



## Truthfulness in Advertising as a Universal Ethical–Legal Norm: A Theoretical and Legal Analysis

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### Abstract

Truthfulness in advertising has long been recognized as a fundamental requirement for ensuring fair competition, protecting consumers, and maintaining public trust in the market economy. Beyond its positive legal formulation in national legal systems, the obligation of truthful advertising reflects a deeper ethical–legal norm that transcends jurisdictional boundaries. This article examines the duty of truthfulness in advertising as a universal ethical–legal standard, drawing on moral philosophy, natural law theory, consumer protection theory, and modern regulatory approaches. The study argues that truthful advertising is not merely a technical legal requirement but a normative principle rooted in human dignity, informational justice, and social responsibility. By analyzing the evolution from moral obligation to legally enforceable duty, the article highlights the universal nature of truthfulness in advertising and explores its implications for contemporary advertising regulation, particularly in the digital age. The article has established that many businesses disseminate deceptive advertisements across traditional media channels and digital platforms, thereby undermining customer trust and loyalty. The three jurisdictions analyzed, the United States, the UK, and Vietnam, have regulations and laws prohibiting deceptive advertising.

**Keywords:** truthful advertising, ethical norms, legal theory, consumer protection, natural law, advertising regulation.

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### 1. Introduction

Advertising occupies a central position in modern market economies. It serves as a bridge between producers and consumers, enabling information exchange, stimulating demand, and shaping consumer preferences. However, advertising also possesses persuasive power that can distort consumer decision-making when information is false, misleading, or incomplete. As a result, virtually all legal systems impose constraints on advertising practices, with truthfulness emerging as a core regulatory principle. While contemporary legal frameworks often treat truthful advertising as a statutory requirement enforced through administrative or civil sanctions, the obligation to tell the truth in commercial communication predates modern legislation. Historically, truthfulness has been regarded as a moral imperative grounded in ethical philosophy and social norms. This raises a fundamental question: is truthful advertising merely a positive legal rule, or does it constitute a universal ethical–legal norm?

This article seeks to answer this question by analyzing the truthfulness of advertising from theoretical and normative perspectives. It argues that the obligation of truthful advertising reflects a universal ethical–legal standard rooted in moral philosophy, natural law, and fundamental principles of justice. The article further examines how this ethical obligation has been transformed into binding legal norms in modern advertising law and discusses the implications of this transformation for contemporary regulatory challenges.

Carson, Wokutch, and Cox (1985) <sup>[5]</sup> argue that coming to a universally applicable definition of deception in advertising has always been problematic. For example, citing Gardner (1975), who states that

If an advertisement (or advertising campaign) leaves the consumer with (an) impression(s) and/or belief(s) different from what would normally be expected if the consumer had reasonable knowledge and that impression(s) and/or belief(s) is actually untrue

or potentially misleading, then deception is said to exist (p.94).

