

ETHICS IN MARKETING

Abstract

The consumption is a mass phenomenon whose evolution is closely related to the economical and social evolution. During the past decades unprecedented changes took place regarding the share of the volume of products/ services in the structure of the consumption, the means of information and their acquisition, the elimination of the national borders constraints due to globalization, e-commerce, e-marketing, internationalization of production and consumption. Under these conditions of global competition, the necessity of monitoring the observance of the ethical principles of marketing, in the current practices of informing the potential clients, of promoting the products and services, popularizing the offers etc, have led to the appearance of consumer protection associations and of government bodies which have imposed an ethical code and a legislation for the protection of the fundamental rights and liberties of the citizens as consumers. The Romanian legislation is currently harmonized and consistent with the one protecting the consumers of the European Union. But the problem of respecting the ethical principles in commercial and marketing practices is deficient in Romania, where the rules are often violated. The article presents the legislative harmonization of Romanian consumers' rights protection, and a case study regarding the observance of ethics in marketing practices and commercial activities.

Keywords: *ethics of marketing principles, marketing practices, consumers' rights protection*

1. Introduction

The consumption phenomenon has been approached and explained from very different angles, using theoretical concepts from several fundamental disciplines, such as: economy, psychology, sociology and anthropology – economic psychology, psycho-sociology, social anthropology or economic anthropology, judicial constraints (Dubois, B., 1990 ; Boier, R., 1994 ; Cătoi, I., Teodorescu, N., 1997, Lache 2010; Ladwein, R., 1999). Starting with these approaches, the first models of buying and consumption behaviors have been elaborated.

2. Theoretical considerations regarding the role of publicity in decisions of purchasing

The purchasing act represents the end of a deliberation process, according to which the buyer will make a decision: the purchasing decision. In search of the optimal decision, the consumer will deliberate on a series of variables made of external and internal influence factors (stimuli). The purchasing act is a response of the buyer's behavior to these stimuli.

The buying decision can be transposed to a mathematical relation, in an optimization function:

$$Y_{\text{optimum}} = f(x, y, z, u, v, \dots)$$

Where:

Y – the buying decision

x, y, z, u, v... - internal (preferences, attitude, motivations, previous experiences and others) and external (publicity messages, the offer's characteristics, price, fashion and so on) influence factors.

The factors that act upon the buying decision are in interdependence relationship, creating a series of influences that leads to a gradual transformation of initial stimuli into the action of buying, postponing or rejecting certain products or labels.

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In figure 2 we have a diagram representation of the way in which the received stimuli (impulses) are converted to answers (outputs), through the buyer's "black box".(Kotler, 1991)

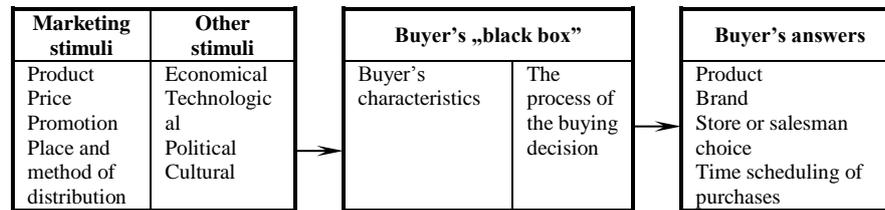


Fig.2. Relation between stimuli (impulses) and the buyer's response (outputs)

Source: Kotler Ph., Armstrong – *Principles of Marketing*- Pertinence Hall, 1991

As we can see in figure 2, the perceived external stimuli (product, price, promotion, distribution method) are processed in the buyer's "black box" that, according to its personal, psychological, social and cultural characteristics, will determine the purchasing decision.

The buyer's answer will be incarnated in establishing the product/service that he wishes to buy, the brand, distributor from which he wishes to purchase, the salesman, planning his budget and appropriate timing to do this.

In specialty literature, several fundamentals theories and models were enforced, explaining the mechanism and role of marketing communication in applying the buying decision, among which some of the most significant are:

- G. Katona's model;
- Martin Fishbein's theoretical equations;
- Nicosia's model;
- A.H. Simon's model;
- Howard – Sheth's model;
- Engel, Blackwell and Kollat model;
- The Dubois model.

