

Advertising Media Regulation and Sale of Herbal Medicines in Nigeria: Implication for Public Health and Safety

Emmanuel O. Ahaiwe

Department of Marketing

Michael Okpara University of Agriculture, Umudike

Abstract

Media practitioners in Nigeria ought to be custodians of ethical values particularly, when it comes to advertising of herbal medicines. There have been cases of many bewildering unethical media practices in Nigeria. One of such practices is the unabated advertising of herbal medicines which are often misleading, deceptive and defrauding. As activities of herbal medicines practitioners continue to be on the increase in the country, media practitioners and regulators should act as watchdogs in curbing the menace and debilitating effect on health caused by the illicit activities of some herbal medicine practitioners. To this end, we made efforts to unveil some of the most unethical herbal medicine practices, regulations on herbal medicine advertising, media responsibility in curbing unconfirmed herbal medicinal messages, and the way forward.

Keyword: Advertising regulation, Ethics, Herbal medicine.

1. Introduction

The surge at which advertising and sale of herbal drugs in Nigeria continues to grow is becoming alarming. A look around every roadside in Nigeria will show varying forms of Herbal drug advertising and sales. They use public address systems, posters, fliers, billboards, etc, and are also seen in major motor parks and commercial buses. They are also common in newspapers, radio, and television stations. The use of herbal medicines in Nigeria has become an integral part of the peoples' life and also a part of alternative medicine. WHO Media Center (2008) cited in Oreagba, Oshikoya & Amachree (2011) defined alternative medicines as diverse health practices, approaches, knowledge and beliefs that incorporate plant, animal and/or mineral based medicines, spiritual therapies, manual techniques and exercises which are applied singularly or in combination to maintain well-being, as well as to treat, diagnose or prevent illness.

2. Problem Statement

Consuming herbal medicines is not illegal, provided they are safe for human consumption, having been prepared under strict hygienic conditions and with the right source of materials. The production and consumption of herbal medicines are acceptable but the manner in which most of them are advertised has begun to raise ethical concerns. Increasingly, there have been increased number of reports of people experiencing adverse negative effects caused by most herbal drugs is also increasing (Nworu, Vin-Anuonye, Okonkwo, Oyeka, Okoli, Onyeto, Mbaoji, Nwabunike & Akah, 2014). Counterfeit, poor quality or adulterated herbal products in the markets have caused serious patient safety threats (WHO, 2008). But, unfortunately, developing countries like Nigeria do not seem to have regulatory policies that can effectively protect their citizens from the identified problems (Erah, 2002). Despite several attempts by regulatory agencies in Nigeria like NAFDAC and NDLEA to regulate the sale of herbal medicines, there are still enormous cases of irregularities in the advertisement and sale of such products. The problem for consumers is not in purchasing and consuming such products, but in the misleading, deceptive and unverified claims made by these herbal medicine advertisers and sales men who deceive the consumers with such claims. Most adverts claim that a single herbal mixture can provide solutions to many ailments which include diabetes, infertility problems, pneumonia, gonorrhoea, typhoid, malaria, etc. Such claims in advertisements have become a rampant phenomenon which has gone unchecked. Worst still, the advertisement of these herbal drugs are being carried out through registered radio and television stations, and through other statutorily established advertising media, who are supposed to screen these advertisements before they are published, aired and televised to the general public. This act they may want to justify as a means of generating revenue for media survival or sustainability (Amadi & Elijah, 2015). Yet, the activities of these radio and television stations are being regulated by the Broadcasting Organization of Nigeria (BON), The National Broadcasting Commission (NBC), the Nigerian Press Council (NPC), the Advertising Practitioners Council of Nigeria (APCON), etc (Igbonwelundu, 2015).

Generally, there are laws and regulations controlling media advertising in Nigeria, including those covering advertising herbal products. This paper therefore attempts to look at areas where advertising and sales of herbal medicines in Nigeria need to be effectively controlled and strengthened.

3. Nature of advertising regulation in Nigeria

Every nation develops the framework on which certain agencies and bodies must operate within.

Harvey (1999) stated that regulation involves intervention by the state in areas of economic, social or cultural life according to whatever political norms are characteristic of that nation state.