Carson, Wokutch, and Cox (1985) <sup>[5]</sup> proceeded to poke holes into this definition, arguing that if the definition were adopted from the English language perspective of deceptive advertising or the legal perspective, or even both, it would be inadequate. Moreover, regarding the inherent wrongs of deceptive advertising, they posit that it harms consumers by inducing purchases they would otherwise avoid and is anchored in dishonesty, ultimately eroding trust in society and its economic systems. Gupta (2023) <sup>[13]</sup> argues that sellers use advertising to promote their products to consumers. However, the sellers have every reason to use deceptive advertising about their products to woo buyers and hit their sales targets. Gupta (2023) <sup>[13]</sup> cites examples such as the 2009 occurrences where “*Sketchers*, New Balance and Reebok falsely advertised that their toning shoes helped in weight loss and strengthening muscles, which led to a peak in sales at \$1 billion in 2010.” It is evident that advertising in these cases drove sales through the roof, only for later scientific tests to show that toning shoes did provide the advertised benefits and, conversely, placed their wearers at risk of physical injury. Another perspective holds that deceptive advertising entails misleading, unrealistic, or non-factual information or visual content. Such deceptive advertising is misleading and results in consumers buying “Counterfeit, defective, or even dangerous” products (TorHoerman Law LLC, 2022) <sup>[27]</sup>. Some other notable documented instances of defective advertising include Juul E-Cigarettes, which have been touted as a safer option compared to traditional cigarettes, yet on average, they contain more nicotine. In Lawsuits filed by TorHoerman Law in the United States, Juul e-cigarettes were sued for running misleading branding and marketing campaigns for their electronic cigarettes. The company ran aggressive marketing campaigns targeting minors and failed to warn the target users that the e-cigarettes were potentially more addictive than traditional cigarettes. After continued use, some users reportedly experienced “seizures, lung damage, and other serious injuries, including strokes.” Furthermore, this trend is evident in e-cigarette-related lawsuits. The e-cigarette-related lawsuits are anchored on deceptive marketing and branding campaigns that do not reveal to users that vapes are more addictive than traditional tobacco products (TorHoerman Law LLC, 2026) <sup>[28]</sup>. In 2016, the Federal Trade Commission filed a complaint in federal court against Volkswagen Group of America- Federal Trade Commission v. Volkswagen Group of America, Inc. (No. 3:16-cv-01534). Volkswagen had for years run deceptive, high-profile advertising for its “clean” cars through a high-profile marketing campaign that included Super Bowl ads, social media campaigns, and print advertising, often targeting “environmentally-conscious” consumers (Federal Trade Commission, 2016). According to the Federal Trade Commission (2016) had been running deceptive advertising promoting its “clean diesel” VWS and Audis, yet the cars had been fitted with illegal emission defeat devices that concealed high emissions during government tests. This deceptive advertising campaign resulted in Volkswagen selling or leasing approximately 550,000 units over seven years to environmentally conscious consumers at an average price of USD 28,000. The company alleged that the cars would retain high resale value because they were purportedly environmentally friendly and met emission standards.

TorHoerman Law LLC (2022) <sup>[27]</sup> has also analysed the different types of deceptive advertising. Unsubstantiated claims advertising- this is based on unproven claims about a product, such as its performance, what it can accomplish, and also claims about how it benefits the consumers. Comparison inconsistencies: This type of deceptive advertising involves an entity claiming that its product is comparable to other brands without providing adequate evidence. It is a type of advertising that seeks to dissuade consumers from using a particular product and to encourage them to switch to the advertiser’s product. Further analysis could actually prove that the advertised product is of inferior quality. Bait-And-Switch advertising- In bait-and-switch advertising, a business entity advertises a product, fully aware that they do not intend to deliver the same product in terms of quality or function. Following the deceptive advertising campaign, the business ultimately delivers a product of inferior quality relative to its advertising (TorHoerman Law LLC, 2022) <sup>[27]</sup>.

## 2. Moral Foundations of Truthfulness in Advertising

### 2.1. Truthfulness as a Moral Imperative

In moral philosophy, truthfulness is widely regarded as a fundamental ethical value. Classical thinkers such as Aristotle emphasized truth as a virtue essential to social trust and human flourishing. Similarly, Immanuel Kant regarded truthfulness as a categorical imperative, arguing that deception undermines the moral fabric of society by treating others merely as means rather than as ends.

Applied to advertising, these ethical principles suggest that misleading or deceptive advertising is morally objectionable because it manipulates consumers’ autonomy and rational choice. Advertising that conceals material facts or exaggerates product attributes violates the ethical duty of honesty and undermines the trust upon which market transactions depend.

Advertising is central to the success of businesses because it is the channel through which they communicate with their prospective clients. However, businesses should practice ethical advertising by avoiding deception, manipulation, and misleading tendencies. Truthfulness as a principle of advertising holds that businesses “must be truthful about their products and services, and must not exaggerate their benefits or make false claims” (“The ethics of advertising: Balancing creativity and responsibility,” 2023). Iqbal and Siddiqui (2019) posited that deceptive advertising negatively affects customer loyalty. They also add that the more customers trust a brand, the more loyal they are to it. Therefore, it is imperative that businesses avoid deceptive advertising, as it erodes customer trust and, consequently, customer loyalty. Nessah (2024, p. 144) <sup>[20]</sup> notes that untruthfulness in advertising can be found in advertisements that contain unrealistic promises, deceptive comparisons, claims of uniqueness, and visual deception. In addition, Nessah (2024, p.153) <sup>[20]</sup> has argued that when businesses use deceptive advertising such as “false promises, fake testimonials, partial disclosures, incomplete descriptions, false comparisons, bait-and-switch tactics, and visual deceptions” it erodes business trust and reputation hence losing customer loyalty, it perpetrates the distortion of values in the society, negatively affects consumer’s mental health due to frustration arising from the discovery that the business deceived them and, also erodes consumer confidence in their decision making capabilities. According to Why should advertising be truthful and transparent? (2025) truthful and transparent advertising