One of the most commonly used models in marketing practices, for explaining the buying and consuming behaviors was elaborated by Francesco M. Nicosia and is shown under the form of a complex decision process.

The dynamic of the process is based on the **stimuli** perceived by potential consumers as publicity messages that, according to their **predispositions** generate **attitudes** and transform into **motivations**. **The buying decision** is shown as a step in which the consumer transforms the motivation to the act of purchasing.

Francesco M. Nicosia emphasizes the retroaction effects generated by the actual consumption, which will represent an experience for the consumer through the post-buying evaluation but, unlike the previous model, the retroaction on the producer is also represented.

The decision process is shown as a system of circular relations, in which the independent variables influence each other, generating feed-back effects. The experience gained by the consumer will influence his future attitude towards the product or the brand and the enterprise will draw conclusions from the commercial information that will affect its strategic marketing decisions.

The consumer's decision process elaborated by F.Nicosia is schematically shown in figure.3.

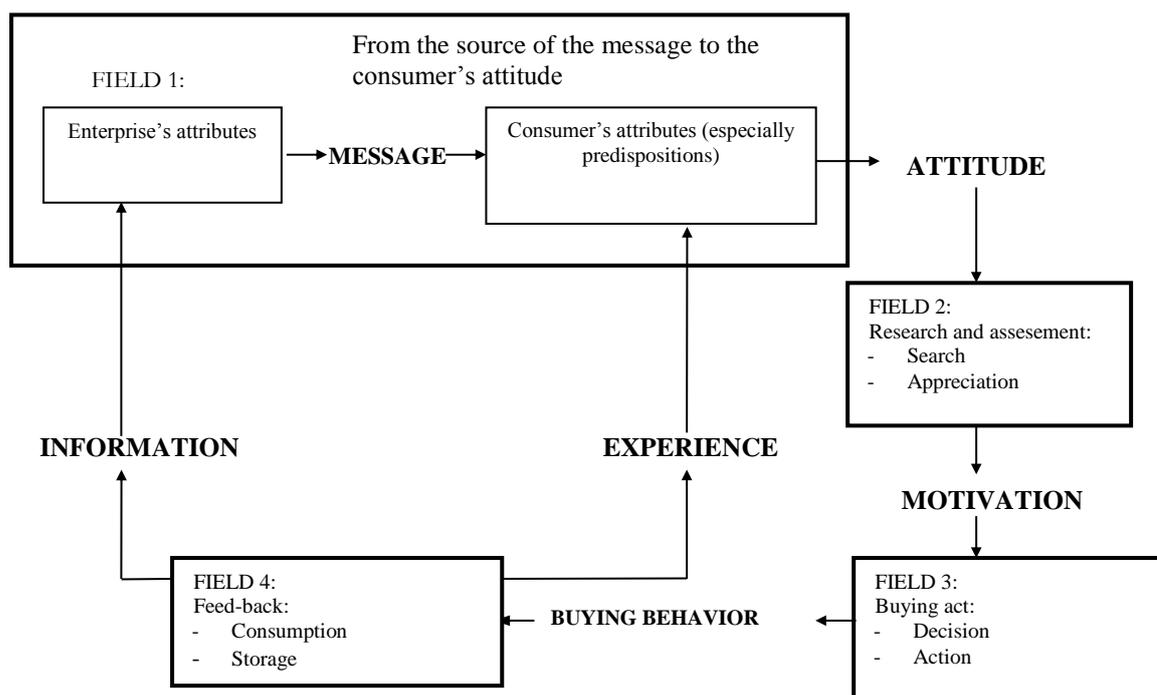


Fig. 3. Nicosia Model

As it is schematically shown in figure 3, the decisional process goes through four distinct areas.

Field 1

In this area there are generated stimuli sent by producers and distributors as publicity messages. The stimuli's action will be different depending on several factors like:

- the enterprise's promotional strategy;
- the characteristics of the product/service;
- the market positioning of the producer as well as the main competitive firms;
- availability of different publicity forms;
- content, configuration and support of the publicity message;
- the characteristics of the consumer area target.

Besides the stimuli that depend exclusively on the producers' marketing policy, there are other factors acting, like:

- consumers' characteristics and their predisposition will influence the way in which the message will be perceived and converted into a clear attitude;
- the duration and frequency of exposing to publicity messages;
- the presence and intensity of disturbing factors in receiving the message.

