

PROMOTION OF HERBAL THERAPIES IN THE FACE OF APCON REGULATIONS:

A Compliance Appraisal

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Abstract

The proliferation of supposed herbal remedy for various presumably serious ailments plaguing humanity has become common place in the city of Port Harcourt. The Herbalists deploy several advertising strategies to sell their products. This, they do, in a bid to convince and indeed hoodwink would-be patrons of their products. The Advertising Practitioners' Council, APCON, is a body legally vested the power to regulate the practice of advertising in Nigeria and the purpose of this piece is to attempt an appraisal of the compliance level of herbal remedies' practitioners in their advertisement messages in line with APCON regulations. The approach was experiential and realistic.

Keywords: APCON Regulations, Herbal remedies, advertisements, sales promotion.

Introduction

The promoters of herbal remedies otherwise referred to as alternative medicine practitioners, have virtually taken over the commercial space in Port Harcourt metropolis. A cursory investigation reveals their presence at almost all busy bus stops, markets and motor parks in the city. The herbal practitioners have not only taken over the streets but have also invaded the electronic media in the city especially the television. They, like religious sermon preachers, now compete for airtime in broadcast stations like the Rivers State Television, Silverbird Television Port Harcourt and partly the Nigerian Television Authority, NTA-Port Harcourt stations, as one of the most popular and frequently aired programmes on these stations. The case of Silverbird Television Port Harcourt is even more nauseating as the timing for the airing of the 'herbal remedies' programme is neither streamlined nor specific – a situation where such airing defies the time-belt of other programmes aired by the station without apologies to the audience.

They (the herbal therapy promoters) hardly use the print media(newspapers specifically) because of their target audience being mainly illiterates, semi-literates and the dregs of society. And their presentation on the television is not strictly the advertised copy (message type) of their product but an extemporaneous goading of the people on the self-acclaimed and 'believed' efficacy of their product. Their emphasis on the legality of their actions is based mainly on the acquisition of a registration number from the National Food Drug

Administration and Control, NAFDAC, on the said products and not that the Nigerian Medical Association or any professional medical body has or can indeed endorse their products as fit for consumption in line with their claims on its curative effects.

The most annoying aspect of these promotional activities is the fact that the manufacturers claim to have some yet to be substantiated spiritual knowledge as a basis for assuming superiority over orthodox medicine. This puts pain to the cry for examining and regulating their activities in the interest of societal sanity. Most of them go by funny onomatopoeic names as a way of alluding to their efficacy and indeed efficiency.

This has led to a beehive of activities around herbal remedy industry such that 'alcoholism, self-medication and drug abuse' is becoming common place among residents of Port Harcourt because of the information over load and other environmental cum cultural influences associated with the advertisement of herbal remedies' products. Products like Alomo Bitters, Action Bitters, Tombo bitters etc. are being consumed freely by unsuspecting youths notwithstanding its alcoholic content, all in the name of its acclaimed curative effect as a blood cleanser, disease killer and health purifier. Besides, the only claim some of the consumers of these 'bitters' lay hold of is the fact that the products has a bitter taste and not that they can prove or have proven its curative claims by the promoters.

The situation has become worrisome to the extent that commuters, travelers, traders and other residents of the city alike, are being daily inundated with pre-recorded messages of the effects and benefits of consuming their products with no reference as to its side-effects or strict medical efficacy and rules. On the popular Aba Road axis of Port Harcourt, almost every long-bus plying the route from Mile one to Eleme junction and Oyigbo city centre, have an agent inside trying to sell drugs mostly herbal to unsuspecting customers. Some of the patrons of the herbal remedy promoters do so after listening to the unscientific and non-clinical diagnosis of possible symptoms of ailments plaguing them without first testing themselves for such ailments

The 'message boxes' in the form of stationary cars, mobile cars cum hawkers, sprawl the streets in different parts of the city of Port Harcourt, especially thickly populated areas of the city to disseminate their message and make merchandise of the people. Some children living in the said areas can now mimic and replay the messages as part of their daily conversation, hence exposing them to advertisement content that was not ordinarily meant for them because it was not in a controlled or censored medium.