Regulations may be issued by presidential decree, by religious prescription or by legislative action within a system of representative democracy. Advertising in Nigeria is being regulated by the National Broadcasting Corporation (NBC) established by Decree 38 of 1992, to register, regulate and control broadcasting in Nigeria.

The NBC was established and charged with the following functions according to Ihechu and Okugo (2013).

- Receiving, processing, and considering applications for the ownership of radio and television stations including cable TV services, direct satellite broadcast, etc.
- Regulating and controlling the broadcasting industry;
- Receiving, considering and investigating complaints from individuals and bodies regarding content of a broadcast or conduct of a station;
- Upholding the principles of equity and fairness in broadcasting;
- Establishing and disseminating a national broadcasting code and setting standards with regards to contents and quality of broadcasting
- Regulating ethical standard and technical excellence.
- Promoting Nigerian indigenous cultures, moral and community life through broadcasting.

- Determining and applying sanctions, including revocation of licences of defaulting stations.
- Ensuring quality manpower development in the broadcasting industry by accrediting curricula and programmes for all tertiary institutions that offer Mass Communication in relation to broadcasting;
- Intervening and arbitrating in conflicts in the broadcasting industry.

The NBC based on the above stipulated functions, enacted the broadcasting code for Nigeria which is regularly upgraded to meet the broadcasting objectives (Ihechu and Okugo, 2013).

Owuamalam (2006) added that “the National Broadcasting Commission (NBC) outlines the objectives of broadcasting in Nigeria, which is built around chapter II, of the 1999 Nigerian constitution”. These objectives according to Ihechu and Okugo (2013) include; the social, cultural, economic, political, technological, professional objectives and profit motives. Consequently, the broadcasting code specifies the overall regulation approaches.

Regulations of Herbal Medicines in Nigeria

The practice of herbal medicine in Nigeria has not gone unregulated as many laws and legislations have always been made to regulate the profession. One of such regulation has come from NAFDAC which excerpts are contained hereunder (Law of the Federation of Nigeria, LFN 2004).

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

In exercise of the powers conferred on the Governing Council of the National Agency for Food and Drug Administration and Control (NAFDAC) by Sections 5 and 29 of the National Agency for Food and Drug Administration and Control Act 1993, as amended, hereby makes the following Regulations: -

Advertisement of Herbal Medicines and Related Products

No person shall advertise –

- (a) Any herbal medicine and related product unless it has been registered by the Agency;
- (b) Any herbal medicine and related product unless the advertisement has been given pre-clearance and approval by the Agency;
- (c) Any extemporaneous herbal and related medicinal preparations;

Nature of Advertisement. Non-referential Advertisement.

The advertisement in Nigeria of any herbal medicine or related product shall be accurate, complete. No advertisement of a herbal medicine or related product shall:

- (a) Imitate the general layout, text slogan or visual presentation of another herbal medicine or related product in a way likely to mislead or confuse the consumer;
- (b) Be framed in such a manner as to exploit any superstitions or be calculated to induce fear among consumers, causing them to purchase herbal medicine or related product being advertised.

Application for the Approval of Advertisements

- (1) All advertisement materials including scripts, storyboards, artwork, audio and video tapes, etc. shall be submitted under confidential cover along with an application, to the Director-General of the Agency.

Product Advertisement stating that it is "Safe or Non-toxic"

- (1) No advertisement for herbal medicine or related product shall state or imply in absolute terms or by quotation out of context, that any herbal medicine or related product is "safe" or has "guaranteed efficacy" or special status.
- (2) Any statement claiming or implying a superlative function such as "most effective" "least toxic, "best tolerated" or other special status "herbal medicine" or "related product of choice" etc, shall not be used.

Restrictions

(1) No advertisement for any herbal medicine or related product shall contain -

- (a) Any false or misleading information;
- (b) Half truths, inadequate qualification and limitations regarding safety or effectiveness of the herbal medicine or related product;
- (c) Vague, unsubstantiated statements, or suggestions of superiority over other competing herbal medicine or related product;
- (d) Any false impression that the advertised herbal medicine or related product is for universal cure or should be regarded as a more effective and safer alternative to other herbal medicine or related product in the same category.

