv-lag [Radio and Television Act] (2010:696) (Sweden)

¹⁴⁷ Children’s Online Privacy Protection Act 1998, 15 U.S.C. §§ 6501–6506.

2.6. Gaps in the Literature

Although substantial scholarship exists on advertising, media influence, child psychology, and cultural transformation in Nigeria, several doctrinal, empirical, and regulatory gaps remain unaddressed. First, existing Nigerian literature focuses predominantly on general advertising ethics or consumer protection, with very limited work examining advertising specifically through the lens of family values, which is the central moral and cultural concern of this study. The relationship between advertising content and the erosion of family cohesion, parental authority, and indigenous moral codes has been largely under-theorised.

Secondly, while scholars acknowledge children's cognitive vulnerability to persuasion, few Nigerian studies integrate developmental psychology, legal paternalism, and child-rights jurisprudence into a unified analytical framework. Literature rarely considers harmful advertising as a form of psychological or moral injury under the Child Rights Act, despite clear statutory wording supporting such an interpretation.

Thirdly, regulatory analyses tend to examine ARCON, NBC, or FCCPC in isolation, without recognising the overlapping, fragmented nature of Nigeria's regulatory environment. There is insufficient doctrinal evaluation of the constitutional tensions between freedom of commercial speech, family privacy, and child protection. This fragmentation has produced inconsistent enforcement—a problem that current literature has not systematically articulated.

Fourthly, there is a significant empirical gap. Nigerian literature has limited field-based research capturing the lived experiences of parents, media professionals, regulators, and children in relation to advertising's impact. The rise of digital advertising, influencer marketing, and algorithmic targeting is also under-

researched within Nigerian contexts, leaving a vacuum in scholarship on how online advertising specifically threatens child welfare and family stability.

Finally, comparative analysis remains shallow. Although foreign regulatory models are occasionally referenced, no Nigerian study creates a doctrinal bridge contextualising how the robust child-centred frameworks from the UK, EU, Sweden, and the USA can be adapted to Nigeria's cultural, constitutional, and institutional realities.

This study addresses these gaps by combining doctrinal analysis with empirical research (questionnaire and interviews), integrating interdisciplinary theories, and situating Nigerian advertising regulation within both constitutional frameworks and comparative best practices.

2.7 Chapter Summary

This chapter provided a comprehensive conceptual, theoretical, and literature-based foundation for the study. It clarified key concepts—including advertising, family values, harmful content, child protection, and regulation—by synthesising legal definitions, psychological insights, and cultural analyses. The conceptual clarifications established the analytical vocabulary essential for examining the legal regulation of advertising content in Nigeria.

The chapter also explored a multi-theoretical framework comprising Social Responsibility Theory, Legal Paternalism, Cultural Relativism, the Best Interest of the Child Principle, Social Learning Theory, Cultivation Theory, Vulnerability Theory, Consumer Protection Theory, Stakeholder Theory, and the Persuasion Knowledge Model. Collectively, these theories justify a child-centred, culturally grounded, and ethically responsible approach to regulating advertising. They

highlight the inherent vulnerabilities of children, the moral obligations of advertisers, and the state's constitutional duty to safeguard family integrity.

Furthermore, the literature review revealed extensive scholarly engagement globally and within Nigeria on advertising's influence on childhood development, cultural identity, and consumer behaviour. Foreign literature illustrated progressive regulatory models prioritising child welfare, while Nigerian literature identified ethical concerns, weak enforcement mechanisms, and cultural disruptions caused by unregulated advertising. The thematic review highlighted recurring patterns: cognitive vulnerability among children, materialistic pressures on families, cultural erosion, fragmented regulation, and the increasing risks posed by digital advertising.

In synthesising these insights, the chapter identified major gaps in existing scholarship, including limited doctrinal analysis linking advertising regulation with child-rights law, sparse empirical data in Nigerian contexts, weak examination of digital advertising, and insufficient integration of cultural and family-value considerations. These gaps justify the necessity and originality of the present research.

The next chapter builds on this foundation by examining the legal and institutional framework governing advertising in Nigeria, assessing its capacity to protect family values and shield children from harmful content.

CHAPTER THREE

THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR REGULATING ADVERTISEMENTS TARGETING FAMILIES AND CHILDREN IN NIGERIA

3.1 Introduction

This chapter provides a comprehensive and critical analysis of the legal and institutional architecture governing advertising in Nigeria, with a specific focus on its efficacy in protecting families and children.¹ Building on the theoretical foundations established previously, it systematically dissects the complex interplay of constitutional provisions, statutes, regulatory codes, and institutional mechanisms designed to control advertising content.² The chapter will navigate from the broad, foundational principles of the Constitution down to the specific, operational rules of regulatory codes and the practical realities of enforcement. It will analyse the constitutional basis for regulating commercial expression, the key statutory instruments and their provisions, the roles and interactions of various regulatory agencies, and the supplementary function of self-regulatory bodies. Furthermore, it will scrutinise the pervasive issue of jurisdictional overlaps, survey relevant judicial attitudes, and conclude with a candid assessment of the systemic weaknesses that impede the framework's optimal functionality. The objective is to present a doctrinally sound and holistic understanding of the normative framework, setting the stage for subsequent critical analysis and reform-oriented recommendations.³

¹ This chapter constitutes the doctrinal core of this study, undertaking a systematic and critical exposition of the Nigerian legal architecture governing advertisement.

² A robust legal framework is the primary instrument through which the state's paternalistic and protective roles are operationalised.

³ The objective is to present a comprehensive understanding of the normative framework within which advertisements targeting families operate.

3.2 Key Legal Instruments

The Nigerian regulatory landscape for advertising is not monolithic but is a composite, multi-layered structure built on a hierarchy of legal instruments.⁴ These range from the supreme, overarching provisions of the Constitution to specific Acts of the National Assembly, and further down to detailed regulatory codes created by administrative agencies and professional guidelines.⁵ This hierarchy ensures that general principles enshrined in supreme law are given specific force and detail through subordinate legislation. The key instruments forming this legislative edifice include:

- The *Constitution of the Federal Republic of Nigeria 1999 (as amended)*, which provides the foundational authority for all state regulation;⁶
- Relevant international instruments, primarily *the United Nations Convention on the Rights of the Child (UNCRC)*, which Nigeria ratified in 1991;⁷
- The *Advertising Regulatory Council of Nigeria (ARCON) Act, 2022*, which serves as the principal statute for the advertising industry;⁸
- The *National Broadcasting Commission (NBC) Act, 1992*,⁹ and its subsidiary legislation, the *NBC Broadcasting Code (2023)*, which govern the broadcast media space;¹⁰

⁴ Duale, Ovia & Alex-Adedipe, “A Review of the Advertising Regulatory Council of Nigeria's (ARCON) 2023 Vetting Guidelines” (2024) <https://www.mondaq.com/nigeria/social-media/1693212/a-review-of-the-advertising-regulatory-council-of-nigerias-arcon-2023-vetting-guidelines> accessed 21 November 2025.

⁵ This multi-layered approach results in a framework where general principles are given specific force through subordinate legislation.

⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended).

⁷ Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3.

⁸ Advertising Regulatory Council of Nigeria Act 2022.

⁹ National Broadcasting Commission Act 1992 (Cap N11, LFN 2004).

¹⁰ Nigeria Broadcasting Code (6th ed, National Broadcasting Commission 2016, as amended 2020).

- The *Federal Competition and Consumer Protection Act (FCCPA), 2018*, which addresses market conduct and consumer welfare;¹¹
 - The *Child Rights Act (CRA), 2003*, which establishes the paramountcy of the child's best interests;¹²
 - The *Nigeria Data Protection Act (NDPA), 2023*, which is crucial for regulating digital and behavioural advertising;¹³
 - The *Standards Organisation of Nigeria (SON) Act, 2015*, which regulates product standards and related claims;¹⁴
 - Sector-specific laws including the *NAFDAC Act and its Advertising Guidelines*,¹⁵ the *Films and Video Censors Act*,¹⁶ and the *Cybercrimes Act, 2015*.¹⁷
- These instruments collectively create a comprehensive (though sometimes fragmented) legislative and regulatory foundation for controlling advertising practices and ensuring the protection of vulnerable audiences, particularly families and children.¹⁸

3.3. Constitutional and International Law Framework

The *Constitution of the Federal Republic of Nigeria 1999 (as amended)* is the grundnorm; the ultimate legal backdrop against which all other laws on advertising must be tested.¹⁹

Furthermore, by virtue of Section 12 of the Constitution, international treaties ratified by

¹¹ Federal Competition and Consumer Protection Act 2018.

¹² Child's Rights Act 2003.

¹³ Nigeria Data Protection Act 2023.

¹⁴ Standards Organisation of Nigeria Act 2015.

¹⁵ Cosmetics and Medical Devices (Advertisement) Regulations 2021, Drug and Related Products Advertisement Regulations 2021, Food Products Advertisement Regulations 2021.

¹⁶ National Film and Video Censors Board Act 1993 (Cap N40, LFN 2004).

¹⁷ Cybercrimes (Prohibition, Prevention, etc.) Act 2015.

¹⁸ F Otoikhian and C Otoikhian, 'The Legal Framework for Advertising Regulation in Nigeria: A Critical Appraisal' (2014) 8 *NIALS Journal of Law and Public Policy* 45.

¹⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended), S. 1(1).

Nigeria, such as the UNCRC, become domesticated and assume the force of law.²⁰ This creates a dual foundation for advertising regulation, rooted in both domestic constitutional principles and international human rights obligations.

3.3.1. Freedom of Expression and Its Limits

Section 39(1) of the Constitution guarantees every person the right to "freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference."²¹ Nigerian jurisprudence, as affirmed by the Supreme Court, accepts that commercial speech, including advertising, falls within the ambit of this protected expression.²² However, this right is not absolute. Section 45(1) constitutes the critical constitutional caveat, as it permits the state to enact laws that reasonably restrict these rights in the interest of "defence, public safety, public order, public morality or public health" or for the purpose of protecting the rights and freedoms of others.²³ It is under this exception, particularly "public morality" and the "rights of others" (including children), that content-based regulations protecting children from harmful advertising find their primary constitutional justification.

3.3.2. The United Nations Convention on the Rights of the Child (UNCRC)

Nigeria's ratification of the UNCRC imposes binding international obligations that directly inform the regulation of advertising targeting children. Two articles are particularly salient:

- **Article 17** recognises the mass media's function and urges state parties to "encourage the development of appropriate guidelines for the protection of the

²⁰ Ibid, S. 12(1).

²¹ Ibid, S. 39(1).

²² Registered Trustees of the Constitutional Rights Project v. President, FRN (1999) LPELR-6159(CA).

²³ Constitution of the Federal Republic of Nigeria 1999 (as amended), S. 45(1).

child from information and material injurious to his or her well-being."²⁴ This provision explicitly mandates the state to develop regulatory frameworks, including advertising codes, that protect children from harmful content.

- **Article 36** requires state parties to "protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare."²⁵ Commercial exploitation through manipulative advertising is squarely within the scope of this article.