This situation has led to the conceptualization of this work, to look at the promotion of herbal remedies in the face of APCON Regulations in terms of checking their compliance level.

Brief Overview of Advertising

The activities of the promoters of the herbal therapy craze as elixir to all forms of natural ailments common to man, falls within the ambits of advertisement. This is, if we view advertisement as defined by Yalaju (2001) as a notice given in a manner designed to attract public attention. Gupta (2012) notes that the term advertising is derived from the Latin word 'adverter' which means to turn the attention, 'it can be said that anything that turns the attention (of people) to an article or a service or an idea might be called as (*sic*) advertising', p.4.

Whetmore (1985) cited in Okpoko (2008), defines advertising as a sales message which is directed towards a specific audience and seeks to sell goods and services and the

promotion of ideas through the media by a paid sponsor. The Webster's English Dictionary sees advertising as any form of public announcement intended to aid directly or indirectly in the sale of a commodity. Stanton (1982), cited in Okon (1998), defines advertising as all activities involved in presenting to a group a non-personal, oral, or visual openly sponsored message regarding a product, service or idea.

The definition of the American Marketing Association (AMA) is mostly recognized in professional circles. It defines advertising as any form of non-personal presentation and promotion of products, service or ideas by an identified sponsor.

From the foregoing, advertising can then be said to have the following features:

- It is a non-personal presentation of messages. This implies the use of third parties in communicating the message content.
- Its intention is to inspire action about a product, service or idea.
- It is usually paid for by an identifiable sponsor. This means that its content cannot be referred to as gossip.
- It uses different media of communication: oral, print and electronic.
- Its content is target specific.

According to Okon (1998), not all advert messages can be referred to as advertising. He posited that 'for any advert message to qualify as advertising, it has to be non-personal, it has to be paid for and the sponsor identified', p.23. Advertising can be classified as national, retail/local, trade/professional, industrial, co-operative or institutional, depending on the content, intent or reach of the message.

APCON Regulations in context

Ewelukwa (2004) echoes that 'there is no doubt that in Nigeria today, there are frequent disobedience, violation and disregard of advertising laws', p.4. This has informed the enactment and enforcement of laws by both State and Federal Government of Nigeria. One of such laws is the Advertising Practitioners' Council of Nigeria, APCON, Cap 7, laws of the Federation of Nigeria, 1992.

The Advertising Practitioners' Council of Nigeria (APCON) was established by Act No. 55 of 1988, as amended by Act No. 93 of 1992 and Act No. 116 of 1993 and is charged with the following responsibilities:

- Determining who are qualified advertising practitioners;
- Setting the standard of knowledge and skills required for such practitioners;
- Compiling, maintaining and keeping the register of practitioners;
- Regulating and controlling the practice of advertising in Nigeria;
- Conducting qualifying examinations in the profession;
- Performing all such other functions as are incidental or conducive to the above responsibilities or any of them.

The fifth edition of the Nigerian Code of Advertising Practice, Sales Promotion/Restrictions on Practice, effective from December 1, 2012, spells out the rules and regulations that govern the practice in specific terms in relation to specific products. Chapter one of the code states the general principles indicating that all adverts must be legal, decent, honest, not be sexually explicit, must not discriminate gender, superstitious etc.

On page 24 of the code, (d) states that consumers shall not be encouraged to use products in excess and Advertisers shall hold proof before suggesting their products or therapies are guaranteed to work, absolutely safe or without side effects and (e) states that advertising communication shall not suggest that any product is safe or effective merely because it is 'natural' or that it is generally safer because it omits an ingredient in common use.

Article 67 of the code states that all advertisements, promotions and other marketing communication activities concerning alternative medical practices, products and treatment shall:

- i. Clearly specify the name and address of the dispenser/advertiser;
- ii. Specify the particular ailment to which the product applies and shall not claim efficacy over a range of condition;
- iii. Have dose specification.