When the **message is memorized and it triggers a reorganizing of the cognitive structures, leading to shaping a clear attitude**, it can be said that the message sent by the producers/distributors has reached its goal.

Field 2

Consumers' attitudes are appreciated as a predisposition towards manifesting a favorable or unfavorable behavior, without being precisely directed towards a product/service, brand or even situation.

Marketing actions deal with modeling attitude by study, based on direct or indirect experience.

In Field 2 actions meant to transform attitudes into motivations are produced. If the attitude creates a general orientation, towards a series of products/services or towards a group of brands, message perceived stimuli make it realize the appearance of an unsatisfied need.

To reestablish the balance in cognitive structures, the potential buyer will act in two directions:

- it will search for supplementary information, whether investigating its own memory resources or by going back to Field 1, in the area of publicity messages;
- it will mentally evaluate the alternatives.

These actions intensify the imbalance created between the actual state and the one to which the buyer aspires, transforming the initial weakly directed attitude, based on a balanced mental structure (between the three attitude components: cognitive, affective and conative) to a strongly directed force of satisfying the needs that generated the attitude's variation.

F. Nicosia emphasizes three possible mechanisms for reestablishing the balance:

- **stopping the process**, quitting when the means to reestablish the balance through the purchasing act are missing or inaccessible. The knowledge gathered and the attitude the consumer created will remain imprinted in its cognitive structures.
- **revising attitude** takes place when the potential buyer does not have the necessary means to reestablish the balance through the purchasing act, but he is not willing to give up on the product/service from the range or group of brands to which he oriented. He will restart the investigation process of the information sources and alternative evaluation, retrying the actions in Field 2.
- **motivation** develops when the potential buyer precisely identified the means that allow him to reestablish the balance, preparing the purchasing act, precisely oriented towards a product/service/brand, according to its aspirations, top of preferences, financial means, etc.

This final alternative allows transformation of its intentions into the buying act.

Field 3

Field 3 describes the mechanism of converting motivation into the buying act. The buying behavior manifestation can mean the effective buying but also giving up on the purchase according to the factors that appear in this stage and that can have the following form:

- **disharmony** between the mental and real representation of the product or brand, either due to consumer aspirations, or deformed publicity;
- **nature, style and ability of the distribution channel**, meaning that the atmosphere at the selling point, professional and personal quality of salesmen, the way the product or the brand that the consumer is motivated by is presented will decisively influence its behavior, either increasing its motivation or by decreasing its attraction.
- **disaccord** between the motivation level and the financial resources available.

Depending on these factors, Nicosia emphasizes three behavioral variants, in accepting the purchasing decision, in the situation where the product or brand towards which the individual is motivated is available in the commercial area available to him:

1. **stopping** or delaying the purchasing act, when there is disharmony between the effective product and the expected one or the available budget;
2. **reconsidering** the purchase act and going back to Field 2 to find the optimum solution;
3. creating **the buying act** of the product or brand about which he received information through publicity messages, sent by the producer/distributor in Field 1.

The purchasing act described by Nicosia constitutes, in the authors vision, only a sequence noticed from outside the consumer's decision process, which does not finish this process and continues in Field 4.

Field 4

Field 4 describes the retroaction phenomena as well as the feed-back effects of the actual consumption. Nicosia emphasizes these effects from the consumer's as well as producer's point of view. The consumer learns from the experience gained after the act of consuming, earns an experience that will consolidate or modify its attitude towards the product/service or brand.

The enterprise will use commercial information and will adapt their strategic marketing decisions to the market's requests, reconsidering its policy regarding product, price, promotion and distribution according to actual situations offered by the market's conjuncture and the consumers' wishes.

The decision process presented by Nicosia characterizes the purchase of important products/services, with high prices, assuming a strong involvement on the behalf of the consumer that rationally tries, over several stages, to formulate its decision.

The buying behavior described by the author managed to systematize and describe the variables involved as well as the interrelations established over the process of the buying decision, obtaining through its explicative force a worldwide fame.

The model was approved by practitioners in marketing area for investigating buying and consumption behavior, as well as practitioners in the field of consumer's rights' protection, for explaining the way in which, through aggressive commercial publicity, pressures are made on consumers, deceptive, comparative publicity is practiced or other principles without ethic that mislead the consumers.