These international obligations provide a robust external benchmark and a compelling legal impetus for Nigeria to maintain a high standard of protection in its advertising regulatory framework, which is primarily operationalised through the domestically enacted Child Rights Act.²⁶

3.3.3. Public Morality, Public Order and Family Protection

Beyond the justiciable fundamental rights, the non-justiciable **Directive Principles of State Policy** in **Chapter II** of the Constitution provide crucial interpretative lens and policy direction for the state.²⁷ *Section 17(3)(a)* explicitly mandates that "the State shall protect and promote the family as the natural and fundamental unit of society." Furthermore, *Section 17(3)(f)* requires that "the State shall protect children, young persons and the aged against any exploitation whatsoever, and against moral and material neglect."²⁸ Section 21 further mandates protection, preservation and promotion of cultural values (family values inclusive) which are consistent with Section 17.²⁹ Although these

²⁴ United Nations Convention on the Rights of the Child, Article 17(e).

²⁵ Ibid, Article 36.

²⁶ The Child Rights Act, 2003, serves as the primary domestic legislation implementing the UNCRC.

²⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended), S. 13.

²⁸ Ibid, S. 17(3)(a) & (f).

²⁹ Ibid, S. 21

sections are not directly enforceable in court,³⁰ they impose a profound constitutional duty on the state to create a legal environment that proactively safeguards the family unit and its youngest members from moral and material exploitation, including from exploitative commercial practices. This provides a powerful philosophical and normative foundation for specific advertising regulations aimed at preserving family values and child welfare, aligning with the state's obligations under the UNCRC.³¹

3.4. Statutory Framework

Beneath the constitutional and international law umbrella, specific Acts of the National Assembly provide the primary statutory authority for regulating advertising, establishing regulatory bodies, and granting them specific powers and sanctions.

3.4.1. Advertising Regulatory Council of Nigeria (ARCON) Act 2022

The ARCON Act is the principal statute for regulating advertising, repealing the former APCON Act and establishing a more robust regulatory council.³² The Act provides for the comprehensive regulation of all advertising and marketing communications across all media platforms,³³ a system of pre-exposure vetting of advertisements, and a regime of post-exposure enforcement with sanctions including withdrawal orders, substantial fines, and suspension of advertising rights.³⁴ It represents Nigeria's most ambitious legislative attempt at harmonising and strengthening advertising regulation, with explicit provisions extending its reach into the digital space.³⁵

³⁰ Ibid, S. 6(6)(c).

³¹ These principles provide a powerful philosophical foundation for specific advertising regulations.

³² Advertising Regulatory Council of Nigeria Act, 2022.

³³ Ibid ss. 1–3, 26

³⁴ Ibid ss. 32,34,57

³⁵ K. Makinde, “An Overview of the Advertising Regulatory Council of Nigeria Act, 2022” (2023) <https://www.mondaq.com/nigeria/advertising-marketing--branding/1290290/an-overview-of-the-advertising-regulatory-council-of-nigeria-act-2022> accessed 22 November 2025.

3.4.2. National Broadcasting Commission (NBC) Act and the Broadcasting Code

The NBC Act establishes the Commission with the power to regulate and control the broadcasting industry.³⁶ Its subsidiary legislation, the Nigerian Broadcasting Code (2023),³⁷ provides detailed rules for broadcast advertising, including prohibitions on adverts that offend public decency or exploit children's credulity;³⁸ the imposition of watershed periods for adult-oriented content;³⁹ and requirements for broadcasters to ensure family-friendly programming.⁴⁰ The NBC primarily employs an *ex-post* (after-the-fact) regulatory model, monitoring content and acting on complaints, with powers to impose fines or revoke licenses.⁴¹

3.4.3. Federal Competition and Consumer Protection Act (FCCPA) 2018

The FCCPA provides a potent market-oriented tool for regulating advertising. It prohibits misleading, unfair, or deceptive trade practices, including false advertising.⁴² It empowers the FCCPC to sanction any breach related to and concerning the customer of which families and children are the most vulnerable.⁴³ Section 124 restricts false representation and unfair persuasion. This includes advertisements that manipulate, exploit, or exert undue psychological influence on children.⁴⁴ Its focus on "unconscionable conduct" in marketing offers a significant (though currently underutilised) legal avenue to challenge economically exploitative advertising targeted at children and their families.⁴⁵

³⁶ National Broadcasting Commission Act, Cap N11, LFN 2004, S. 2.

³⁷ Nigeria Broadcasting Code (6th edn, NBC 2016),

³⁸ Ibid Ch. 7.1.1 (e)

³⁹ Ibid Ch. 3.10

⁴⁰ Ibid Ch. 3.5.1

⁴¹ NBC Act, S. 2 (1) (f)

⁴² Federal Competition and Consumer Protection Act (FCCPA), 2018, S. 123(1)(a) (b) (c).

⁴³ Ibid, SS 18

⁴⁴ Ibid, SS 124

⁴⁵ Ibid, SS 17 (g)

3.4.4. Child Rights Act (CRA) 2003

The CRA represents the domestic implementation of the UNCRC, effecting a paradigm shift in Nigerian jurisprudence. Its most significant and justiciable principle, enshrined in **Section 1**, is that "in every action concerning a child, whether undertaken by an individual, public or private body, institutions or service, court of law, or administrative authority, the best interests of the child shall be the primary consideration."⁴⁶ This creates a direct legal obligation for advertisers, regulators, and media houses to prioritise child welfare. Furthermore, **Sections 8-14** and **Sections 32&33** of the act guarantee children specific rights, including protection from psychological abuse, moral neglect, and all forms of exploitation, directly mirroring and enforcing Nigeria's obligations under Articles 17 and 36 of the UNCRC.⁴⁷ An advertisement that psychologically manipulates or morally degrades a child can thus be construed as a violation of these statutory and international law rights. Despite this, Nigerian jurisprudence has not yet developed a doctrine linking harmful advertising to statutory child-rights violations.

3.4.5. Nigeria Data Protection Act (NDPA) 2023

The NDPA is increasingly critical for regulating the modern advertising landscape. The **Nigeria Data Protection Act (NDPA) 2023** establishes a comprehensive legal regime for the protection of personal data in Nigeria. Its relevance to advertising, particularly advertising targeted at families and children, is significant for the following reasons:

a) Restrictions on Automated Processing, Profiling & Targeting

Sections 24 and 25 of the Act regulate automated decision-making and profiling.⁴⁸

These provisions apply directly to:

⁴⁶ Child's Rights Act, 2003, S. 1.

⁴⁷ Ibid, SS. 8-14, 32&33.

⁴⁸ Nigeria Data Protection Act 2023, ss 24–25.

- algorithmic content targeting,
- personalised ads delivered to minors,
- predictive profiling used by advertisers.

Advertisers must demonstrate that such processing is lawful and transparent, and that it respects the rights of data subjects.

b) Lawful Basis for Marketing Communications

Section 25 goes a step deeper by requiring data controllers to process data only on a lawful basis such as consent, legitimate interest, or contractual necessity.⁴⁹ For marketing activities, **consent** is the safest and most appropriate basis, particularly where children are involved.

c) Protection of Children’s Personal Data

The NDPA recognises children as a special category of vulnerable data subjects. Its provisions govern data processing for digital and behavioural advertising, imposing specific restrictions on children's data processing, mandating verifiable parental consent for the use of minors' data, and prohibiting harmful profiling and behavioural targeting of minors. Section 31 requires **verifiable parental consent** before the processing of a child’s personal data.⁵⁰ This includes any data collected through:

- online behavioural advertising,
- social media platforms,
- apps or websites used by children,
- digital tracking technologies (e.g., cookies and profiling tools).

This Act is a key instrument for addressing the unique challenges posed by social media and online advertising targeted at children. In this regard, the NDPA represents one of the

⁴⁹ Nigeria Data Protection Act 2023, S. 25.

⁵⁰ Ibid, S. 31.

first Nigerian statutes to **explicitly impose consent and safety obligations** in relation to children's data, directly affecting digital advertising ecosystems.

3.4.6. Standards Organisation of Nigeria Act

The **Standards Organisation of Nigeria (SON) Act** establishes the Standards Organisation of Nigeria as the national body responsible for formulating standards, enforcing product quality, and ensuring the safety of goods sold within Nigeria.⁵¹

Although SON is not a classical advertising regulator, its statutory mandate has **direct and indirect implications** for advertisements targeting families and children.

a) Product Safety and Certification

A significant proportion of products marketed to families and children, such as:

- baby foods,
- children's beverages,
- toys and play equipment,
- household cleaning agents,
- pharmaceuticals and vitamins,

must comply with SON's mandatory product quality and safety standards. SON's **Mandatory Conformity Assessment Programme (MANCAP)**⁵² and product certification marks (e.g., NIS Mark) often appear in advertisements, influencing consumer perception and confidence.

b) Misleading Quality or Safety Claims

Under the SON Act⁵³, false or misleading representations regarding:

- product composition,

⁵¹ *Standards Organisation of Nigeria Act 2015*, SS. 4–5.

⁵² *Ibid*, S. 5 (1) (h-j)

⁵³ A combined reading of S. 4,5,26, and 32 reveals an intricate direct and indirect SON's enforcement jurisdiction.

- performance,
- conformity to safety standards, or
- SON certification status

are prohibited. Advertisements that exaggerate the safety profile of products intended for children may therefore fall within SON’s enforcement jurisdiction.

c) Enforcement Powers Relevant to Advertising

SON possesses powers⁵⁴ to:

- seize substandard goods,
- prosecute offenders,
- conduct compliance inspections,
- sanction manufacturers making unverified claims.

These powers become relevant where advertisements rely on **unsubstantiated or fraudulent product-quality assertions**.

3.4.7. Other Relevant Statutes

The framework is supplemented by several other sector-specific statutes:

3.4.7.1. National Agency for Food and Drug Administration and Control (NAFDAC)

NAFDAC plays a critical sectoral role by regulating advertisements for its regulated products: food, drugs, cosmetics, and medical devices. It ensures that any health, nutritional, or efficacy claims made in advertisements are substantiated and not false or misleading, thereby protecting families from potentially harmful misinformation.⁵⁵

NAFDAC Act and Advertising Guidelines regulate all advertisements relating to food,

⁵⁴ Ibid, ss 29

⁵⁵ NAFDAC Advertising Guidelines (latest revision). *Cosmetics and Medical Devices (Advertisement) Regulations 2021. Drug and Related Products Advertisement Regulations 2021. Food Products Advertisement Regulations 2021.*

drugs, cosmetics, and medical products, ensuring health-related claims are truthful and not misleading to families.³³

3.4.7.2. *Cybercrimes (Prohibition, Prevention, etc.) Act 2015:*

Criminalises cyber-stalking and fraudulent deceptive promotions online, providing a legal basis for acting against some forms of digital advertising malpractice.

Cyber-Stalking: Section 24 prohibits sending grossly offensive, menacing, or harassing messages via computer systems, including threats to harm, extort, or falsely accuse. Penalties include up to 10 years imprisonment and/or fines from N15,000,000 to N25,000,000, with protective orders possible.⁵⁶

Phishing and Spamming: Section 32 addresses masquerading to acquire sensitive information fraudulently. Penalty: Up to 3 years imprisonment or N1,000,000 fine.⁵⁷

3.4.7.3. Films and Video Censors Act:

Regulates the content of films and video works, which includes promotional and advertisement materials within such media.⁵⁸

3.5. Regulatory Codes and Industry Mechanisms

The broad statutes are given detailed, operational life through regulatory codes and industry self-regulatory mechanisms, which provide the specific rules of engagement for advertisers.