is central in building customer trust and a sense of reliability and dependability. Honest advertising is anchored on accurate presentation of products and services without exaggerated claims or omission of vital information. In addition, the advertisement should be clear, using simple, easily understandable language and avoiding jargon or terms that could confuse prospective customers, regardless of their level of knowledge. Moreover, the advertisement should disclose any relevant limitations, such as usage restrictions or potential side effects, without concealing the information in fine print. Transparency in advertising is every business's fundamental obligation. "The ethical dimension of truthful advertising cannot be overstated. It's about respecting the consumer as an autonomous individual capable of rational decision-making. Deceptive advertising, conversely, treats consumers as easily influenced targets, undermining their agency and right to informed choice." (Why should advertising be truthful and transparent ? 2025). Also, Appl Combine (2024) has argued that companies have an ethical responsibility to be truthful and transparent in their advertising and to avoid misleading and deceptive practices that misinform customers. Appl Combine (2024) [2] further posits that "accurate representation of product benefits, limitations, and risks is crucial to build trust with customers." Therefore, in this light, the importance of truthfulness in advertisements cannot be overemphasized. It is noteworthy that many customers make their purchase decisions based on the information disseminated by advertisers about a product or service. Advertisers in this case have an upper hand because they have more information than the target consumer and therefore have an obligation to be truthful in their advertisements. Unfortunately, many businesses misinform customers in their advertisements. As shown, deception in advertisements affects customers in various ways, including their mental health and confidence, when they make a wrongful purchase, yet they are not to blame. The net effect is that when customers perceive a company as having cheated them, the business suffers in the long run due to the erosion of customer trust and loyalty. Additionally, businesses are at risk of costly lawsuits.

## 2.2. Commercial Speech and Moral Responsibility

Although advertising is often categorized as commercial speech, its moral significance should not be underestimated. Commercial actors engage in communication that directly influences consumer behavior, health, and financial well-being. Consequently, advertisers bear moral responsibility for the accuracy and integrity of the information they disseminate.

From an ethical standpoint, the duty of truthfulness in advertising arises from the asymmetric relationship between advertisers and consumers. Advertisers typically possess superior information regarding their products or services, creating a moral obligation to avoid exploiting this informational advantage.

Tushnet (2007) [29] has argued that the seller's speech influences the buyer's decision to buy a product. Therefore, in this scenario, false speech causes harm because customers purchase products or services based on the message conveyed in the advert. Chukwuma and Ngwoke (2022) [6], in their discussion of the moral obligation to tell the truth in advertising, adopt a contractualist ethical theory. The contractualist ethical theory posits that a contractual agreement can be judged by whether it is right or wrong, or

good or bad. An action is not deemed as being good or bad or right or wrong, but the extent of these aspects is judged by the extent to which it deviates from the contractual agreement. If a customer makes a purchase based on an advertisement, they are deemed to have entered into a contractual agreement with the business based on the information supplied through the advertisement. The purchase is made in the belief that the value for money spent on the advertised goods will be realized when the goods meet the advertised qualities of the product. However, it becomes morally wrong when at the long run, it is discovered that what was advertised as the content of the product and which informed the contract, is not the actual content of the product. In this case, the condition on which the contract was based was not met. Hence, the act becomes morally evil (Chukwuma & Ngwoke, 2022) [6].

Ravaliya (2025) [23] has argued that ethical advertising is anchored in the three principles of honesty, transparency, and social responsibility. Trust and honesty in advertising require businesses not to misinform potential customers about their products or make untruthful claims about the products they offer. Advertising should uphold ethical standards to promote transparency, trust, and responsibility (Ravaliya, 2025) [23]. It is evident that these aspects are crucial to social morality.

## 3. Truthful Advertising under Natural Law Theory

### 3.1. Natural Law and Universal Norms

Natural law theory posits that certain moral principles are inherent in human nature and discoverable through reason. These principles serve as universal standards against which positive law should be measured. Truthfulness, as a component of justice and fairness, is commonly regarded as one such principle.

Under natural law theory, legal norms regulating advertising are legitimate to the extent that they reflect and enforce the moral duty of honesty. Thus, the obligation of truthful advertising is not contingent upon legislative enactment but exists independently as a moral norm applicable across cultures and legal systems.