Abusive exertion of commercial publicity affects free competition as well as legitimate consumer rights, like this:

- prejudice is brought to main competitors, ruining free competition;
- it affects legitimate rights and interests of the consumers, determining them to choose merchandise on which they have not been correctly, completely or precisely informed.

3. Ethics and social responsibility in marketing

The arbitration between the major interests of producers and merchandisers, to maximize profits, and those of the customers, for their law stipulated rights to be completely obeyed, led to the appearance of codes for ethical marketing and commercial practices. The principles and standards of morale nature evolved during time, as well as organisms and structures that deal as mediators between the interests of the market's actors. Nowadays, producers and merchandisers, which have a certain reputation on the market, practice a relational marketing and have services, specialized in managing complaints and intimations received from customers. In order to support the consumers, governmental and nongovernmental organisms have been constituted, representing the civil society.

In this frame, the most difficult problem is clearly and unambiguously defining acceptable commercial practices and those that go against consumers' interests.

Establishing an ethic code and the social responsibilities of production, service or commerce firms is different from one country to the other, according to the values shared by the civil society, legislation, rules and codes that regulate exchange relations. Even if the principles stipulated in ethical codes have resemblances, obeying and applying them raise numerous and various problems that keep on evolving. Anyway, nowadays managers are, generally, inclined towards respecting marketing ethics and evaluating the negative impact

that scandals or negative media can provoke on the firms activity. Loss of a customer due to behaviors that go against the ethic code means more than that; denouncing these practices is very quickly divulged from one customer to the other and it produces a deterioration of the firm's and brand's image, exponential loss of market segments that are free to choose the competitors products or services.

Regarding unacceptable commercial and marketing practices, which raise ethical problems, the following can be mentioned (Didea, I. ,2005).

- presentation of commercial offers using arguments that do not reflect the quality characteristics, inducing confusion or a misleading perception on the products;
- intentionally overlooking the presentation of exploit risks, extra usage costs or the age associated with the children products;
- planned obsolescence of products and the tendency that, through commercial practices, the idea of other needs than the actual ones is induced, abusive exploit of the consumers' feelings and emotions to the detriment of the acquisition's real pertinence and utility; in order for this practice to be illegal, the firm must willingly stop the buyer deliberating in normal conditions or to take advantage of the vulnerability of certain customer categories or segments.
- settling some deals regarding price settlement, which limits free competition and goes against the consumers' interests;
- abusive usage or denouncing confidential data gathered during marketing research;
- usage of subliminal publicity and so on.

During the plenum of the European Parliament (EP) of the 15th of December 2010, a resolution was adopted regarding the impact of publicity on the consumers' behavior. According to it, the European Parliament accomplished an evaluation of the legislative frame but also bowed upon other problems that are not of legislative nature. The main applicable normative acts to have been analyzed are: (www.europeana.ro/index.php/tag/articol/page/30/ accessed 3.03.2011)

- Directive 2005/29/EC of the European Parliament and the Council from the 11th of May 2005, regarding disloyal commercial practices of enterprises on the internal market towards consumers (1) (DPCN),
- Directive 2006/114/EC of the European Parliament and the Council from the 12th of December 2006 regarding deceptive and comparative publicity (2) (DPIC),
- Directive 2010/13/EU of the European Parliament and the Council from the 10th of March 2010 regarding coordination of certain instructions set by bills with legal power or administration acts within the member states, regarding the provision of audiovisual mass-media services (Directive regarding audiovisual mass-media services or DAMS)(3),
- Regulation (EC) no. 2006/2004 of the European Parliament and the Council from the 27th of October 2004 regarding cooperation between national authorities designated to ensure the appliance of the law where consumer protection is involved („Regulation regarding cooperation for consumer's protection")(4),
- Fundamental Rights Charta and European Union (5), especially article 7 (Respecting private and family life) and article 8 (Protection of personal character data),
- Directive 95/46/EC of the European Parliament and the Council of the 24th of October 1995 regarding protection of physical persons for processing personal character data and its free circulation (6),
- Directive 2002/58/EC of the European Parliament and the Council of the 12th of July 2002 regarding processing personal data and protection of confidentiality in the area of public communication (7),