3.5.1 The Nigerian Code of Advertising Practice (ARCON Code)

This Code is the substantive rulebook for all advertisements in Nigeria, legally enforceable under the ARCON Act. Its general principles require that all ads be **legal, decent, honest,**

⁵⁶ Cybercrimes (Prohibition, Prevention, etc.) Act 2015. S. 25

⁵⁷ Ibid, S.32

⁵⁸ National Film and Video Censors Board Act 1993 (Cap N40, LFN 2004).

truthful, and respectful of Nigeria's culture.⁵⁹ Crucially, it dedicates the third chapter to “Advertising to Minors and Young Persons”⁶⁰.

Child-Specific Provisions in the Nigerian Code of Advertising Practice (Articles 105–116)

The Nigerian Code of Advertising Practice contains specific provisions regulating advertising directed at minors and young persons. Articles **105–116** collectively articulate a child-centered ethical framework grounded in consumer protection, psychological safety, moral development, and societal values. These provisions reflect a clear recognition of children’s cognitive vulnerabilities, their limited advertising literacy, and their increased susceptibility to persuasion. As such, they form a critical component of Nigeria’s regulatory architecture for safeguarding children in commercial communication.

The discussion below examines each Article in detail.

Article 105 — Inducements⁶¹

Article 105 prohibits advertisements from deceptively manipulating minors into patronising a product or service. The rule aims to prevent:

- undue emotional pressure,
- exploitative incentives,
- manipulative persuasive techniques, and
- false claims designed to trigger impulsive behaviour.

Because children lack full critical reasoning abilities, they are particularly vulnerable to emotional triggers and persuasive storytelling. Article 105 therefore seeks to ensure that advertisers do not exploit these developmental limitations by crafting messages that unfairly push minors toward consumption, either directly or indirectly through parental

⁵⁹ *The Nigerian Code of Advertising Practice* (7th ed, 2023). Art. 1-3 and the Guiding Principles

⁶⁰ *Ibid*, Art. 105-116

⁶¹ *Ibid*, Art. 105

influence. This aligns with the broader consumer-protection objective of preventing unfair commercial practices.

Article 106 — Appeals⁶²

This article prohibits advertisements from making children feel inferior or superior on the basis of product use. It directly targets **peer-pressure marketing**, which is a common strategy in children’s advertising.

Examples of improper appeals include claims such as:

- “Children who use this product are smarter,”
- “You’re not cool unless you have this toy,”
- “Only special children drink this beverage.”

Such appeals can create social comparison pressures, psychological insecurity, and emotional distress among children. Article 106 protects minors from coercive messaging that manipulates their desire for belonging or social acceptance.

Article 107 — Exaggeration⁶³

Article 107 prohibits advertisements targeted at minors from exaggerating the benefits of a product or service. This provision recognises that young audiences are less able to distinguish between reality and enhanced portrayals.

Prohibited examples include:

- suggesting that a drink “instantly makes you strong,”
- portraying a toy as having magical abilities,
- overstating educational, emotional, or developmental benefits.

The goal is to ensure realistic, evidence-based messaging that does not mislead minors or distort their expectations. This rule reinforces the ethical duty of truthfulness in advertising.

⁶² Ibid, Art. 106

⁶³ Ibid, Art. 107

Article 108 — Safety Requirements⁶⁴

Article 108 is one of the most safety-focused provisions in the Code. It prohibits advertisements from portraying minors in:

- unsafe behaviours,
- hazardous situations,
- violations of road safety rules or the Highway Code, and
- physically dangerous environments.

These include depictions such as:

- climbing unguarded heights,
- leaning over balconies,
- running across busy roads,
- handling dangerous objects or equipment,
- reaching for items far above their height.

Because children are highly imitative and often replicate what they see in media, such portrayals could normalise dangerous behaviours. Article 108 therefore aligns advertising standards with core child-safety principles.

Article 109 — Accidents⁶⁵

This article prohibits showing minors using objects or engaging in activities that could result in:

- electrocution,
- burns,
- cuts, or
- other forms of injury.

It applies specifically to hazardous items such as:

- electrical appliances,

⁶⁴ Ibid, Art. 108

⁶⁵ Ibid, Art. 109

- hot surfaces,
- chemicals or inflammable materials.

As an extension of Article 108, this provision ensures that advertisements do not inadvertently encourage minors to mimic dangerous behaviours, especially in domestic environments.

Article 112 — Exploitation of Innocence⁶⁶

Article 112 prohibits advertisements from exploiting the innocence and naivety (trusting nature) of minors. Children are particularly susceptible to:

- i. emotional manipulation,
- ii. unrealistic promises, and
- iii. moral distortions.

This article places an affirmative obligation on advertisers to promote the physical and moral well-being of minors. It draws its normative basis from the Child Rights Act and the UN Convention on the Rights of the Child, both of which mandate protection from exploitation and harmful influences.

Article 113 — Values⁶⁷

This provision prohibits the exposure of minors featured in advertisements to values that are:

- i. socially unacceptable,
- ii. culturally inappropriate, or
- iii. morally questionable.

Examples include depictions of:

- aggressive or violent conduct,
- sexualised behaviour,

⁶⁶ Ibid, Art. 112

⁶⁷ Ibid, Art. 113

- morally offensive content, or
- actions inconsistent with widely accepted social norms.

The aim is to protect a child's developing sense of identity, morality, and social orientation. It reinforces the idea that advertisements must not undermine the ethical and cultural foundation of Nigerian society.

Article 114 — Decent Dressing⁶⁸

Article 114 requires that minors portrayed in advertisements must be suitably and decently dressed, consistent with societal and cultural standards. This protects minors from:

- sexualisation,
- premature adultification, or
- exposure to adult themes.

The rule reflects global concerns about the increasing objectification of children in media and seeks to preserve childhood innocence in commercial representation.

Article 116 — Family Values⁶⁹

Article 116 prohibits advertisements from detracting from the sanctity of marriage, family life, or family values. The rule reflects Nigeria's socio-cultural commitment to:

- family cohesion,
- respect for parental authority, and
- the moral upbringing of children.

Violations may include:

- advertisements that glorify disobedience,
- depictions of children disrespecting their parents,
- portrayals that normalise broken family structures as humorous or desirable.

The article ensures that advertising content aligns with and reinforces the social values upon which Nigerian family life is built.

⁶⁸ Ibid, Art. 114

⁶⁹ Ibid, Art. 116

Articles 105–116 collectively establish a robust ethical and child-protection framework for advertising in Nigeria. They address psychological manipulation (Arts. 105–107), physical safety (Arts. 108–111), moral and emotional integrity (Arts. 112–115), and societal cohesion (Art. 116). These provisions align with broader legal mandates under the Child Rights Act, the Advertising Regulatory Council of Nigeria Act, and Nigeria’s international obligations under the UN Convention on the Rights of the Child. They therefore constitute an essential regulatory safeguard in protecting minors from harmful advertising practices.

3.5.2. The Nigeria Broadcasting Code⁷⁰

Provisions of the Nigerian Broadcasting Code on Child Protection, Morality, and Family-Oriented Advertising

The Nigerian Broadcasting Code (NBC Code) provides an extensive ethical and content-regulatory framework applicable to broadcasters. Several provisions directly or indirectly protect minors, families, and vulnerable audiences from harmful or inappropriate content. These rules govern taste and decency, moral values, programme scheduling, and children-focused advertisements. Collectively, they reinforce the obligation of broadcasters to uphold societal norms, protect minors, and promote responsible broadcasting practices.

The key provisions are analysed below.

⁷⁰ Nigeria Broadcasting Code (6th edn, NBC 2016),

3.5.2.1. Good Taste and Decency (Code 3.5)⁷¹

(a) Prohibition of Obscenity and Indecent Content

The Code prohibits obscene, indecent, vulgar, profane, or lewd expressions in all programming. This absolute restriction protects minors from premature exposure to adult themes and upholds public morality. Broadcasters must therefore exercise editorial discipline, especially during family-viewing hours.

(b) Promotion of Family Life and Marriage

The Code expressly requires broadcasters to promote the sanctity of marriage and family life. This reflects Nigeria's cultural emphasis on the family as the nucleus of moral development. Programmes must not undermine parental authority, demean family structures, or glamorise dysfunctional domestic relationships.

(c) Protection of the Physically and Mentally Challenged

Broadcasters must avoid exploiting or portraying persons with physical or mental challenges in an embarrassing manner. This aligns with principles of dignity, non-discrimination, and inclusive representation, ensuring that minors are not exposed to content that encourages stigma or mockery.

3.5.2.2. Morality and Social Values (NBC Code 3.6)⁷²

(a) Prohibition of Pornography and X-Rated Content

The Code completely forbids the broadcast of pornography and X-rated content. This restriction is essential to shield children from sexual content that could distort their psychological and emotional development.

⁷¹ Ibid, Art. 3.5

⁷² Ibid, Art. 3.6

(b) Prohibition of Glorifying Negative Values

Programmes must not idealise cruelty, greed, selfishness, revenge, or similar vices. The rule reinforces positive moral orientation and ensures that children do not internalise anti-social behaviours presented as admirable.

(c) Respect for Programme Belts (Especially Children’s Belts)

The NBC Code requires that **programme belts must be strictly respected**, with particular emphasis on the **children’s belts** and **family belts**, even within the complex structure of digital broadcasting and vertical channel alignment. Programme belts serve as scheduling safeguards that determine what type of content may be broadcast during specific time blocks. Their core purpose is to ensure that minors are only exposed to age-appropriate content and that families can rely on predictable viewing patterns for safe programming.

In the digital era, technological advancement has enabled multi-channel broadcasting, time-shifted programming, and vertical alignment of content across several channels. Despite these innovations, the Code mandates that broadcasters maintain strict discipline in adhering to these belts.

(d) Depictions of Anti-Social Behaviour

Content involving drunkenness, drug abuse, or similar anti-social tendencies must be portrayed only as destructive behaviours. This protects minors from normalising harmful conduct.

(e) Sex-Related Acts and Sensitive Themes

Acts such as adultery, prostitution, rape, bestiality, homosexuality, lesbianism, incest, and LGBT-related issues must not be presented except for condemnation or cautionary messaging. This reflects Nigeria’s socio-legal positioning on sexual morality and the protection of minors from explicit or controversial sexual content.

(f) Graphic Violence and Trauma-Inducing Imagery

Excessive portrayal of physical suffering, pain, bloodshed, or dead bodies must be avoided. Where necessary for context, the broadcast must be preceded by a warning. This protects minors from traumatic exposure.

(g) Vices Such as Smoking, Drinking, Ostentation

Depictions of smoking, alcohol consumption, or ostentatious lifestyles must be contextualised as undesirable. This seeks to mitigate the risk of imitation by impressionable audiences.

(h) Suicide Depictions

Suicide must not be treated as an acceptable solution to problems. The Code ensures that minors are not exposed to messaging that glamorises self-harm.

(i) Nudity and Sexual Scenes

Nudity or sexual scenes must only be shown where absolutely necessary and must be handled with tact and discretion. This prevents inappropriate exposure, especially during non-restricted hours.

3.5.2.3. Watershed Restrictions (NBC Code 3.10)⁷³

The watershed mechanism is a key tool to regulate exposure of minors to mature content.