According to the Peak Frameworks Team (2024), natural law is a philosophical tradition developed by early thinkers such as Plato and Aristotle and later adopted by Thomas Aquinas in the Middle Ages. Natural law "refers to a set of principles considered inherent in human nature and discernible through reason." Natural Law holds that there is a specific order in the universe, and moral actions are part of the universal order. Under the natural law, businesses have a moral duty to make ethical choices; failure to which there will result in undesirable consequences. For example, the Volkswagen emissions scandal (discussed earlier) is a breach of natural law (Peak Frameworks Team, 2024). Olah (2025) [22, 21] argues that, according to natural law, the universal laws of what is right or wrong govern society, and they are not made by man-made laws. "The theory of natural law says that humans possess an intrinsic sense of right and wrong that governs our reasoning and behavior" (Olah, 2025) [21]. In this regard, under the universal law, businesses have a moral duty to be truthful in their advertising campaigns. If businesses employ deceptive advertising, they violate the ethical standards of natural law. They will ultimately convince customers to purchase their goods and services by employing deceptive tactics. As a result, it can be argued that the deceitful advertising used in this case leads to 'fraudulently' acquiring

customers' money because the products or services on offer do not meet the standards advertised, which is a breach of natural law.

### 3.2. From Moral Duty to Legal Obligation

The transformation of truthful advertising from a moral duty into a legally enforceable obligation represents a process of juridification. Legislators codify ethical expectations into legal rules to ensure compliance and provide remedies for violations. However, the moral foundation of truthfulness remains relevant, guiding the interpretation and application of advertising laws.

In this sense, advertising law does not create an obligation of truthfulness; rather, it institutionalizes it, reinforcing a pre-existing ethical-legal norm.

Holt (2024)<sup>[14]</sup> has noted that any advertiser's primary goal is to sell as many products as possible, and therefore, there is a need to have rules governing advertising or else the market will be flooded with uncontrolled advertising, with some making ridiculous and unsubstantiated claims about the benefits of their products. In the United States, the Federal Trade Commission (FTC) prohibits false advertising. According to the FTC, the primary legal requirements include truthfulness and non-deception. Truthfulness means that advertisers cannot make false claims, for example, about the quality and functionality of a product, price, or availability, and going against this, illegal deceptive advertising. Claims made in advertisements must be factual and supported by legitimate, verifiable data. The advertiser must warn consumers of any potential risks or weaknesses of the product. For example, all medications should indicate all possible side effects (Holt, 2024)<sup>[14]</sup>.

Caburao (2025)<sup>[4]</sup> has stressed that advertising must adhere to both legal and ethical requirements. This is meant to protect consumers from misleading advertisements about products and services. All claims that are made in advertisements must be substantiated, verifiable, and non-deceptive. "This practice is also crucial for businesses, as it builds credibility, trust, and long-term customer relationships" (Caburao, 2025)<sup>[4]</sup>. Deceptive advertisements expose businesses to costly legal action. To avoid legal costly legal consequences businesses should ensure that their advertisements truthful to: manage customer expectations- advertisements must portray products and services accurately to set realistic customer expectations hence avoid complaints related to unmet expectations; Avoid legal consequences- when businesses use deceptive advertisements they are at a risk of costly penalties by regulators and legal action; Maintain fair competition- truthful advertising creates a level playing with no company enjoying undue advantage arising from deceptive advertising; Build customer trust- Deceptive advertising erodes customer trust eventually leading to loss o market share (Caburao, 2025)<sup>[4]</sup>. Therefore, it is important for businesses to avoid deceptive advertising that could trigger any of the above legal ramifications. Customers and regulators have every right to take legal action against any business involved in deceptive advertising because it exploits customers.

## 4. Truthfulness in Advertising and Consumer Protection Theory

### 4.1. Information Asymmetry and Market Failure

Consumer protection theory emphasizes the role of truthful advertising in addressing information asymmetry between

producers and consumers. When advertisers provide false or misleading information, consumers are unable to make informed choices, leading to market inefficiency and welfare loss.

Truthful advertising thus functions as a corrective mechanism that promotes market transparency and fairness. From this perspective, the obligation of truthfulness is not merely ethical but also economically rational.