(2). No herbal medicine or related product advertisement shall:

- (a) Contain such word as "magic" "miracle" or an exotic description such as "upper potency" or such other words as to induce the daily or continuous use of the product;
- (b) Contain a message that if the reader/viewer or listener does not use a particular product his disease/ailment shall be aggravated;
- (c) Over dramatize any symptoms by way of drawing a picture of a pregnant woman, patient with backache, or use throbbing sounds like heartbeats, coughing or agonizing cries;
- (d) Disparage or attack unfairly any competitive products, goods or services.

Complimentary and Alternative Medical Council of Nigeria

Another major regulatory body in Nigeria is the Complimentary and Alternative Medical Council of Nigeria whose purpose is to promote the growth and regulate the practice of alternative medicine. Under the enabling law, the Council is primarily concerned with the alternative and complimentary medicine to the exclusion of traditional medicine, but an analysis of this agency as part of the regulatory framework becomes germane due to the fact that traditional medicine and complimentary/alternative medicine are used interchangeably in some countries.

The Complimentary and Alternative Medicine bill sets up the council and charges the council with the following responsibilities: prepare and formulate criteria and standards for the registration and maintenance of an e-register of complimentary and Alternative Medical Practitioners in Nigeria; determine what standards of knowledge and skill are to be attained by persons seeking to become members of the relevant professions and raising those standards from time to time as circumstances may require; secure in accordance with the provision of this Act the establishments and maintenance of an e-register of persons registered under this Act as members of the relevant profession and to publish from time to time the list of those members;1 conduct assessment examinations in the relevant disciplines, register and /or issue practicing license to qualified candidates as appropriate, and for such purpose as the council shall prescribe fees in respect thereof; 2 create and regularly upgrade minimum standard required for the establishment of clinics, hospitals of complimentary and alternative medicine; 3 register, de-register, expel, suspend, seal and apply any form of disciplinary measure that is deemed fit by the council for any erring practitioner, clinic, hospital, or private medical institution of complimentary and alternative medicine; 4 validate through scientific research the various claims on complimentary an alternative medicine products by the manufacturers and practitioners; 5 promotion of scientific research and clinical trials in complimentary and alternative medicine; 6 collate, publish, disseminate and exchange information on complementary and alternative medicine research; 7 establish a data base management system/library on all forms of alternative complimentary medicine resources; 8 determine the standards required for academic and nonacademic staff, offices, classrooms, structures, equipment and learning environment in respect of institution(s) established in Nigeria for the purpose of awarding certificates of diplomas and degrees in any discipline(s) of complementary and alternatives medicine; 9 evaluate foreign diplomas and degrees in any discipline(s) of complementary and alternatives medicine for purposes of registering the practitioner in Nigeria;10 ensure he full integration of complementary and alternative medicine in the national healthcare delivery system;11 promote integration between practitioner’s o complementary and alternative and other health related workers;12 and to carry out any other activity that would assist in achieving the objectives of the council.13 The council consists of an executive chairman,14 a

registrar who also doubles as the secretary to the council, 15 the national president, Deputy president and secretary of the complimentary and Alternative Association of Nigeria, 16 a representative each from the six geopolitical zones in Nigeria who must be a registered member of complimentary and Alternative Medical Association of Nigeria;17 a representative from Federal Ministry of Health, 18 a representative from the armed forces alternative medical. 19 The Executive Chairman and registrar of the council shall be appointed by the president of the Federal Republic of Nigeria²⁰ and they shall together with other members of the council shall hold office for a period of 5 years and may be reappointed for a further period of 5 years on such terms and conditions as may be specified in their letters of appointment. 21 Despite the elaborate functions and scope of the council as enumerated in the bill, the bill has not been passed into law therefore rendering the proposed regulation of alternative medicine via the bill impossible.

Traditional Medical Practitioners Commission

The Commission is established by the Traditional Medical Practitioners Bill 2003 and shall consist of an Executive Chairman, a representative of the Federal Ministry of Health, the Nigeria Council of Physicians of National Medicine, Alternative Medicine Association, National Expert Commission on Research and Development in National Medicine and the geo-political zones of Nigeria.¹ And they shall hold office for a period of 5 years and may be re-appointed for a further period of 5 years. 2 The functions of the commission as elaborately enumerated in Section 4 of the Bill includes; to improve the efficacy of traditional medicinal plants and herbs, encourage the combination of traditional alternative medicine with its western counterparts, so as to use the latter's advanced technologies to improve, formulate and employ uniform cultivation and production standards of traditional medicine, so as to prevent pollution from pesticides and fertilizers, ensure the purity of traditional medicine, reconcile the impact of different geographical environments on herbal medicines and thus establish fixed manufacturing bases, validate through scientific research of the various claims of traditional medicine by the practitioners, improve and integrate traditional medicine in the National Health Care System, prepare or formulate a criteria for the registration and maintenance of a register of all nature medicine practitioners, herbalist, healers