Herbal Remedies Promotion in Port Harcourt

Residents of Port Harcourt can hardly deny the absence of herbal remedies promoters due to media glut of its advert messages. By media glut, we mean the utilization of various media appropriate in reaching the target audience including trade fairs, markets, hawking, promos, radio, television etc. The herbal remedies promoters are unrelenting in their effort to supplant orthodox medicine as a means of curing ailments that is common to man. Their slant mainly is to hoodwink unsuspecting patients with sympathy and presumably low prices for drugs which ordinarily would have been sold for more at the conventional hospitals. Moreover, they tend to suggest that their medication beats the rigour and apparent protocols associated with hospital administrations in Nigeria.

Investigations reveal that most of them are not licensed by the government but are catching-in on the desperation and morbid fear of high charges by the hospitals to operate. Their would-be patrons are further goaded with sugar-coated elixir/opium sermon of their medication as cure for symptomatic ailments and not medically diagnosed disease.

Their activities are worst in the rural areas where their operations take on the colouration of some sort of superstitious power to heal and not just cure the diseases. Some families are believed to be gifted with the power to treat certain ailments as a matter of inheritance cum heritage not minding the attitudinal disposition of individual members to such touted heritage. Herbs and roots are freely prescribed by the practitioners to patients who simply reel out symptoms upon symptoms. And the prescriptions are sometimes not adhered to as prescribed hence leading to possible medical complications and possibly, death in the face of lack of adequate medical attention. In such villages, they need no advertisement because the villagers believe in the efficacy of their treatment of the acclaimed ailments.

This piece is not intending to disparage traditional knowledge which has been proven to be efficacious when administered adequately. Amadi (2017) refers to it as "Indigenous

Knowledge”, a kind of knowledge that has existed within a community over time such that it has formed part of their belief system. But our focus is on how such knowledge (of alternative medicine) is being advertised within the Port Harcourt metropolis in line with laid down rules of advertisements.

In Port Harcourt, they operate in groups, brandishing different concoctions with yet to be verified claims of cure. Some have rented offices with phoney names like Baba Cure, Dr. Agnes Nwanma, Herbal World home of Aloe Vera, Dr. Igwedo, Papa Na Mama Dada, Yem-Kem International, Emione Naturalist Care etc. Most times, they hire some jobless youths as marketers, stuff their hands with the drugs and off to the street they go to harass potential and unwilling patrons of their merchandise. They operate more in thickly populated areas.

Another twist to it is that some foreign companies have joined the fray. Companies like the GNLD, EDMARK etc. stand out in this regard. Their products come mostly in the form of teas and dietary supplements. They use the network marketing strategy linked to tempting incentives, to hood-wink would be interested patrons of their merchandise. Moreover, the perceived craze for foreign goods by Nigerians as against locally-made products, is being used to their advantage by the Nigerian promoters of their product. They organize seminars and other marketing activities in order to get a fair share of the herbal remedies market. But the focus of this paper is not on the foreign promoters of herbal remedies but it must be noted that the foreign herbal remedy promoters are busy trying to colonise the market through the use of sophisticated marketing and advertisement strategies to the detriment of locally made herbal products. That is a discourse for another paper.

Herbal Remedy Promoters and APCON Regulations

Findings by this paper reveal that most, if not all, the herbal remedy promoters are not in tune with APCON regulations as to the mode of presentation of their advertisements/promotions. Several of the practitioners and their marketers interviewed, did not know of the existence of the Nigerian code of advertising practice, sales promotion and other rights/restrictions on practice. None of them interviewed were certified APCON practitioners.

From the message content of some of the herbal remedies advertisements, the provisions in the code that herbal product must “Specify the particular ailment to which the product applies and shall not claim efficacy over a range of condition”, is clearly in breach. Some of the culprits are Goodwill Liquid Herbal Mixture, Ashetu Adam Bitters, Ecosin Cleanser, Dr. Igwedo Goko Cleanser etc. all of which are acclaimed to be effective in tackling 'all sexually transmitted diseases'. The mixture 'Ecosin DX' and energizer 360 are being touted to be the gynecological elixir to all forms of sexual mis-function (poor libido, poor erection etc.).