(a) Programmes of General Family Viewing

Restrictions applicable to general family-viewing hours must be enforced, especially in the evening prime-time slots.

(b) Conditional Exceptions

Exceptions may be granted under controlled circumstances, normally requiring additional safeguards.

⁷³ Ibid, Art. 3.10

(c) Restricted Hours for Mature Content

Content unsuitable for minors may only be broadcast between **10:00pm and 5:00am** and only on premium channels. This prevents inadvertent exposure during times when children are more likely to watch television.

3.5.2.4. Children and Young Persons Advertisements (NBC Code 7.1)⁷⁴

NBC Code section contains provisions specifically targeted at protecting children and young persons from harmful, misleading, or exploitative advertising.

(a) Prohibition of Exploitation

Broadcasters must ensure that minors are not exploited in any form. Advertisements must not take advantage of a child's vulnerability, innocence, or limited decision-making capacity.

(d) Caution in Children's Programme Belts

Special care is required for advertisements placed within or adjacent to children's programmes. The timing, visual content, and messaging must be age-appropriate and non-harmful.

(e) No Physical or Psychological Harm

Advertisements targeted at minors must avoid content likely to cause physical or psychological harm or exploit their natural credulity.

(f) Restrictions on Dangerous Products

Children must not be used to advertise products or services deemed potentially dangerous. This prevents minors from being associated with risky activities or harmful items.

(g) No Encouragement of Unsafe Behaviour

Advertisements must not encourage children to:

⁷⁴ Ibid, Art. 7.1

- go to unsafe locations,
- converse with strangers, or
- accept gifts from unknown persons.

This provision mirrors broader child-safety norms and anti-abduction principles.

(h) Restrictions on Direct Sales Appeals to Children

Advertisements must not make direct purchase appeals to minors unless the product is affordable and appropriate for them. This prevents undue commercial pressure on children.

(i) No Moral or Social Manipulation

Advertisements must not imply that a child who fails to buy a product is disloyal, irresponsible, or morally inadequate. This prevents guilt-based marketing.

(j) No Inferiority Messaging

Advertisements cannot make children feel inferior because they or their parents do not own the advertised product. This restricts psychologically manipulative marketing commonly used in children’s media.

(k) Restriction on Alcoholic Beverage Ads

Advertisements for alcoholic products must not be broadcast near children’s programmes or during dedicated children’s belts.

(l) No Adult Programme Promotions in Children’s Belts

Materials promoting adult or mature programmes must not be broadcast within or adjacent to children’s programmes.

3.6. Industry Self-Regulation

Bodies like the **Advertisers Association of Nigeria (ADVAN)**, the **Association of Advertising Agencies of Nigeria (AAAN)**, and the **Media Independent Practitioners Association of Nigeria (MIPAN)** play a complementary role. They promote voluntary ethical guidelines, facilitate professional training, and foster industry best practices among

their members.⁷⁵ However, their voluntary nature and lack of coercive enforcement powers mean they cannot replace robust statutory oversight, especially in cases of egregious violations.⁷⁶

3.7 Jurisdictional Overlap and Coordination Challenges

The multi-agency framework, while comprehensive, inevitably creates significant areas of jurisdictional overlap, leading to regulatory inefficiencies and confusion. A single advertisement –for example, for a children's snack with misleading health claims (NAFDAC/FCCPC), a false claim of SON certification (SON), aired on television (NBC), and created by an ARCON-registered practitioner (ARCON)– is subject to potential regulation by four or more different bodies. This fragmentation results in:

- **Regulatory Arbitrage:** Advertisers may exploit the seams between different regulatory mandates.
- **Inconsistent Enforcement:** Different agencies may apply different standards to the same or similar content.
- **Forum Shopping:** Complainants may be unsure of the correct agency to approach.
- **Bureaucratic Inefficiency:** Duplication of efforts and wasted resources.
- **Regulatory Gaps:** Certain areas, particularly in fast-evolving digital advertising, may fall between the cracks with no clear lead agency.⁷⁷

⁷⁵ Advertisers Association of Nigeria, 'Our Mission' <http://advanng.com/about-us/our-mission/> accessed 25 November 2025.

⁷⁶ The Editorial Board, "ARCON, ADVAN differences: Need for industry intervention" (2023) <https://businessday.ng/editorial/article/arcon-advan-differences-need-for-industry-intervention/> accessed 25 November 2025.

⁷⁷ R. A. Adebisi, O. A. Egbokhare and S. O. Olajire, "Regulatory and Ethical Challenges in Nigerian Advertising: A Critical Analysis of ARCON's Digital Enforcement Strategies" (2025) 6(1) Social & Digital Media Discourse 66.

While a joint **APCON/NBC Committee** was historically established to manage this overlap, its efficacy in the current complex media landscape is limited.⁷⁸ This fragmentation ultimately weakens the overall enforcement framework and dilutes accountability.

3.8. Judicial Attitudes and Case Law Analysis

The Nigerian judiciary plays a critical role in establishing the boundaries between commercial freedom, public morality, and the protection of vulnerable groups, particularly children and families. Although Nigerian case law directly addressing harmful advertising to minors remains limited, the courts have, through decisions in family law, tort liability, administrative regulation, and human rights consistently adopted a jurisprudential posture that prioritises child welfare and consumer protection over unregulated commercial speech. The resulting legal climate strongly supports a stringent regulatory approach to advertisements directed at families and children. This section analyses relevant judicial decisions, highlighting those that bolster the case for protective advertising regulation while critically evaluating those that appear to limit regulatory authority.

3.8.1 Child Welfare and Family Protection as Paramount Principles

The “best interest of the child” doctrine is the bedrock of Nigerian child-related jurisprudence. While originally prominent in matrimonial cases, the courts have interpreted it broadly, making it a constitutional and moral benchmark for evaluating actions that affect children, including commercial communication.

⁷⁸ National Broadcasting Commission, ‘NBC, APCON Sign Memorandum of Understanding on Advert Tracking’ (Facebook, 16 April 2021) <https://web.facebook.com/nbcgovng/posts/nbc-apcon-sign-memorandum-of-understanding-on-advert-tracking-the-national-broad/3852779361443032/> accessed 25 November 2025.

In *Alabi v. Alabi* (2007)⁷⁹, the Court of Appeal reaffirmed that the welfare of a child is the primary consideration in any judicial determination involving minors. The court noted that custody is not a matter of parental entitlement but an instrument designed exclusively for the moral and physical wellbeing of the child. This reasoning is easily extended to advertising regulation. If constitutionally recognised parental rights can be restricted in favour of the child's welfare, then the commercial rights of advertisers (who lack constitutional protection) must likewise yield where advertising practices threaten children's cognitive development or emotional safety.

Similarly, the Supreme Court's decision in *Ukeje v. Ukeje* (2014),⁸⁰ which struck down a customary rule disinheriting female children, further cements the judiciary's commitment to dignity, equality, and family values. This has direct implications for advertising regulation. Any advertisement portraying the girl-child as inferior or promoting harmful stereotypes is inconsistent with the constitutional values articulated in *Ukeje's* case. Thus, the judiciary provides a strong constitutional foundation for prohibiting advertising content that undermines the dignity or moral development of children.

3.8.2 Judicial Responses to Deceptive or Harmful Commercial Practices

The judiciary's handling of consumer protection and tort liability cases provides essential guidance on how courts view harmful or misleading commercial practices.

In *Nigerian Bottling Company Plc v. Ngonadi*⁸¹ (1985) and *NBC PLC v. IBRAHIM*⁸², the Supreme Court held that manufacturers owe a duty of care to ultimate consumers. Although the cases concerned a defective refrigerator and a Coca-Cola drink respectively,

⁷⁹ *Alabi v. Alabi* (2007) 9 NWLR (Pt. 1039) 297 CA.

⁸⁰ *Ukeje v. Ukeje* (2014) 11 NWLR (Pt. 1418) 384 SC.

⁸¹ (1985) 1 NWLR (Pt. 4) 739.

⁸² (2016) JELR 45869 (CA)

their reasoning clearly applies to advertising: every claim made in an advertisement constitutes a representation of safety, quality, or fitness. When such claims are false, exaggerated, or misleading, especially when directed at families, the advertiser breaches this duty. This view aligns with the need to regulate persuasive commercial speech that children lack the cognitive maturity to assess critically.

The courts demonstrated even stronger condemnation of harmful commercial conduct in the landmark “**My Pikin**” case, *NAFDAC v. Barewa Pharmaceuticals Ltd*,⁸³ where the Court of Appeal upheld criminal convictions for the production of contaminated teething syrup that killed over 80 children. The court revoked the defence of ignorance and imposed strict liability. This approach is crucial in today’s digital ecosystem, where influencers, online vendors, and social media platforms promote products with minimal verification. Under the logic of *Barewa*, advertisers and digital intermediaries cannot evade responsibility by claiming lack of knowledge. The case strongly supports the extension of strict liability to harmful or deceptive advertisements targeting minors.

3.8.3 Judicial Protection of Public Morality

The judiciary has long recognised public morality as a legitimate basis for governmental regulation. In *Attorney-General of Lagos State v. Attorney-General of the Federation*,⁸⁴ the Supreme Court affirmed that both federal and state governments may regulate public spaces including billboard placement under their police powers to maintain “peace, order, and good government.” Although the case related to federalism and urban planning, its implications for advertising are clear: the state may restrict the placement and content of advertisements to protect minors and uphold public morality.

⁸³ (2016)LPELR-40536(CA).

⁸⁴ (2003) 12 NWLR (Pt. 833) 1 SC.

This judicial endorsement provides a constitutional foundation for controlling harmful advertising content, such as restricting gambling or alcohol advertisements near schools and child-centric areas or prohibiting sexualised billboards in family zones. The courts consistently recognise that commercial expression may be limited to promote public welfare, especially when children may be exposed to harmful content.

3.8.4 Judicial Enforcement of Broadcasting Responsibilities

While the judiciary supports robust regulation, it has also emphasised adherence to rule of law and due process. In *Media Rights Agenda v. NBC*,⁸⁵ the Federal High Court ruled that the National Broadcasting Commission lacked the authority to impose monetary fines without judicial oversight. This decision does not weaken broadcasting regulation; instead, it reaffirms that regulatory bodies must exercise their power procedurally and within statutory boundaries.

A similar message arises from *SERAP v. Federal Republic of Nigeria*,⁸⁶ where the ECOWAS Court declared the government's suspension of Twitter unlawful because it lacked statutory backing. The ruling reinforces the principle that any restriction on communication including advertising regulation must be grounded in clear legal authority. Thus, the ARCON Act's provisions for regulating advertising content satisfy the legality requirement established in SERAP.

In effect, these decisions function as procedural safeguards rather than substantive barriers to advertising regulation.

⁸⁵ (2023) FHC/ABJ/CS/1386/2021.

⁸⁶ (2022) ECW/CCJ/JUD/40/22.