birth attendants etc throughout Nigeria, development and promotion of traditional medicine and pharmacy including drug manufacturing from Nigeria's local medicinal plant and herbs, other natural materials as it relates to practice in traditional medicine, and other specialists, homeopathic, osteopathic, naturopathic spiritual medicine, acupuncture and other forms of healing arts; establish training centers with approved syllabus for the practitioners of traditional medicine, increase public interest in the development and utilization of traditional medicine, educate practitioners of traditional medicine and improvement of the medicine services currently rendered by them, through improved level of hygiene and standard practices; improve training of specialists in traditional medicine, acupuncture, naturopathic, osteopathic, Homeopathic, Herbal Medicine and other forms of healing arts, explore the possibility of manufacturing units attached to some of the existing hospitals and also a model clinic of traditional medicine in all zones, states and Local Governments in Nigeria, promotion of scientific research and clinical trials into medicinal plants; herbs and pharmacy; cultivate and plant medicinal plants and proper identification of mineral substances used in traditional medical practice and the translation of relevant information into Nigerian languages; establish collaboration and co-operation with similar agencies, institutes within or outside Nigeria, collect, publish disseminate and exchange information on traditional medicine and the establishment of informative library, integrate benefits aspects of traditional medicine into the health care delivery system, develop, produce and supply applications required for diagnosis and treatment in traditional medicine, promote interaction between practitioners of traditional medicine, allopathic doctors and other health related workers, participate in conducting seminars, workshop and conferences in traditional medicine, validate through scientific research of the various claims of traditional medicine practitioners, collaborate with international research centers, NGO, Universities, Industries and other national and international agencies and authorities in the areas that are relevant to the traditional professional, promote active participation of Nigeria in the activities of the world. Health Organization on the proper use of traditional medicine and other specialist and Agencies involved in traditional medicine applications and practices and carry out such other activities as are necessary or expedient for the actualization of the purpose of this Act.3

While the establishment of the commission is laudable as it is the regulatory body for the traditional medicine practice throughout Nigeria, this is only but a pipe as the bill has not been passed into law.

4. Herbal medicine as a form of alternative medicine in Nigeria

Herbal medicines are but one component of complementary and alternative medicine, which includes acupuncture, chiropractic manipulation, meditation, homeopathy, and other approaches (Erah, 2002). Herbal medicines consist of herbs, herbal materials, herbal preparations, and finished herbal products that contain parts of plants or other plant materials as active ingredients (WHO Media Center, 2008). Since the introduction of orthodox medicines in Africa, the use of herbal medicine in treating various ailments has existed alongside western medicines. Herbal medicines are playing major roles in the health of thousands of people worldwide (Erah, 2002).

There is a tradition of herbal medicine practices in Nigeria according to Ekeanyanwu (2011). The country is rich in herbal medicine and has respected and eminent herbal healers who are involved in taking care of the vast population. Herbal medicine practices in Nigeria have become a main source of livelihood for significant number of the Nigerian population who depend on it as their main source of income (Ekeanyanwu, 2011).

The use of herbal medicines had in the past been seen as a fetish way of curing human ailments. Then, it was viewed as the profession of the poor and illiterate, and only the poor and illiterate individuals patronize (Falodun & Imieje, 2013). Practitioners of herbal medicines were not in any way viewed as doctors; even the western trained doctors saw them as a threat to the well being of their patient. Additionally, the profession was bedeviled by many quacks that aggravated illnesses and often caused deaths as a result of their practices. This was largely due to lack of necessary proper legislations to control and regulate the practice. But regulation of herbal medicines was introduced in Nigeria in 1993 in Decree No.15 and was revised in 1999 (Falodun & Imieje, 2013).