Ganesan and Muthusamy (2016)<sup>[12]</sup> note numerous instances in which advertisers illegally use deceptive and misleading statements and misrepresentations to influence potential customers. This is in direct violation of customers' right to accurate information about the product they are about to purchase. Wiktor and Sanak-Kosmowska (2021)<sup>[32]</sup> state that advertising is crucial for raising consumer awareness and eliciting targeted reactions. However, advertising can exacerbate information asymmetry, resulting in "market failure and the misallocation of resources." Deceptive advertising is a moral hazard that induces adverse selection among consumers, as they make purchases based on misinformation from advertisers (Wiktor & Sanak-Kosmowska, 2021)<sup>[32]</sup>. The same position is presented by Steigenberger (2025)<sup>[25]</sup>, who argues that deceptive advertising is detrimental to the market because it harms investors and customers, leading to resource misallocation.

Therefore, the researcher's findings indicate that deceptive advertising is detrimental because it exacerbates information asymmetry. When information asymmetry exists, businesses are affected because customers are reluctant to allocate resources due to diminished trust. Customers must be confident in the truthfulness of information provided by businesses before purchasing a specific product. Additionally, information asymmetry harms customers because they feel cheated after a purchase, only to realise that the product does not meet the advertised qualities. Hence, truthful advertising is crucial in preventing market asymmetry and maintaining customer trust and loyalty. Deception harms businesses by reducing sales and, in some cases, leading to regulatory penalties and costly lawsuits.

### 4.2. Consumer Autonomy and Informed Consent

Truthful advertising is essential for safeguarding consumer autonomy. Informed consent in market transactions requires access to accurate and sufficient information. Deceptive advertising compromises consumers' ability to evaluate products objectively, thereby undermining their freedom of choice.

Adejor (2025)<sup>[1]</sup> argues that advertising founded on "truth, transparency, and respect for consumer rights, substantially improves informed consumer decision-making and confidence." Deceptive advertising characterized by exaggerated product claims, the concealment of essential information, and targeting vulnerable populations such as the elderly and children is a direct threat to consumer welfare and trust (Adejor, 2025)<sup>[1]</sup>. Hence, truthful advertising is crucial in this context to enable customers to make informed decisions. Otherwise, without this, customers will be exploited and deceived into purchasing falsely presented goods, thereby eroding their ability to make autonomous decisions based on information. The net result of such a scenario is that they will trust in businesses and advertisers. In Informed Consent and Confidentiality (2025), it is argued that informed consent is vital in ensuring that individual autonomy and decision-making ability are maintained.

It is the process by which a consumer is fully informed about the marketing campaign's objectives, the types of personal data that will be collected, how it will be used, and the potential risks and benefits of participating. This transparency is not just a legal requirement but also a moral imperative that fosters trust and builds long-term customer relationships (Informed consent and confidentiality, 2025). This reinforces the argument that truthful advertising constitutes a universal norm linked to human dignity and autonomy—values recognized across legal systems and international instruments.

## 5. Truthfulness as a Universal Legal Principle

### 5.1. Comparative and International Perspectives

Across jurisdictions, advertising laws consistently prohibit false or misleading advertising, despite differences in legal traditions and enforcement mechanisms. International organizations such as the OECD and the World Trade Organization emphasize transparency and honesty in commercial practices, reflecting a shared normative commitment.

The widespread convergence of advertising regulations suggests that truthfulness is recognized as a universal legal principle rather than a culturally contingent rule.

### 5.2. Administrative Sanctions and Legal Enforcement

Modern legal systems primarily enforce truthful advertising through administrative sanctions, including fines, corrective advertising, and suspension of business activities. These sanctions serve both punitive and preventive functions, reinforcing the ethical–legal norm of truthfulness.

However, enforcement mechanisms vary in effectiveness, raising questions about the adequacy of legal responses to evolving advertising practices.

According to the United States Federal Trade Commission (n.d.), all adverts in the United States, no matter the medium used, must be factual, non-deceptive, and where the situation calls for it, backed with verifiable scientific evidence. Deceptive advertising falls under the Federal Trade Commission Act Law 15 U.S.C. §§ 41-58, as amended, that, among other powers, bestows the FTC the power to “prevent unfair methods of competition and unfair or deceptive acts or practices in or affecting commerce”. According to the *Federal Trade Commission Act*, 15 U.S.C. §§ 52, Sec. 12 subsection (a), it is unlawful for any entity or individual to disseminate deceptive advertisements

(1) “By United States mails, or in or having an effect upon commerce, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly the purchase of food, drugs, devices, services, or cosmetics; or (2) By any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in or having an effect upon commerce, of food, drugs, devices, services, or cosmetics.