3.8.5 Regulatory Power over Advertising: From the Old Regime to the New Regime

Older judicial decisions under the APCON framework adopted a restrictive interpretation of regulatory authority. In *APCON v. ICMC*,⁸⁷ the Court of Appeal held that religious organisations were not commercial advertisers and therefore fell outside APCON’s vetting regime. Likewise, in *MIC Royal Ltd v. APCON*,⁸⁸ the Court ruled that APCON could regulate only registered practitioners. These decisions have been criticised for their narrow approach, which failed to anticipate the digital era and permitted unvetted, harmful advertising (including miracle cure promotions and influencer advertising) to thrive. In *APCON v. Registered Trustees of ICMC*,⁸⁹ the Court of Appeal held that religious organisations were not “commercial advertisers” and therefore fell outside APCON’s vetting jurisdiction. Although doctrinally grounded in the constitutional right to freedom of religion, the decision created the notorious “**Religious and NGO Loophole,**” enabling the mass dissemination of unverified posters and miracle-cure claims that often targeted vulnerable families. The Court failed to consider the public health risks or consumer-protection implications of exempting religious messaging that operates like commercial advertising. This restrictive reading reflected the limitations of the former APCON Act and is increasingly viewed as outdated in light of the broader, public-welfare-oriented mandate of the ARCON Act 2022, which now enables regulators to address harmful religious-commercial hybrid content when it poses risks to children or family wellbeing. By contrast, the contemporary judicial stance under the ARCON Act is markedly different. In *Digi Bay Ltd (Betway) v. ARCON*,⁹⁰ the Federal High Court upheld ARCON’s authority to regulate all advertising directed at the Nigerian market, regardless of whether

⁸⁷ FHC/L/CS/1262/2024

⁸⁸ (2018) LPELR-45314(CA).

⁸⁹ (2010) LPELR-3630(CA).

⁹⁰ Digi Bay Limited (Betway)

the advertiser is a registered practitioner or whether the platform is digital or offline. This decision closes major loopholes that previously undermined consumer protection.

Although *ARCON v. Meta Platforms Inc.*⁹¹ was struck out on procedural grounds, it marked the first formal attempt to subject multinational digital platforms to Nigerian advertising regulation. The significance of the case lies not in its dismissal, but in its assertion of jurisdiction and the resulting pressure on Meta to implement stricter advertising controls for Nigerian audiences. The case signals an emerging judicial acknowledgment that digital platforms must bear responsibility for the harmful content disseminated through their algorithms.

3.8.6 Emerging Judicial Trends and Their Implications for Child-Focused

Advertising

A synthesis of the foregoing jurisprudence reveals clear and compelling trends.

First, Nigerian courts consistently prioritise child welfare over commercial expression, making it likely that any challenge to child-protective advertising regulation would be resolved in favour of safeguarding minors.

Second, liability for harmful or misleading advertising is expanding, especially through strict liability principles exemplified in the *Barewa* case.

Third, public morality is recognised as a constitutionally valid basis for regulating advertising content that may expose children to inappropriate themes.

Fourth, digital platforms are increasingly treated as legitimate subjects of regulatory oversight.

Fifth, although courts insist on due process, they do not reject the substantive goals of content regulation.

⁹¹ FHC/ABJ/CS/1701/2022

Finally, older APCON-era decisions restricting regulatory authority are now doctrinally weak and practically obsolete in the face of modern advertising realities.

Taken together, these judicial attitudes form a strong, coherent, and constitutionally grounded foundation for regulating advertisements targeting families and children in Nigeria. They affirm that commercial freedom is not absolute and must yield to the overriding objectives of child protection, public morality, and consumer safety.

3.9 Weaknesses in the Legal Framework

A critical synthesis of the legal and institutional architecture reveals several systemic and operational weaknesses that significantly hamper the framework's effectiveness in protecting families and children. These weaknesses stem from structural flaws, procedural gaps, and the challenges of regulating a rapidly evolving digital media landscape.

3.9.1. Regulatory Fragmentation and Jurisdictional Overlap

The multi-agency framework, while comprehensive on paper, creates a dysfunctional system of overlapping mandates. A single advertisement can fall under the purview of ARCON (content), NBC (broadcast), FCCPC (consumer protection), NAFDAC (product claims), and SON (quality standards). This fragmentation leads to:

- **Regulatory Arbitrage:** Advertisers can exploit gaps and inconsistencies between different regulators.
- **Inefficiency and Confusion:** Duplication of efforts and a lack of a single point of accountability for complainants.
- **Forum Shopping:** Advertisers may seek the most lenient regulatory pathway.
- **Diluted Enforcement:** Responsibility is so diffused that no single agency can be held fully accountable for systemic failures in child protection.

3.9.2. Significant Gaps in Digital and Cross-Border Advertising

The framework is critically ill-equipped to handle the realities of modern advertising:

- **Jurisdictional Deficit:** The ability of Nigerian agencies like ARCON to enforce sanctions against foreign digital platforms (e.g., Meta, Google) and international influencers remains legally tenuous and practically challenging. Cases like *ARCON v. Meta Platforms Inc.* highlight the procedural and jurisdictional hurdles.
- **Outdated Codes:** The core codes (ARCON and NBC) are largely analog-era instruments. They struggle to effectively regulate sophisticated digital phenomena like algorithmic targeting, advergames, native advertising, and influencer marketing, where the line between content and advertisement is blurred.

3.9.3. Underutilisation of Potent Legislation

Powerful legal instruments exist but are not being deployed strategically:

- **The "Sleeping Giant" of the Child Rights Act (CRA):** Despite its paramount "best interest of the child" principle, there is a notable absence of jurisprudence where the CRA has been successfully invoked to challenge harmful advertising. The link between psychological manipulation in ads and a violation of a child's statutory rights remains legally unexplored.
- **Limited Use of the FCCPA:** The FCCPC's potent powers against "unconscionable conduct" and exploitative practices are underutilised in pursuing advertisers who psychologically manipulate children.

3.9.4. Vague and Subjective Standards

The regulatory codes rely on broad, subjective terms that hinder consistent enforcement:

- Provisions prohibiting content "offensive to public feeling" or that "undermines family values" are inherently vague. This lack of clear, objective definitions for

concepts like "moral harm" or "exploitation of credulity" leads to arbitrary and inconsistent enforcement, allowing subtly harmful content that promotes excessive materialism or social comparison to slip through.

3.9.5. Inadequate Sanctions and Deterrence

The sanctions imposed by regulatory bodies are often not commensurate with the financial scale of the advertising industry:

- Financial penalties are frequently too low to act as a meaningful deterrent for large corporations with substantial advertising budgets. The cost of non-compliance can be perceived as merely a cost of doing business.

3.9.6. Enforcement Deficit and Resource Constraints

The framework suffers from a significant implementation gap:

- **Overwhelmed Systems:** ARCON's Advertising Standards Panel (ASP), which operates a pre-vetting system, is unable to cope with the immense volume of advertisements, particularly from the digital space.
- **Reactive, Not Proactive:** Agencies like the NBC and FCCPC are primarily reactive, relying on public complaints. There is a lack of proactive, systematic monitoring, especially of digital platforms.
- **Low Public Awareness:** The public is largely unaware of their rights or the mechanisms for filing complaints against harmful advertisements.

3.9.7. Judicial and Doctrinal Gaps

The judiciary, while generally supportive of regulation, has contributed to some weaknesses:

- **Restrictive Precedents:** Older case law, such as *APCON v. ICMC* and *MIC Royal Ltd v. APCON*, created loopholes by narrowly defining "advertising practitioner,"

which allowed non-traditional advertisers (e.g., religious bodies, influencers) to evade scrutiny. While the new ARCON Act and recent cases like *Digi Bay Ltd v. ARCON* aim to close these, the legacy of narrow interpretation persists.

- **Lack of Doctrinal Development:** Nigerian courts have not yet developed a robust doctrine that recognises non-physical, psychological, or moral harm from advertising as an actionable legal injury, particularly under the CRA.

3.9.8. Ineffective Self-Regulatory Complement

The role of industry bodies (ADVAN, AAAN, MIPAN) is limited by their voluntary nature. They lack coercive enforcement powers and cannot sanction non-members, making them an insufficient check on egregious violations, especially in the unregulated digital arena.

3.9.9. Procedural Vulnerabilities and Legal Challenges

Regulators' powers are sometimes curtailed by procedural requirements. Cases like *Media Rights Agenda v. NBC* demonstrate that regulatory actions can be invalidated if they fail to adhere strictly to due process, creating opportunities for litigious advertisers to delay or avoid sanctions.

In summary, while Nigeria possesses a dense and multi-layered regulatory framework on paper, its operational effectiveness is critically undermined by fragmentation, digital obsolescence, vague standards, weak enforcement, and a failure to fully leverage its most powerful legislative tools. These weaknesses collectively create a system that is more reactive than preventive, struggling to keep pace with the sophisticated strategies of modern advertising and leaving children and families inadequately protected.

3.10 Conclusion

This chapter has revealed a Nigerian regulatory framework for advertising that is robust in theory but critically flawed in practice. While the Constitution, numerous statutes, and detailed codes like the ARCON Code establish a comprehensive, child-centric protective system, its effectiveness is severely undermined by systemic weaknesses.

The framework is crippled by regulatory fragmentation, with multiple agencies creating confusion and inefficiency. It suffers from a digital jurisdictional deficit, unable to effectively control cross-border online advertising and new marketing techniques. Key laws like the Child Rights Act remain underutilised, enforcement is weak due to inadequate sanctions and resources, and legal standards are often too vague for consistent application.

In essence, the existing legal architecture, despite its detailed provisions, is structurally ill-equipped and poorly implemented to protect families and children from modern advertising harms. This failure of practical enforcement sets the stage for the critical analysis and recommendations that follow.

CHAPTER FOUR

DATA PRESENTATION, ANALYSIS AND FINDINGS

4.1. Introduction

The preceding chapters of this thesis laid the foundational groundwork by establishing the legal mandate, theoretical framework, and regulatory limitations of advertising control in Nigeria. Chapters One through Three focused heavily on the *lex lata*—the law as it exists in statutes and institutional structures. However, a purely doctrinal analysis often risks presenting a sterile view of the legal landscape, detached from the sociological realities it seeks to govern. It cannot fully capture the lived experiences of Nigerian families or the perceptual shifts occurring within the society due to media consumption.

Consequently, this chapter serves as the empirical bridge between legal theory and social reality. It integrates primary data—both quantitative and qualitative—to test the doctrinal hypotheses raised earlier. Specifically, it investigates whether the perceived "structural fragility" of the regulatory framework identified in Chapter Three translates into actual societal harm and public dissatisfaction.

The empirical component of this research draws from two primary, complementary sources:

1. **A structured questionnaire** administered to 167 respondents. This instrument was designed to gauge public sentiment regarding the pervasiveness of advertising, the erosion of specific family values, and the perceived efficacy of regulatory bodies like the Advertising Regulatory Council of Nigeria (ARCON).
2. **Five in-depth, semi-structured interviews** conducted with seasoned media professionals across television, radio, and print platforms. These interviews

provide a "behind-the-curtain" perspective on the economic pressures, ethical dilemmas, and enforcement gaps that define the Nigerian media landscape.

By adopting this mixed-method approach, the chapter moves beyond speculation. It presents a triangulated set of findings that validates the argument that the current legal framework is suffering from a "law in action" deficit, where statutory protections fail to translate into effective shielding of children and cultural values from harmful commercial content.