With the promulgation of laws and proper legislations over the activities of herbal medicine practitioners, there have been improvements and tremendous growth in the profession, particularly in the quality and results of herbal medicines administered to patients. This has

subsequently led to a high demand for herbal medicines in Nigeria. This high demand for herbal medicines from traditional medical practitioners in Nigeria is a clear indication of the attitude and beliefs of people about the medicines (Erah, 2002). The industry has recorded successes in the healing of many human ailments like infectious diseases, hypertension, malaria, typhoid, etc.

Unethical advertising and sales of herbal medicines in Nigeria

Advertisement is a marketing strategy, a veritable instrument in a competitive economy where numerous goods and services are chasing limited cash. Ordinarily, the advertiser is supposed to present his goods and services in a manner that could enable the consumer make informed choices. Occasioned by the quest for quick profit, the advertiser rolls out all the arsenals in his armory of words and tactics, forcing his products down the throat of the helpless consumer. He therefore dishes out all sorts of stuff to confuse the consumer to choose his products. An advert is ideally expected to put all the cards on the consumer's table by exposing the pros and cons of a herbal medicine for instance, so that the consumer is properly armed to buy a product of his choice.

Advert should therefore be legal, ethical, true, non-misleading, non-deceitful, unexaggerated and should be aimed at presenting a product on its actual character, quality and quantity so that the consumer may make informed decision.

Herbal Drug advertisements use the same promotional styles; popular music, good acting and lofty promises to lure consumers and reel them in. Becoming seduced by herbal medicine practitioners' tactics can result in the consumer willingly taking powerful drugs, at the risk of serious illness and even death. In spite of this tremendous risk, herbal medicine advertisements are becoming increasingly common and unfortunately, increasingly misused. It is more than a coincidence that many of the most expensive medications happen to be ones that are heavily advertised.

Misleading adverts through the telling of clever stories

An instance is the direct consumer advertising on Television. Most commercials follow the same script progression. First, the commercial shows whatever herbal medicine it is advertising. Then the protagonist demonstrates or tells how wonderful life is while on the drug. The consumer decides to buy this herbal medicine based on the picture painted.

In many commercial buses, herbal medicine sellers make brisk business. They often start by telling comic stories in order to get the attention of the bus passengers to their intending publicity and sales of their products. At times, they give the passengers the impression of quality by offering free samples of their products just to rouse the appetite of the unsuspecting and curious passengers. The passengers often commit themselves by accepting the free medication offered by the herbal medicine seller who obviously has a hidden agenda. He therefore uses all sorts of tactics to lure the passengers into accepting his products and patronizing him. He then quickly jumps out of the bus at the next bus stop before any passenger changes his mind. The Herbal medicine seller boards another bus and the story and drama are repeated. In each case, he promotes and exaggerates the herbal medicines benefits while down-playing its hazards. This is a regular phenomenon in Nigeria.

Misuse through the Internet advert

New electric media such as the internet offers great possibilities for spreading serious medical information and misinformation from herbal medicine practitioners to the general public. Some herbal medicine practitioners misuse the internet medium for uncontrolled distribution of herbal medicines that have not been certified by NAFDAC. Most times, herbal medicines practitioners whose nefarious activities are being sanctioned by regulatory bodies like NAFDAC quickly shift their activities to the internet where they extort and sell to their unsuspecting victims. These herbal medicine practitioners deceive patients in their advertising messages. They mislead people to believe that their herbal medicines are highly effective. Worst still, the use of such medicines may encourage patients to abstain from the usual medicines prescribed by their doctors. This invariably has contributed to many deaths.

Advert message distortions

There is an unstated selling point that is quite clear in herbal medicine advertisement i.e a chemical fountain of youth, offering persistent beauty, attractiveness and satisfying sexuality in the face of advancing age. For instance, an advertisement for a herbal medicine may say, “drink this medicine and you will be sexy and popular”. But in reality, if one keeps drinking such a herbal medicine, there is no way it can lead to being sexy or popular. In many instances, consumers do not have any idea what the herbal medicines do. They just see those images of happy, healthy people on television who have been hired to play roles in these drug advertisements and consumers of course think they want to feel that way too, so they go for these products. The viewer is made to think that he or she is going to be popular, slim, and may be even youthful. This is exactly how it works in the herbal medicine industry, where their promises are to make the consumer young, sexy or beautiful. On the contrary, these products more often than not poison the user with toxic ingredients that no place in the human body.