- Directive 2000/31/EC of the European Parliament and the Council of the 8th of June 2000 regarding certain juridical aspects of services of the informational society, especially electronic commerce, on the internal market (8),
- Its resolution on the 9th of March 2010 regarding consumers' protection (9),
- Its resolution on the 9th of March 2010 regarding the internal market's Dashboard (10),
- Its resolution on the 13th of January 2009 regarding the transposition, appliance and insurance of respecting the Directive 2005/29/EC regarding disloyal commercial practices of enterprises on the internal market and Directive 2006/114/EC regarding deceptive and comparative publicity (11),
- Its resolution of the 18th of November 2008 regarding consumption markets' dashboard (12), the worksheet of the services of the Commission of the 29th of March 2010 entitled "Consumption markets' dashboard – Consumers at home on the internal market frame: monitoring integration on the internal market at detail and comparative analysis of the consumption environment within the member states" (SEC(2010)0385) and the report entitled "Consumers' protection on the internal market", published by the Commission on October 2008 (Special Euro barometer no. 298).

The resolution regarding the impact of publicity on the consumers' behavior raises the following essential problems, which we will present in a selective way: (www.europarl.europa.eu/news/public/toute.../default_ro.htm accessed on 03.02.2011)

1. it considers that the Directive regarding disloyal commercial practices creates an essential judicial frame to fighting against deceptive and aggressive publicity in relationships between enterprises and consumers; it admits that, even though an exhaustive assessment is not yet possible, there are already some difficulties in applying and interpreting the directive (especially for newer forms of publicity, with a stronger penetration power), as the European Union's Justice Court demonstrated in its decisions against some of the measures that exist on a national level and that might question the efficacy of the directive;
2. it underlines the fact that the differences in interpretation and appliance at a national level did not lead to the desired harmony level, creating a judicial insecurity situation, undermining cross border commerce inside the unique market;
3. it requests the Commission to periodically update, clarify and consolidate orientations regarding appliance of the Directive for disloyal commercial practices and ensure that these are translated in the official languages of the EU; it requests the member states to keep the orientations in mind as much as possible;
4. it salutes the Commission's intention to finalize and publish in November 2010 a database of the measures adopted at a national level for transposing the Directive regarding disloyal commercial practices, applicable jurisprudence and other pertinent documents;
5. it reminds that the Directive regarding disloyal commercial practices exclusively solves relations between enterprises and consumers, and the Directive regarding deceptive and comparative publicity settles relations between enterprises; it underlines the fact that certain entities such as NGO do not follow the Directive for disloyal commercial practices or the Directive for deceptive and comparative publicity; therefore, it requests the Commission to complete a separate analysis regarding the impact of publicity practices that target categories that do not seem to be the object of any of these directives;
6. it salutes common investigation developed by the member states („EU sweeps"); it requests a continuity of these investigation and enlarging their area of appliance; it requests the Commission to inform the Parliament about the results of the investigation, taking, when necessary, supplementary measures for improving the internal market for consumers;
7. it asks the member states to supply the competent authorities with the financial, human and technological means and resources necessary for efficiently deploying their activity to ensure control efficiency;

8. it invites the Commission to perform an analysis regarding the obligation and control functions of national authorities for consumers' protection and disseminate the best practices for improving the activity efficiency of these authorities;

9. it invites the Commission to extend the area of applicability for Regulation (EC) no. 2006/2004 so that it includes counterfeit and illegal products, it intensifies information exchange between member states based on the regulation mentioned for intensifying the fight against fraud with illegal publicity;

10. it invites the Commission and the member states to evaluate the appliance of national codes of conduct regarding media and new technologies of informing and communication; it invites member states to evaluate the efficiency of national regulation organisms;

12. it emphasizes social responsibility imposed by the impact and coverage degree of publicity on a large scale and with a strong penetration power in favoring a culture of corporative responsibility;

13. it encourages consulting the different interested parts involved in legislation evolutions;

14. it emphasizes development of "hidden" publicity on the Internet, that does not fall under the Directive regarding disloyal commercial practices (consumers' relations), by disseminating comments on social networks, forums and blogs, their content being hard to distinguish from a simple opinion; This might constitute a mean for going against competition regulations and for artificial over evaluation, with no extra cost, of their own enterprise or even for disloyal causing damage to a competitor;

15. it underlines the necessity of informing consumers in a clear, accessible and comprehensive manner on collecting, processing and using data with personal character;

16. it underlines the necessity of completely informing the consumer when he accepts publicity ads in exchange for price reduction, tactic derived from behavior marketing tactics;

17. it underlines the necessity of protecting personal data according to the highest standards and to the principle of respecting private life.