4.2. Methodology for Empirical Data Integration

4.2.1. Quantitative Survey

The quantitative phase of the study utilised a structured questionnaire targeting a diverse demographic including parents, university students, educators, and general media consumers. The rationale for this broad selection was to capture the views of both the "protectors" (parents/educators) and the "targets" (youth/students) of advertising. The survey instrument was designed to measure:

- **Perceived Influence:** To what extent respondents believe advertising alters the psychological and behavioural development of children.
- **Awareness of Harm:** The level of public consciousness regarding specific harmful themes (e.g., materialism, sexualisation).
- **Institutional Confidence:** A critical assessment of the public's trust in regulators like ARCON, NBC, and NAFDAC.
- **Cultural Compatibility:** Views on whether modern advertising aligns with or antagonises indigenous Nigerian moral codes.
- **Regulatory Appetite:** The degree of public support for stricter state intervention versus self-regulation.

The results, detailed in Section 4.4, provide statistical weight to the claim that the Nigerian public is largely dissatisfied with the status quo, revealing a consensus on the vulnerability of children and the ineptitude of current enforcement mechanisms.

4.2.2. Qualitative Interviews

To complement the broad statistical data with deep, professional insight, five experts were selected for semi-structured interviews. The criteria for selection included a minimum of five years of practice in the media industry and a role that intersects with content creation, editing, or dissemination. This purposive sampling ensured that the qualitative data came from individuals with first-hand knowledge of the tension between profit motives and ethical responsibility.

List of Interviewees:

- **Mr. Ike:** Senior Reporter, Channels TV (Television Journalism perspective)
- **Mr. Emmanuel:** Radio Presenter/Editor (Broadcast regulation perspective)
- **Samson:** Columnist, *Urhobo Voice* Newspaper (Print media and editorial ethics)
- **Justice Iyasere:** Political Editor, *Daily Independent* (Policy and political economy of media)
- **Lawrence Osifo:** Presenter, ITV/Radio (Content production and audience interaction)

These interviews offered rich, anecdotal evidence regarding the "compliance culture" in Nigeria, often revealing that regulatory breaches are not accidental but calculated risks taken by advertisers.

4.2.3. Triangulation

The analytical strategy employed in this chapter is triangulation. By cross-referencing the statistical data from the public with the expert testimony of professionals and the doctrinal analysis of the law, the study ensures that the conclusions are robust. For instance, where

the public *perceives* a lack of regulation, the experts explain *why* that gap exists (e.g., funding, technological lag), and the doctrinal analysis identifies the *statutory loop* enabling it.

4.3. Demographic Characteristics of Respondents

The demographic profile of the survey respondents is significant for interpreting the data. The distribution reveals a respondent base that is predominantly young, educated, and largely single. This is not merely a statistical footprint but a representation of the "digital native" demographic—the precise group that consumes the highest volume of digital advertising and is most susceptible to the influence of social media influencers and algorithmic marketing.

Table 4.1: Demographic Distribution (N=167)

Variable	Category	Frequency	Percentage (%)
Age	Under 18	20	12.0%
	18 – 25	75	44.9%
	26 – 35	60	35.9%
	36 – 45	12	7.2%
Gender	Male	58	34.7%
	Female	109	65.3%
Occupation	Student	78	46.7%
	Employed/Professional	54	32.3%
	Self-Employed	35	21.0%

Source: Field Survey, 2025.

Interpretation of Demographics:

The high concentration of respondents aged 18-35 (Totaling 80.8%) suggests that the findings reflect the views of the current generation of parents and future parents. Their feedback is critical because they are the first generation to parent in the age of ubiquitous internet access. The fact that nearly half (46.7%) are students implies a high level of literacy and engagement with current trends, lending credibility to their assessment of digital media harms.

4.4. Questionnaire Findings (Quantitative Analysis)

This section delves into the analysis of the data, moving beyond simple frequency counts to interpret the implications of the responses regarding exposure, moral injury, and regulatory failure.

4.4.1 Exposure and Perception of Moral Influence

The data regarding exposure frequency is alarming when correlated with the perception of influence. With **83.8%** of respondents encountering advertisements "Very Often/Always," it is evident that advertising is not a peripheral activity but a central feature of the Nigerian information ecosystem.

Table 4.2: Exposure and Influence on Values

Variable	Response	Frequency	Percentage (%)
Frequency of Exposure	Very Often / Always	140	83.8%
	Occasionally / Rarely	27	16.2%
Does Adverts Influence Values?	Yes	125	74.9%
	No / Not Sure	42	25.1%
Contribution to Moral Decline	High Extent / Agree	148	88.6%
	Low Extent / Disagree	19	11.4%

Source: Field Survey, 2025.

Analysis:

The correlation here is stark: high saturation leads to high influence. The finding that 88.6% of respondents agree that advertising contributes to moral decline is a powerful sociological indictment of the industry. It suggests that the public no longer views advertising merely as a commercial utility (information about goods) but as an ideological apparatus that actively competes with and undermines traditional moral instruction. This validates the theoretical framework of Thematic Harm—the idea that the cumulative effect of materialistic and sexualised messages rewires societal priorities.

4.4.2. Most Influential Media and Perceived Eroded Values

The shift in media consumption habits is clearly reflected in the data. The dominance of social media over traditional broadcast media (Television and Radio) has profound legal implications, as Nigerian laws were largely drafted in the era of linear broadcasting.

Table 4.3: Most Influential Media and Values Eroded

Media Platform	Percentage (%)	Values Cited as Being Eroded	Percentage (%)
Social Media	88.0%	Respect / Honesty / Modesty	92.2%
Television	65.3%	Sexual Decorum / Decency	78.4%
Radio	15.6%	Contentment / Frugality	61.1%
Billboards/Print	7.2%	Communal Responsibility	45.5%

Source: Field Survey, 2025. (Multiple choice allowed).

Analysis:

- **The Digital Deficit:** With **88.0%** citing social media as the most influential platform, the regulatory focus of bodies like NBC (which regulates TV/Radio) appears misaligned with the actual source of harm. Social media platforms are notoriously difficult to police due to jurisdictional issues and algorithmic personalisation.
- **Specific Value Erosion:** The values cited as most eroded—Respect, Honesty, and Modesty (**92.2%**) and Sexual Decorum (**78.4%**)—point to a specific type of cultural anxiety. This suggests that the "get rich quick" schemes (betting ads, crypto scams) and hyper-sexualised content (skits, music videos used as ads) are the primary culprits. The erosion of "Contentment/Frugality" (**61.1%**) directly links to the consumerist nature of advertising, which thrives on creating dissatisfaction with one's current state.

4.4.3. Awareness and Effectiveness of Regulatory Agencies

The survey exposed a crisis of confidence in the state's ability to protect the citizenry.

Table 4.4: Regulatory Effectiveness and Challenges

Variable	Response	Frequency	Percentage (%)
Are Regulations Effective?	Not Effective / Fairly Effective	131	78.4%
	Very Effective	36	21.6%
Can Parents Protect Alone?	No	145	86.8%
	Yes	22	13.2%
Should Penalties be Stricter?	Yes	160	95.8%

Source: Field Survey, 2025.

Analysis:

- **The Call for Paternalism:** The fact that **86.8%** of respondents believe parents cannot protect children alone is a rejection of the libertarian argument that families should simply "turn off the TV." It acknowledges that in a digital age, parental control is illusory against sophisticated tech giants. This creates a strong democratic mandate for *Legal Paternalism*—state intervention to act as a secondary parent.
- **Demand for Punitive Measures:** The near-unanimous support for stricter penalties (**95.8%**) suggests that the public views current sanctions as a "slap on the wrist," insufficient to deter corporate malfeasance.

4.5. Thematic Analysis of Interview Data (Qualitative)

The qualitative data adds texture to the statistical findings. Through the five interviews, eight recurring themes emerged that explain the *mechanisms* behind the statistics.

4.5.1. Theme 1: Advertising as a Shaper of Social and Family Values

The interviewees unanimously agreed that advertising has transcended its commercial role to become a primary socializing agent.

"Advertising has played a great role in changing, setting the narrative in Nigeria." — Mr. Emmanuel

"Adverts can shape values, behaviour and attitudes. The impact on family values is strong." — Justice Iyasere

Implication: If advertising sets the "narrative," it competes directly with schools and religious institutions. The experts suggest that advertising effectively "teaches" children what is cool, acceptable, and desirable, often bypassing the critical filter of parental guidance.

4.5.2. Theme 2: Conflict Between Advertisements and Nigerian Cultural/Moral Values

A major point of contention was the importation of Western liberal values through global advertising standards, which often clash with conservative Nigerian norms.

"Advertisements sometimes display unethical things... crossing moral boundaries." — Samson, Urhobo Voice

"In many cases, adverts today conflict with our values." — Mr. Emmanuel

Implication: This highlights a cultural sovereignty issue. The "unethical things" mentioned often refer to the subtle promotion of promiscuity, disrespect for elders (framed as "modernity"), and extreme individualism, which contradict the communal and respectful nature of traditional Nigerian societies.

4.5.3. Theme 3: Impact on Children — Curiosity, Early Sexualisation, Behavioural Influence

The experts focused heavily on the cognitive vulnerability of children. Unlike adults, children lack the "persuasion knowledge" to understand they are being sold to.

"Children exposed to adult content tend to explore what they are exposed to." — Justice Iyasere

"Some adverts provoke curiosity in children... even making them experiment with condoms." — Mr. Emmanuel

"Children interpret adverts differently because of curiosity." — Ike, Channels TV

Implication: This theme validates the *Best Interest of the Child* principle. The experts argue that mere "curiosity" triggered by an ad can lead to premature sexual experimentation or consumption of harmful products (alcohol/betting), causing irreversible developmental harm.

4.5.4. Theme 4: Regulatory Agencies — Awareness and Performance

While the experts respected the intent of regulators, they were critical of their capacity and reach.

"Regulatory agencies need more hands; their impact is not felt as it should be." — Justice Iyasere

"Some media organisations flout the rules." — Lawrence, ITV

Implication: The phrase "impact is not felt" is crucial. It suggests that while ARCON may be active in boardrooms in Lagos, their presence is negligible in the digital space or in smaller broadcast markets. The experts point to a lack of real-time monitoring technology as a key failure point.

4.5.5. Theme 5: Challenges in Regulating Harmful Content

The interviewees provided a nuanced breakdown of why regulation fails, identifying four specific hurdles:

1. **Cultural Diversity:** Mr. Emmanuel noted, *"What sounds okay in the South may not be acceptable in the North."* This makes a unified national standard difficult to enforce without offending one region or stifling another.
2. **The Digital Wild West:** Justice Iyasere emphasised, *"Social media is a free world; adverts there do not meet ethical standards."* The sheer volume of user-generated content that functions as advertising (influencer marketing) makes traditional vetting impossible.
3. **Economic Pressures:** Media houses are often struggling financially. Rejecting a lucrative ad because it is "borderline unethical" is a luxury many cannot afford.
4. **Moral Laxity:** Lawrence observed a societal shift: *"People think anything goes in the 21st century."* This normalisation of vice makes it harder for regulators to enforce strict moral codes without appearing archaic.

4.5.6. Theme 6: Targeting of Children (Intentional & Incidental)

The distinction between ads *for* children and ads *watched by* children is blurring.