How to identify unethical herbal medicine advertisements

The presence of any of the underlisted reveals unethical advertising according to Ugwunebo (2015);

- Exploiting sexual behaviour
- Aiming at playing on the fears or distress of an individual in an attempt to induce or stampede the individual to patronize the product advertised
- Presenting statistics with limited validity in such a way as to make them appear universally true
- Advertisement to the general public of any herbal medicine as a treatment, prevention or cure of any diseases listed in schedule 1 of the Foods and Drugs Act No 35 of 1974 as amended. A few examples of such diseases are; diabetes, cancer, cataract, hypertension, etc. These diseases should rightly receive the attention of a registered medical practitioner.
- Diagnosis, prescription or treatment by correspondence

- Advertising on herbal medicine as being capable of reversing signs of age
- Encouragement of indiscriminate, unnecessary or excessive use of herbal products
- Promising refund of money to dissatisfied consumer
- Claiming that a herbal medicinal product can promote sexual virility or be effective in treatment of sexual excesses or indulgence or any ailment, illness or disease associated with these habits
- Advertising slimming products without stressing the side effects
- Offering a product as being capable of restoring lost hair except in cases of temporary baldness
- Failure to pin herbal medicines to specific or particular ailment and the line to carry dosage specification
- Advertisement ridiculing females as sex objects
- Organizing Health week or running a Promo/Bonanza on herbal drugs
- Engaging in off label advertisement

5. Social Responsibility Theory – Siebert, Peterson & Schramm (1956)

This article is looking at the unethical practices going on in the advertising and sale of herbal medicines in Nigeria, as well as the nonchalant attitude of the media houses that should be helping in checkmating such unwholesome practices. Thus, the Social Responsibility Theory as redeveloped by Siebert, Peterson & Schramm in 1956 is one Theory that has always advocated for individuals and organizations to act for the benefit of society at large. The underlying principle of the social responsibility theory of the press as put forward by Siebert, Peterson & Schramm (1956) is that the press should be free to perform their functions, but that such freedom should be exercised with responsibility (Okunna & Omenugha, 2012). Under the social responsibility theory, the media organizations, as well as the herbal medicine practitioners as is the case with this article have an obligation towards the environment, society, human lives,

and the economy at large. The media and herbal medicine practitioners must not harm, but should promote environment and a healthy wellbeing of the citizenry.

The social responsibility theory of the media bothers on being ethically minded. Its introduction according to Uzuegbunam, (2013) was what gave rise to professional media associations like APCON who have self-formulated codes of ethics and official professional standards designed to encourage responsible behaviour by their members. Moemeka (1991) cited by Uzuegbunam, (2013) pointed out that “this theory places due emphasis on the moral and social responsibilities of persons who, and institutions which, operate the mass media”. The provision for self-regulation revolves around the concept of ethics. Ethics generally is the moral philosophy concerned with the standards of good and bad conduct, the rightness or wrongness of an action. In line with the above statement, Okunna (2003) emphasized that ethics is self-legislation as opposed to official or government legislation through outside compulsion, which is characteristic of law.

From the foregoing, Uzuegbunam, (2013) summarized the theory thus: “be self-regulated, practice responsibly, or the government will control you”. In other words, freedom should be exercised with utmost responsibility to societal interest.

Herbal Medicine Regulations and Public Safety and Health in Nigeria

The issue of misleading advertising by herbal medicine practitioners through registered media house or outlet is no longer a new one. This has continued to raise concerns and distrust among the citizenry on the credibility of messages being published, aired and televised by the media houses. The advertisers use clever tactics to seduce people into purchasing their products.

There are over a dozen different health seduction strategies the herbal medicine practitioners use to distort the minds of consumers and compel them to bring out their money. They use insidious tactics like disempowerment, bio-hacking, misdirection and false flattery. They fine-tune them to mind warping like appeal to arrogance and illusion of choice. They employ every kind of advertising tactics. They print adverts, TV adverts, movie product placements, public relations campaigns, editorial coverage and other information handed

to consumers. The population is being expertly manipulated almost mind controlled into a purchasing behaviour that enriches the business community at the expense of individual's health and wealth. A lot of money is spent on seductive television advertisements. The problem is the challenge of decoding the truth and reality about the herbal product being advertised. This challenge is worsened by the intelligence in which the herbal medicine advertiser exhibits when presenting his knowledge of herbal healing. The advert is packaged in such an excellent manner that it wows the reader, listener and viewer and spurs him/her into immediate action. This according to Adegaju (2013) is "a rhetorical strategy geared not only at convincing the audience of their competence but also at refuting the perceived opponents or critics of herbal medicine who negatively label herbal medical practitioners as local, shallow and illiterate". These claims these herbal medicine practitioners always immediately tend to debunk by claiming that they conduct researches before they produce their medicines. They further try to bring conviction by offering free diagnoses and test with their "world-class diagnostic equipments" before they administer their herbal medicines.