It is evident that the Federal Trade Commission Act has unequivocally prohibited deceptive advertising using any media or means with the intention of influencing customers or trade in any way. The key takeaway in this section is that the Federal Trade Commission Act has expressly illegalized deceptive advertising in the United States. *Federal Trade Commission Act*, 15 U.S.C. §§ 52, Sec.12, subsection (b) stipulates that the dissemination of deceptive advertisements as outlined Section 12, subsection (a) is deemed “an unfair or deceptive act, or practice in or affecting commerce” as per

Section 45 of the Act which deals with unfair methods of competition and how the commission prevents them. 15 U.S.C. §§ 53, Sec. 13 has given the Federal Trade Commission power to take legal action against business entities or individuals who disseminate or intend to disseminate deceptive advertisements. Subsection (a) has outlined the power of the Federal Trade Commission and the courts while dealing with deceptive advertising whenever they have reason enough to suspect (1) that any person, partnership, or corporation is involved in or intends to disseminate deceptive advertisements in contravention of Section 45 of the Act to initiate legal proceedings against such an entity. The Act authorizes the Federal Trade Commission, through its lawyers or any lawyers it retains, to initiate legal proceedings in a district court or a United States court of any territory against a business entity that uses deceptive advertising. 15 U.S.C. §§ 54, Sec. 14 has provided the various penalties that may be imposed on a business entity for disseminating false advertisements in contravention of Section 52(a). Depending on the nature, gravity, and effects on customers arising from the use of the deceptively advertised products, the guilty party may be fined between USD5,000 and USD 10,000 or a prison sentence or both according to U.S.C. §§ 54, Sec. 14, subsection (a).

Section 225 of the UK Digital Markets, Competition and Consumers Act 2024 (2024)<sup>[30]</sup> prohibits unfair commercial practices. Section 225, Subsection (1) prohibits unfair commercial practices, (2) prohibits engagement in unfair commercial practices contrary to a stipulated code of conduct by (a) a person who is in charge of the content of a code, or (b) a person who has been placed in charge of monitoring compliance with a code of conduct. Of concern to this article is Subsection 4 that has stipulated unfair commercial practices as (a) an action that influences the average consumer to make a transaction decision that they would otherwise not have made if there was no (1) a misleading action as Section 226. Section 226 deals with misleading actions and it has stated in Subsection (1) the nature of misleading actions in business practices (a) disseminating untrue or misleading information concerning a product, a trader or anything else that is related in making a decision about a transaction; (b) dissemination information about a product in a manner likely to be deceptive to the average consumer and is relevant in their making a transactional decision. Subsection 2 has further clarified that misleading information, as stipulated in subsection 1(a), includes information that is deemed to be true but presented in a deceptive or misleading manner. Subsection (3), on its part, has clarified that subsection (1)(b) includes the dissemination of true information in a deceptive manner. Vietnam passed a new law on advertising, Vietnam Law on Advertising, No. 88/VBHN-VPQH, 2025, on 22<sup>nd</sup> August 2025, that comes into force on 15<sup>th</sup> February 2026. The new law is an Amendment to Vietnam Law No. 16/2012/QH13 (The 2012 Law on Advertising). According to the Vietnam Law on Advertising, No. 88/VBHN-VPQH, 2025, Article 8 deals with prohibited acts in advertising. Article 8, Clause 9 has prohibited

Advertising incorrectly or using causing confusion about the business competence, the ability to provide products, goods and services of organizations and individuals trading and providing such products, goods and services; about the quantity, quality, prices, features, designs, package, brand name, type, method of service, warranty period of the

registered or Announced products, goods and services. It is evident that the Law on Advertising has expressly prohibited deceptive advertising. The wording of clause 9 expressly prohibits deceptive conduct by advertisers and businesses. The law has envisioned a situation in which businesses engage in ethical practices through truthful advertising. In Addition, Article 19 stipulates regulations on the content of advertisements. Article 19, Clause 1 has stipulated that an advertisement must be “truthful, clear, must not be misleading or contain misleading content about the features, quality, use or effects of products, goods and services.” Hence, we can deduce that Vietnam has tried to address the issues of deceptive advertising.