"There are adverts that target children—like chocolates and noodles." — **Justice Iyasere**

Implication: Even "innocent" ads for noodles often use "pester power"—encouraging children to nag parents into purchasing. However, the greater danger lies in the *incidental* targeting, where betting ads or alcohol ads appear during family viewing times (e.g., during football matches), exposing children to adult vices.

4.5.7. Theme 7: Shared Responsibility — Parents, Schools, and Religious Institutions

The experts pushed back against the idea that the state is solely responsible, advocating for a multi-stakeholder approach.

"Parents must constantly monitor what children watch." — *Ike, Channels TV*

"Schools should increase their moral thermometer." — *Emmanuel*

"Religious institutions must reinforce cultural values." — *Lawrence*

Implication: This theme suggests that law is necessary but insufficient. Legal mechanisms can sanitise the public space, but the private space (the home) requires parental vigilance, which is increasingly difficult as screens become personal and portable.

4.5.8. Theme 8: Recommendations from Media Experts

The professionals offered pragmatic solutions grounded in their operational experience:

- **Digital Regulation:** Justice Iyasere called for specific protocols for social media, moving beyond the current focus on traditional broadcast.
- **Regional Stakeholder Engagement:** Emmanuel suggested meetings across geopolitical zones to harmonise the cultural definitions of "indecenty."
- **Ethical Training:** A focus on training copywriters and influencers, not just punishing them after the fact.

4.6. Synthesis of Findings

The triangulation of the quantitative survey data and the qualitative interview insights provides a verified, comprehensive picture of the advertising landscape in Nigeria. The synthesis reveals the following:

1. **The Reality of Influence:** There is no discrepancy between the public and the experts; both agree that advertising is a potent behavioural modifier. The 88.6% public agreement on "moral decline" is supported by the expert view that ads "set the narrative."
2. **The Vulnerability Gap:** The data confirms that children are the primary victims of this unregulated landscape. Their natural curiosity is weaponised by advertisers, leading to early sexualisation and materialism.
3. **The Digital Blindspot:** Both datasets identify social media as the primary vector of harm. The survey respondents flagged it as the most influential (88%), and experts flagged it as the most "unethical" and "free" space. This confirms that the current legal framework is geographically and technologically obsolete.
4. **The Enforcement Paradox:** While laws exist, they are perceived as weak. The public dissatisfaction (78.4%) mirrors the expert assessment that agencies are "under-staffed" and compromised by economic pressures.
5. **Values in Peril:** The specific erosion of respect, modesty, and contentment indicates a shift toward a hyper-consumerist, westernised culture that prioritises the "self" over the "community," a direct clash with Nigerian ethos.

4.7. How Findings Answer the Research Questions

The empirical evidence gathered in this chapter provides definitive answers to the study's core research questions:

- **RQ1: Is the current regulatory framework adequate?**
 - **Answer: No.** The high level of public dissatisfaction and expert testimony regarding "flouted rules" and the "free world" of social media confirms that the framework is structurally adequate on paper but functionally inadequate in practice, particularly regarding digital enforcement.
- **RQ2: Do advertisements negatively impact Nigerian family values?**
 - **Answer: Yes.** With 92.2% of respondents identifying the erosion of respect and modesty, and experts confirming the promotion of "unethical things," the link between advertising content and value erosion is empirically established.
- **RQ3: Are children adequately protected from harmful content?**
 - **Answer: No.** The prevalence of exposure to adult content and the exploitation of childhood curiosity, as highlighted by the interviewees, indicates a failure of the "protective shield" that the Child's Rights Act is supposed to provide.
- **RQ4: What is the preferred mode of intervention?**
 - **Answer: State Paternalism supported by Family Vigilance.** The data rejects a laissez-faire approach. The public demands stricter laws (95.8%), but experts warn that the state cannot do it alone, necessitating a hybrid model of stricter state enforcement and enhanced parental literacy.

4.8. Summary of Chapter Four

This chapter has moved the dissertation from the realm of legal theory to the concrete reality of Nigerian society. The empirical findings reinforce the doctrinal position that Nigeria's current advertising regulatory system requires urgent reform. The convergence of public opinion (via the questionnaire) and expert testimony (via interviews) provides a solid evidentiary basis for the argument that the status quo is untenable.

The data reveals a society under siege by a commercial apparatus that has outpaced its regulators. Parents feel overwhelmed, children are targeted, and the values that hold the family unit together are being systematically eroded by a profit-driven narrative. Having established the extent of the harm and the specific failures of the current system, the final chapter will leverage these findings to propose a robust set of recommendations—legal, institutional, and social—to restore the balance between commercial freedom and social responsibility.

CHAPTER FIVE

DISCUSSION OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

5.1. Introduction

This chapter serves as the definitive synthesis of the entire research undertaking, bridging the gap between abstract legal theory and the concrete sociological realities of modern Nigeria. It integrates the robust empirical findings presented in Chapter Four (derived from both quantitative surveys and qualitative expert interviews) with the doctrinal legal analysis conducted in Chapters One through Three. The primary objective is not merely to restate data, but to situate these statistical realities and professional insights within the established theoretical frameworks that underpinned this study: specifically, Social Responsibility Theory, Legal Paternalism, the Best Interest of the Child Principle, and Cultural Relativism.

By rigorously evaluating the effectiveness of the current regulatory regime through these theoretical lenses, this chapter determines the extent to which the existing legal architecture succeeds or fails in its mandate to protect Nigerian family values and children from harmful commercial content. It moves beyond identifying the problem to prescribing solutions, concluding with a set of practical, legally grounded, and expert-driven recommendations designed to close the widening chasm between legislative intent (what the law says) and operational reality (what happens on the screen).

5.2. Discussion of Findings in Light of Theoretical Frameworks

The empirical data gathered from the field survey and expert interviews does more than suggest a trend; it strongly validates the theoretical constructs adopted for this study, confirming that the crisis in advertising regulation is not just administrative, but deeply philosophical and structural.

5.2.1. Social Responsibility Theory

The core tenet of Social Responsibility Theory is that the media, while enjoying the constitutional freedom of expression and the commercial right to trade, owes a paramount reciprocal duty to the society it serves. This duty requires media practitioners to self-regulate and ensure that their content does not disrupt social order or degrade public morality. The findings of this study, however, reveal a systemic and pervasive failure to uphold this duty.

- **Empirical Evidence:** The interview with **Samson** (*Urhobo Voice*) explicitly highlighted a culture of impunity, stating that "*Advertisements sometimes display unethical things... crossing moral boundaries.*" This qualitative insight is reinforced by the survey data, where **88.6%** of respondents agreed that advertising contributes to moral decline.
- **Analysis:** These findings confirm that the advertising industry in Nigeria has largely subordinated its social obligations to commercial imperatives. The prevalence of content that promotes aggressive materialism, "get-rich-quick" schemes, and "fast cash" narratives indicates a fundamental breach of the social contract. In this environment, the profit motive has superseded the protection of public morality, transforming the media landscape from a tool of development into a vector of cultural erosion. The theory presumes a level of voluntary ethical compliance that the empirical evidence suggests simply does not exist in the current competitive market.

5.2.2. Legal Paternalism

The study's framework of Legal Paternalism posits that the state is justified—and indeed obligated—to interfere with the liberty of action of citizens (advertisers) to prevent harm

to vulnerable subjects (children) who lack the capacity to protect themselves. The findings provide a robust, data-driven sociological mandate for the application of this legal doctrine.

- **Empirical Evidence: Justice Iyasere** noted the specific cognitive vulnerability of the target demographic, stating, "*Children exposed to adult content tend to explore it,*" implying a direct causal link between exposure and behavioural experimentation. Furthermore, a striking **86.8%** of survey respondents indicated that parents alone cannot protect their children, explicitly rejecting the libertarian view that family supervision is sufficient.
- **Analysis:** The evidence highlights a "protection vacuum." Children lack the cognitive maturity to filter harmful messages or understand "persuasion knowledge," while parents are technologically outpaced by the ubiquity of digital devices. This reality creates a scenario where the family unit is overwhelmed. Consequently, the empirical reality justifies—and indeed demands—paternalistic state intervention. The argument shifts from viewing regulation as "censorship" of free speech to viewing it as "necessary protection" of a vulnerable class, a stance fully supported by the public's demand for stricter penalties.

5.2.3. Best Interest of the Child Principle

Section 1 of the Child Rights Act (CRA) creates a mandatory statutory obligation: in all actions concerning children, the interest of the child must be paramount. The findings suggest that in the realm of advertising, this principle is consistently violated.

- **Empirical Evidence: Mr. Emmanuel** observed that "*Some adverts provoke curiosity in children... leading them to experiment,*" citing specific examples of early sexualisation and exposure to adult products like betting and alcohol which are marketed with youthful, energetic themes.

- **Analysis:** The current regulatory permissiveness allows for the commercial exploitation of childhood curiosity. Advertisers weaponise the natural developmental stage of "exploration" to sell products, effectively prioritizing the "right to advertise" over the child's "right to healthy moral and psychological development." By failing to shield minors from sexually suggestive imagery or aggressive materialist marketing, the Nigerian regulatory state is failing to uphold Section 1 of the CRA. The commercial interest is currently paramount, rendering the CRA ineffective in this domain.

5.2.4. Cultural Relativism

The study adopted Cultural Relativism to argue against a "one-size-fits-all" adoption of global or Western advertising standards in a conservative African context. The findings confirm the necessity of a culturally nuanced regulatory approach in a pluralistic society like Nigeria.

- **Empirical Evidence: Mr. Emmanuel** highlighted the significant regional disparities in moral acceptability, noting, *"What is okay in the South may not be okay in the North."* This refers to the tension between the liberal, cosmopolitan values often depicted in Lagos-based media and the conservative, religious values prominent in Northern Nigeria.
- **Analysis:** The friction described by interviewees suggests that centralised regulations often fail to account for local sensitivities. A purely liberal, Westernised approach to advertising regulation—which permits high degrees of individualism and suggestive content—is causing social friction and alienation in more conservative parts of the country. This validates the need for culturally tailored regulatory mechanisms that respect Nigeria's internal diversity, preventing what scholars term "cultural imperialism" via commercial broadcasting.

5.3. Discussion of Findings in Light of Doctrinal Analysis

Beyond the theoretical implications, the findings reveal critical fissures in the *black letter law* and its practical enforcement, exposing why the current statutes are failing.

5.3.1. Weak Enforcement and Institutional Fragmentation

The doctrinal analysis in Chapter Three identified a bewildering multiplicity of regulators (ARCON, NBC, FCCPC, NAFDAC) with overlapping mandates. The empirical findings confirm that this fragmentation has resulted in "enforcement paralysis" rather than comprehensive coverage. Advertisers exploit these jurisdictional cracks—a practice known as regulatory arbitrage—where they may comply with NAFDAC on product safety but violate ARCON codes on decent representation. The lack of a single, dominant "enforcer" with the final word allows for inconsistent application of sanctions, empowering violators.

5.3.2. Digital Advertising Weaknesses

The most significant and urgent finding is the obsolescence of territorial law in the face of digital technology.

- **Empirical Evidence:** Justice Iyasere described social media as "*a free world*," a sentiment echoed by the **88%** of survey respondents who identified it as the primary source of harmful content.
- **Analysis:** Traditional regulators like ARCON and NBC are bound by geography and licensing conditions for physical broadcasters. In contrast, digital platforms (Facebook, YouTube, TikTok) are borderless and operate largely outside the immediate purview of Nigerian licensing laws. The current statutes lack the extraterritorial reach or the technological provisions to effectively police "algorithmic advertising," where ads are targeted at individual children based on

their browsing data. This leaves the most dangerous and pervasive vector of influence largely unregulated, creating a "lawless" digital playground.