These claims and counter-claims are not really the major problem. It is however, very annoying and surprising that these arguments and messages are carried out through well-known and duly registered radio and television stations which statutorily are charged with the responsibility of vetting and ascertaining the credibility of messages before they are aired or advertised for public consumption. The worst still becomes that most of these claims are unverified, misleading and deceptive and like Adegaju (2013) affirmed have no objective evidence to back up.

BON, Advertising Practitioners Council Of Nigeria (APCON), Association of Advertising Agencies of Nigeria (AAAN), and Outdoor Advertising Association of Nigeria (OAAN) are the major players in the advertising industry who regulate the act of advertising in Nigeria. APCON is the body in charge of regulating and monitoring every advertisement and granting approvals through the Advertising Standard Panel (ASP) before a particular advertisement can be published in any media (print, electronic, outdoor). According to the APCON Act, all advertisements shall be legal, decent, honest, truthful, respectful and mindful of Nigeria's culture (Igbonwelundu,

2015). They should be prepared with a high sense of social responsibility and should avoid misinformation, conform to the principles of fair competition generally accepted to business, and of fair comment.

Although APCON's website indicated that the agency insists on pre-exposure clearance of all advertisements in order to check all forms of abuses such as misleading statements, spurious testimonials, visual and verbal exaggerations, misleading offers, suggestion or pictures offensive to decency, it is doubtful whether the offending herbal medicine practitioner's adverts received prior approvals before they are published, aired and/or televised.

Despite public outcries over the unethical nature of some herbal medicine adverts on media houses, the regulatory agencies have maintained curious silence on the issue, while some media houses threw caution to the wind and published, aired and televised herbal medicines advertisements that violated media laws and ethics. It further appears that the regulatory authorities such as NBC, APCON, BON, and others are finding it difficult to discharge their mandate. It is clear that they have failed in maintaining and enforcing ethical standards amongst the media houses that have flagrantly violated their ethical codes of the press. When they act ethically, the rampaging effect of the misleading herbal medicine advertising and sales going on in the country will be curtailed.

6. Conclusion/Managerial Implications for Health and safety of Nigerians

Nigeria supports the use of herbal medicines as alternative medicines. This has prompted abuse of such herbal medicines among herbal practitioners who produce all sorts of mixtures and engage all forms of advertisements to get them to the consumers. This process has further been simplified by the activities of media houses who aid the herbal medicine practitioners in passing their advertisements to the general public without the proper vetting processes which are required of them. If these media houses are acting ethically, such anomalies cannot be condoned. Also, where the regulatory bodies are doing their work of enforcing compliance to ethical codes of conducts, and where media offenders are punished, the media system can be sanitized.

7. Recommendations

Having analyzed the issue of advertising regulation and the sale of herbal medicine in Nigeria, it is suggested that the relevant regulatory authorities should be strict in verifying all herbal products' advertisement placements before they are published, televised and aired. All publicly advertised herbal products must be registered with NAFDAC. Even so, NAFDAC, APCON, BON, NBC, etc, should have their offices established in the premises of media houses (radio and television stations) so as to constantly monitor and supervise all their advertising functions, particularly as it affects herbal medicine practitioners. Offenders to laws and regulations governing advertising of herbal medicines should be given strict punishments which may include a death penalty, as their act of negligence also leads to the death of some their victims. Kunle, et al., (2012) have recommended for the standardization of all herbal medicines. They added that it is the cardinal responsibility of the regulatory authorities to ensure that consumers get the medication, which guarantees purity, safety, potency and efficacy. The regulatory authorities rigidly follow various standards of quality prescribed for raw materials and finished products in pharmacopoeias, formularies and manufacturing operation through statutory imposed good manufacturing practices. These procedures logically would apply to all types of medication whether included in modern system of medicine or one of the traditional systems.

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