Furthermore, the tone of the message it was clearly sexually explicit especially when drugs meant for sexually transmitted disease. Worst of all, the language used is the 'pidgin' English which gives the message more reach especially among the 'educationally' disadvantaged audience. No mention was made of any side effect for taking the 'natural' medicine because, as stated, it is natural and therefore, not 'harmful in any way'. This is also without regard to the different configuration of the human body medically speaking. This action is in direct contravention of page 24 sub (d) of the code which states that consumers shall not be encouraged to use products in excess and that the 'Advertisers' shall hold proof before suggesting their products or therapies are guaranteed to work, absolutely safe or without side effects.

Also, some of the patrons of herbal medicines interviewed in Rumuwoji (Mile one) market, alluded to their traditional background as part of the reason for preferring alternative medicine. Some of them claimed that the efficacy of 'natural' medicine was more compared to orthodox medicine. One Mr. Anthony pointed out that the natural medicine had multi-purpose usage when compared to the orthodox medicine and that the pricing was on the lower side.

In the course of rummaging for data for this paper, some alcoholic advertisements were spotted along Mile one axis of Port Harcourt. The said adverts were in clear contravention of APCON Regulations. In chapter three of the Code entitled 'special provisions', it states that alcoholic beverage adverts should not bear any religious or medical connotation in terms of the language and such adverts should not be placed within a radius of 200 metres of the perimeter fence of any place of worship, hospital, school or motor parks.

Firstly, at Emenike junction, there was a bill board stand carrying two advertisements of alcoholic drinks - Omega Aromatic Schnapps and Brandy Almondia V.S.O.P. The bill board was placed very close to St Andrews' Primary School, owned by the Rivers State Government. Omega Aromatic Schnapps has its cut line as 'the spirit of excellence' which is a religious line gotten from the Bible book of Proverbs chapter 17:27 and Daniel Chapter 5:12. The word Omega is mentioned four times in the Book of Revelations 1:8; 1:11; 21:6 & 22:13. This makes the religious connotation so real.

On the front of Rumuwoji (Mile One) market are two alcoholic drinks – Star and Hero beer displayed conspicuously. The case of Hero beer is worse such that it was also sited opposite a Mosque. Star beer was situated in front of Diobu Divisional headquarters of the Nigerian Police force which is directly opposite the Rumuwoji market.

At the Mile one flyover, the Rivers State Signage and Advertisement Agency, RISAA, was busy shutting down adverts over their non-payment of prescribed fees, none of the bill boards sighted bore any sign of APCON checks except for few sign boards along Rumuola road leading to the ever-busy Aba road. Investigations showed that the sign boards were shut down over non-payment of fees and not for the content of the advert. One of the bill-boards spotted to have been shut down by RISAA had the advert of a University in Ogun state.

Conclusion

Though this work set out to appraise the compliance level of locally made herbal remedies advertisements to APCON Regulations, a greater danger looms with the strategy being deployed by foreign herbal remedy promoters to oust them and emasculate the market.

Clearly, locally made herbal remedy promoters still ply their trade at the subsistence level which is counter the principle of advertising. Advertising needs to be non-personal which means that the advertised product should be in large scale due to the effect the message might have on its target audience and subsequent demand for the product.

Locally made herbal remedy promoters should not rely on the traditional instincts of their would-be patrons as a key point in marketing but consider good packaging strategies as part of their advert for their product. Modern knowledge should be blended with traditional expertise for better results. Their products should be given global appeal to shrug-off stiff competition from their foreign counterparts.

In so doing, the relevant laws and regulations governing their operations should be strictly adhered to in order to avoid unwarranted intervention by government to the detriment

of their survival. The market is competitive and the operators must rise up to the occasion.

Recommendations

In the light of the study, the following are recommended:

- The government should as a matter of urgency statute a medical panel streamline indigenous medicine and orthodoxy.
- Operations of alternative medicine practitioners should be standardized by the government.
- APCON and other regulatory agencies of government should collaborate to ensure better enforcement of standards.
- Government regulatory agencies should not restrict its enforcements to funding infractions but offer training and mentorship to offenders.
- There is urgent need for APCON to enlighten the people on what an advert should be and keep an open line that will enable the people report adverts that fall short of the standard.

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