The United States has tackled deceptive advertising in the Federal Trade Commission Act, 15 U.S.C. §§ 52, Sec. 12, the United Kingdom Competition and Consumers Act 2024 (2024), while Vietnam uses the Vietnam Law on Advertising, No. 88/VBHN-VPQH, 2025, which comes into force on 15th February 2026. In the three jurisdictions, deceptive advertising is prohibited: in the United States under “unfair methods of competition and unfair or deceptive acts or practices in or affecting commerce”; in the United Kingdom under “prohibited commercial practices”; and in Vietnam under advertising prohibitions. In the three jurisdictions, deceitful advertising is prohibited; although the prohibitions are given different names, they achieve the same purpose. The laws in use in the three jurisdictions are designed to protect consumers from unscrupulous businesses that would otherwise exploit them by misrepresenting their products. The laws are enacted with the recognition that businesses that misinform customers undermine their ability to make informed decisions about purchases. Therefore, it is reasonable to conclude that the three jurisdictions have taken steps to protect consumers from misleading advertising.

## 6. Challenges to Truthfulness in the Digital Advertising Era

### 6.1. Fragmentation of Truth in Digital Advertising

Digital advertising introduces new challenges to the traditional concept of truthfulness. Personalized advertising, algorithmic targeting, and influencer marketing blur the line between factual information and subjective opinion. “Partial truths” and subtle manipulations can mislead consumers without overt falsehoods.

Baltezarević (2023) <sup>[3]</sup> argues that social media pressure to conform to perceived norms has placed people under considerable pressure to avoid exclusion from the group. As a result, many companies have resorted to deceptive advertising because they know many customers are naive. Businesses that run deceptive advertisements often make false claims about the quality and functionality of their products. The growth of digital technology and social media has had a net effect of increasing the dissemination of unregulated, deceptive advertisements online. Deceptive advertising has negative emotional and financial effects on consumers. The ever-increasing engagement of companies with online influencers to promote their products through online advertisements has also contributed to the rise of deceptive advertising. Consumers are prone to following influencer recommendations without critical evaluation, making them susceptible to manipulation. They purchase the advertised products only to discover, upon receipt, that they differ from the advertised items. The growth of digital technology and social media has had a net effect of increasing

the dissemination of unregulated, deceptive advertisements online. Deceptive advertising has negative emotional and financial effects on consumers. The ever-increasing engagement of companies with online influencers to promote their products through online advertisements has also contributed to the rise of deceptive advertising. Consumers are prone to following influencer recommendations without critical evaluation, making them susceptible to manipulation. They purchase the advertised products only to realise, upon delivery, that the products they received differ from those advertised. Diaz Ruiz (2023) <sup>[7]</sup> has also posited that the spread of deceptive advertising on social media has created influencers who benefit from disinformation or misleading advertisements. Diaz Ruiz (2023, pg. 2202, 2205) <sup>[7]</sup>, citing Braun and Eklund (2019), has posited that deceptive information spreads very fast in social media and “existing research on media studies has noted that financial incentives reward the spread of disinformation.” These developments challenge regulators to reconsider how truthfulness should be defined and enforced in complex digital environments.

### 6.2. Ethical and Legal Implications

From an ethical perspective, digital advertising practices raise concerns about the manipulation and exploitation of cognitive biases. Legally, they test the limits of existing regulatory frameworks that were designed for traditional media. Nevertheless, the underlying ethical–legal norm of truthfulness remains applicable. The challenge lies not in redefining the norm but in adapting enforcement mechanisms to new forms of advertising.