5.3.3. Absence of a Clear Statutory Definition of “Harmful Content”

The qualitative interviews revealed significant confusion regarding what actually constitutes "indecent" or "harm." Without a clear, statutory definition of "Harmful Content" that extends beyond mere *visual* nudity to include *thematic* harm, enforcement remains subjective. The law currently punishes explicit obscenity but ignores the more insidious psychological harms of promoting extreme materialism, disrespect for elders, or "pester power." This definitional gap makes it difficult for regulators to prosecute cases that do not involve outright nudity but are nonetheless damaging to family values.

5.3.4. Economic Pressures Undermine Ethics

The "Law in Action" analysis reveals a grim reality: economic survival drives non-compliance. Media houses, facing severe financial instability and competition, often prioritise revenue over ethical obligations.

- **Implication:** This economic pressure weakens the practical application of moral safeguards. When a media house is struggling to pay salaries, it is less likely to reject a lucrative advertisement on ethical grounds. This creates a "race to the bottom," rendering voluntary codes of conduct ineffective and necessitating strictly enforced external regulation.

5.4. Implications for Family Values and Child Protection

The convergence of these regulatory failures has distinct and measurable social consequences for the Nigerian family unit:

1. **Materialism and Moral Erosion:** There is a verifiable shift towards values that prioritise wealth accumulation over integrity, fueled by ads that equate success solely with possession.
2. **Early Sexualisation:** Children are increasingly imitating adult behaviours, dress codes, and language observed in advertisements and music videos used for commercial promotion, accelerating the loss of childhood innocence.
3. **Weak Parental Supervision:** Parents report being overwhelmed by the ubiquity of digital content. The traditional "family censorship mechanism" (turning off the TV) is obsolete when every child has a personal screen, leading to a breakdown in parental authority.
4. **Public Dissatisfaction:** There is a growing crisis of confidence in the regulatory state. The public views agencies as "toothless bulldogs," which erodes trust in the legal system's ability to maintain social order.

5.5. Recommendations

In light of the foregoing robust analysis, the following detailed recommendations are proposed to reform the landscape.

5.5.1. Legal Reforms

- **Enact a Digital Advertising Regulation Bill:** Specific legislation is urgently needed to domesticate global digital platforms. This bill should require tech giants to appoint local compliance officers and adhere to Nigerian content standards or face significant penalties, effectively closing the "extraterritorial" loophole.
- **Statutory Definition of Harmful Content:** The ARCON Act must be amended to define "Harmful Content" to explicitly include "Thematic Harm." This definition should criminalise *Pester Power* (inciting children to nag parents) and *Undue Materialism*, moving the law beyond vague concepts of "indecentcy."

- **Strengthen ARCON's Enforcement Powers:** The punitive sanctions in the ARCON Act should be amended. Fines must be proportional to the advertiser's revenue to ensure they are punitive and not merely absorbed as "operating costs."

5.5.2. Institutional Reforms

- **Create a Joint Taskforce:** To solve the fragmentation issue, a standing **ARCON–NBC–FCCPC Joint Taskforce** should be established. This body would eliminate inter-agency friction, share intelligence, and present a unified regulatory front against violators.
- **Increase Funding and Manpower:** As noted by interviewees, agencies need "more hands." The Federal Government must increase budgetary allocation for monitoring equipment and personnel recruitment to ensure effective coverage of the vast media landscape.
- **Establish a Digital Content Monitoring Unit:** ARCON should establish a specialised unit equipped with AI-driven monitoring tools. This unit would be tasked with tracking, flagging, and taking down harmful content on social media in real-time, moving enforcement from "reactive" (waiting for complaints) to "proactive."

5.5.3. Industry Reforms

- **Mandatory Ethics Certification:** Advertising practitioners should be required to undergo mandatory continuous legal education (CLE) specifically on ethics and child rights as a condition for license renewal.
- **Pre-exposure Vetting of Adverts:** There must be strict enforcement of vetting protocols for *all* platforms. The current loophole where digital ads bypass the vetting process must be closed immediately.

- **Cultural Sensitivity Guidelines:** The industry should develop specific regional guidelines that respect the diverse cultural sensibilities of the North and South, preventing the broadcast of culturally offensive material in conservative regions.

5.5.4. Societal Reforms

- **National Media-Literacy Programme:** A government-backed campaign to educate parents on how to use digital parental control tools, empowering them to act as the first line of defense in the digital home.
- **Value-Reinforcement Programmes:** The integration of "Critical Media Literacy" into the school civic education curriculum to help children deconstruct commercial messages and understand they are being marketed to.
- **Religious Institutions:** The mobilisation of religious and traditional leaders to intensify moral teachings that counter the narratives of materialism, providing a "moral anchor" for the youth.

5.5.5. Expert-Driven Recommendations

- **Quarterly Stakeholder Meetings:** As suggested by **Mr. Emmanuel**, ARCON should institutionalise regular dialogue sessions across geopolitical zones to harmonise standards and receive feedback from the public.
- **Social Media Regulation:** As emphasised by **Justice Iyasere**, specific protocols for "Influencer Marketing" must be developed to ensure influencers declare paid partnerships and adhere to ethical standards.
- **Broadcaster–Regulator Collaboration:** A stronger, non-adversarial partnership between major broadcasters (like ITV, Channels TV) and regulators is needed to create a culture of "self-policing" before transmission occurs.

5.6. Conclusion

Advertising is not merely a commercial activity; it is a powerful pedagogical force that significantly shapes cultural norms, family values, and children's development in Nigeria. While Nigeria possesses a robust regulatory framework on paper, this study demonstrates that it is critically undermined by weak enforcement, definitional gaps, digital vulnerabilities, and the economic desperation of media houses.

The study concludes that legal, institutional, and societal reforms are not merely desirable but essential. The status quo—characterised by a "digital deficit" and "regulatory reticence"—is unsustainable. To fulfill its constitutional and moral obligations, the Nigerian state must pivot from a reactive, analogue regulatory model to a proactive, digital, and paternalistic approach. Only through such a comprehensive overhaul can the legal system effectively prioritise the preservation of family integrity and the protection of the Nigerian child over the unchecked pursuit of commercial profit.

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APPENDICES

APPENDIX I – QUESTIONNAIRE

Interview Guide for Media Professionals

Title of Study: Regulating Advertisements Targeting Families: Legal Framework for Protecting Family Values and Children from Harmful Content

Interviewer: Lawson Oghenetejirhi Sorhue,
Faculty of Law, University of Benin.

Introductory Statement to Respondent

Good day. Thank you for agreeing to participate in this academic interview. This discussion is part of my LL.B long essay research at the Faculty of Law, University of Benin. The purpose is to gain insight from experienced media professionals regarding how advertising regulation in Nigeria affects family values and child protection.

Your participation is voluntary, and your responses will be treated with the utmost confidentiality. The information you provide will be used strictly for academic purposes.

You may decline to answer any question or withdraw from the interview at any point.

With your consent, this conversation may be recorded for accuracy of data analysis.

Section A: Professional Background

1. Please briefly introduce yourself — your name, organisation, and professional role within the media or advertising sector.
2. How long have you been involved in media or advertising practice in Nigeria?
3. What kind of advertisements do you primarily work with (television, radio, digital, print, outdoor, etc.)?

Section B: Advertising and Family Values

4. From your professional experience, how would you describe the influence of advertising on family values in Nigeria?

5. Do you think advertisements in Nigeria reflect or conflict with traditional moral and cultural values? Please explain.

6. What forms of advertising content do you consider most likely to undermine family or societal values?

7. In your opinion, how do children respond to advertisements that contain adult or morally questionable content?

8. Have you ever observed a deliberate attempt by advertisers to target children or family audiences with certain kinds of content?

Section C: Regulatory Awareness and Compliance

9. How familiar are you with the laws and regulatory bodies governing advertising in Nigeria — such as ARCON, NBC, or FCCPC?

10. Do you think these regulatory agencies are effective in enforcing advertising standards? Why or why not?

11. Have you or your organisation ever undergone review or sanction from ARCON or the NBC concerning advertising content?

12. How does the regulatory environment influence the creative decisions or content approval process in your organisation?

Section D: Challenges in Regulating Harmful Advertising

13. In your view, what are the main challenges in regulating harmful or inappropriate advertising content in Nigeria?

14. Do you believe the existing legal framework sufficiently addresses the protection of children from media influence?

15. Are there cultural or economic pressures that make it difficult to enforce moral standards in advertising?

16. How does the rise of social media and digital advertising complicate regulation compared to traditional broadcasting?

Section E: Recommendations and the Way Forward

17. What reforms would you recommend to make advertising regulation more effective in protecting children and family values?

18. Should advertisers and media professionals receive formal training on ethics and child protection in advertising?

19. How can collaboration between regulators, advertisers, and civil society improve compliance with moral standards?

20. Finally, in your personal view, what role should parents, religious institutions, and schools play in countering the negative effects of advertising on children?

Closing Remarks

Thank you very much for your insights. Your contributions are invaluable to this research and will help strengthen the understanding of how law, media ethics, and cultural values intersect in Nigeria's advertising industry.

APPENDIX II

RESEARCH INTERVIEW CONSENT FORM

Research Title:

Regulating Advertisements Targeting Families: Legal Framework for Protecting Family Values and Children from Harmful Content in Nigeria

Researcher:

Lawson Oghenetejirhi Sorhue

Faculty of Law, University of Benin

Phone: 08136358370

Email: lawsonsorhue@gmail.com

1. Introduction

You are invited to participate in an academic research interview as part of my undergraduate long essay. This study examines how advertising practices affect families and children in Nigeria and evaluates the effectiveness of existing legal and regulatory frameworks.

Before participating, kindly read this form and indicate your voluntary consent.

2. Purpose of the Interview

The interview aims to obtain professional opinions, regulatory insights, and industry perspectives on advertising standards, harmful content, child protection, and family-oriented media regulation in Nigeria.

3. What Participation Involves

If you agree to participate, you will be involved in a 20 to 30-minute interview conducted online (via Telegram).

With your permission, the interview may be audio-recorded to ensure accuracy.

4. Voluntary Participation

Your participation is entirely voluntary. You may decline to answer any question or withdraw at any time without any consequences.

5. Confidentiality and Data Protection

- * Your identity will be kept confidential unless you explicitly authorise otherwise.
- * All information provided will be used solely for academic purposes.
- * Data will not be shared with third parties.
- * Recordings and transcripts will be securely stored and deleted after completion of the research.

6. Potential Risks and Benefits

There are no anticipated risks associated with participation.

Your input may contribute to academic understanding and improved policy development on family-sensitive advertising regulation.

7. Consent Declaration

- I have read and understood the information provided.
- I voluntarily agree to participate in this research interview.
- I consent to audio recording of the interview.
- I consent to the use of my name in the final report.

Name of Participant: _____

Position/Organisation: _____

Initials: _____

Date: _____

8. Researcher's Declaration

I confirm that I have explained the purpose, procedures, confidentiality safeguards, and voluntary nature of this research to the participant.