Rice (2024) <sup>[24]</sup> has argued that following the rapid expansion of the digital advertising space, the question of ethical advertising arises. There has been an increase in misleading and deceptive advertising, both intentional and unintentional. These deceptive advertisements erode customer loyalty and trust in brands and the advertising industry. Rice (2024) <sup>[24]</sup> further gives an example of “health or wellness brands making unsubstantiated claims about the benefits of their products not only mislead consumers but also potentially endanger their well-being.” It is therefore the responsibility of businesses to ensure that all adverts are ethical, truthful, and avoid hyperbolic and deceptive advertising. It is further noted that ethical advertising builds trust that can only be achieved by “honest, clear, and substantiated” advertising. Also, Legacy Media. (2025, April 28) <sup>[19]</sup>. Digital advertising: Ethical considerations. Legacy Media (2024) states that one of the key ethical principles of advertising is honesty, and digital advertisers should consider advertising ethics carefully when developing their advertisements. This means careful consideration is necessary on whether their actions are right or wrong, which leads to the creation of advertisements that are fair and respectful to the target customers. Therefore, it is imperative that companies ensure that their digital advertisements are clear, accurate, and not misleading. As noted in Rice (2024) <sup>[24]</sup> and Legacy Media (2024), advertising ethics demand truth and honesty, and digital advertising is no exception to these principles. Businesses using the digital advertising space should be wary of the immediate and long-term implications of deceptive advertising. Businesses thrive on the trust and loyalty of the consumers. Misleading or deceptive advertising erodes consumer trust, leading to loss of customers and businesses. Moreover, deceptive advertising is disrespectful of consumers by exploiting their trust and loyalty, thereby

undermining their ability to make informed transaction decisions. In the digital era, advertisers have the tools to create and disseminate a wide range of advertisements. They also achieve a broad audience reach in a very short time. However, they should resist the temptation to create deceptive or misleading advertisements and ensure that their advertisements are factual and truthful.

### 7. Reaffirming Truthfulness as an Ethical–Legal Standard

The analysis above demonstrates that truthfulness in advertising transcends positive law. It is a universal ethical–legal norm grounded in moral philosophy, natural law, consumer protection principles, and respect for human dignity. Legal systems that fail to effectively enforce truthful advertising risk undermining public trust and market integrity. According to the Institute for Advertising Ethics (n.d.), the principles and ethics of advertising, principle 1 states that advertising must be truthful and non-misleading. All parties involved in advertising, including advertising, public relations, and marketing teams, must maintain the truthfulness of advertising. They must not in any way mislead, omit, conceal, or obscure any relevant information in a manner that is meant to manipulate negative affect consumers' capability to make informed choices. This principle underscores the ethical nature of truthful advertising. Truthful advertising echoes a company's respect for customer loyalty and trust. Deceptive advertising is an abuse of consumer loyalty and trust because it exploits consumers who unquestioningly accept information from advertisers. Additionally, deceptive advertising is ethically wrong because it undermines consumers' mental state, prompting them to question their judgment after being deceived into a business transaction they would not have made had they been given factual information. The feeling of gullibility and being cheated affects consumers' well-being, as they question whether there was anything they could have done differently, ultimately leading to a loss of trust and loyalty toward the business and its advertisers. For the purposes of this article, Principle 1 works in tandem with Principle 10 on lawfulness. Principle 10 on lawfulness states that “advertisers must ensure that their advertising complies with applicable laws and regulations, recognizing that legal compliance is a minimum standard and that ethical practice requires conduct that sustains integrity and public trust.” As businesses create their advertisements, they must consider the applicable laws in their jurisdiction. For example, as noted earlier, deceptive advertising is illegal in Vietnam, the UK, and the United States. Truthfulness is a mandatory legal minimum in advertising. For legislators, it is imperative that they ground advertising laws in ethical requirements. Recognizing the ethical foundations of advertising regulation can enhance the coherence and legitimacy of legal frameworks. It encourages lawmakers and regulators to adopt a principled approach that prioritizes substantive truth over formal compliance.

### 8. Conclusion

Truthfulness in advertising should be understood not merely as a statutory requirement but as a universal ethical–legal norm essential to fair markets and social trust. Rooted in moral philosophy and natural law, the obligation of truthful advertising has been translated into legal norms through consumer protection and administrative law frameworks.

In an era of rapid technological change, reaffirming the ethical foundations of advertising regulation is crucial. While advertising techniques evolve, the normative demand for truthfulness remains constant. Effective legal regulation must therefore align enforcement mechanisms with this enduring ethical–legal standard, ensuring that advertising serves its legitimate economic function without compromising consumer autonomy or social integrity.

Deceptive advertising has been established as a harmful practice because it erodes consumer loyalty and trust. It hinges on misinformation, misrepresentation of facts, exaggeration, and concealment of information. This practice affects consumers negatively, including affecting their mental health. Consumers feel cheated after purchasing a product only to realize they were deceived by the advertisers. They find themselves doubting their ability to make sound financial decisions, second-guessing their decisions, and eventually losing trust in businesses and advertisers, which in turn affects market performance.

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