According to the proper legislation, in our country the consumers' fundamental rights are as follows:

a) being protected against the risk of purchasing a product or having a service offered that might prejudice life, health or security, or having their legitimate rights and interests affected;

b) being completely, correctly and precisely informed on the essential characteristics of the products and services, so that the decision it takes regarding them would correspond as well as possible to their needs, as well as being educated in their consumer quality;

c) having access to the market that offers them a various scope of quality products and services;

d) of being compensated for the prejudices generated by the misfit quality of the products and services, using the means provided by law for this.

These provisions stated in Decree no. 21/1992, regarding consumer's protection are very much alike the main human rights stated in J.F.Kennedy's declaration in 1962 in U.S.A and the rights existing in the European Union.

Consumption code – Law no. 296/2004 as well as other laws that complete this normative act were updated by the 5th of September 2008 and completed with other important laws such as Law no. 363/2007 regarding rebuttal of incorrect practices of merchandisers in their relation to consumers and harmonization of regulations from the European legislation for consumers' protection, Law 161/2010 that modifies article 84 of Law 296/2004 regarding consumer code and Law 193/2000 regarding abusive clauses in contracts made between merchandisers and consumers.

Romanian legislation regarding consumers' rights protection has been permanently completed and harmonized according to the directives of the European Union. The main problems of Romanian consumers do not start with legislation, but with the way in which merchandisers understand the appliance of this law. Law no. 158/2008 for deceptive publicity and comparative publicity (Of. J. no.559 form the 24th of July 2008) transposes the statements of Directive 2006/114/EC from the 12th of December 2006 and sets to ensure a fair and loyal competition, where economical agents use decent, honest and legal publicity means for promoting their products and services on the internal market and satisfying the consumer's interests. From the benefits of this law, we mention: defining some terms and introducing others; regulation of new institutions (e.g. code responsible); reevaluation of the conditions of allowed comparative publicity; completing the attribution of Economy and Finance Ministry in publicity area; modifying the national law of publicity – Law no. 148/2000 (Mihai, E., 2001).

Applying legislative provisions regarding consumers' rights protection in Romania is made by the National Authority for Consumer's Protection and nongovernmental organisms with this profile, which constitutes a balance factor, a counterweight against illicit commercial, as well as marketing, practices. Within the activities of these organisms, educating the consumers has an important place next to the institutional role (of representing in judicial actions, representation at a governmental level, consumer informing).

Consumers' right to be educated, to receive correct, complete and precise information on essential characteristics of products and services constitutes the core of preoccupation of consumers' protection organisms. Aggressive publicity, techniques of influencing and manipulating consumers' opinion practiced by producers as well as distributors, the tendency of great corporations to gain monopole on certain markets and counteract free completion brought up the necessity of representing the consumers' and buyers' interests through organizations of protecting their rights, thus creating a counterweight. Actually, marketing techniques are more and more achieving and subtle, and use of the instruments imposed by ISO 9000 and 9001 aiming at monitoring consumers' satisfaction, impose a detailed knowledge of individual knowledge and opinions towards products and services, which allows the development of loyalty techniques simultaneous with influencing and manipulating the opinion. Persuasion of consumers will continue to represent the center of the most subtle preoccupations of both actor groups on the market: researchers and practitioners in marketing as representatives of top management of production, commerce and service firms, and consumers' rights protection organisms, as defenders of the buyers and final users.

4. Case study regarding the opinion of Romanian consumers in the N-E Region about compliance of ethic principles in marketing

The goal of the research was identifying the way in which consumers perceive compliance of ethic principles in marketing.

The study was created between January 2011 and March 2011. The research method used was creation of an opinion poll on a significant sample of 540 respondents, randomly selected. Opinions were gathered from direct maintenance, as well as e-mail correspondence. The results were evaluated using Likert type scales and order scales.

The sample is represented in a greater measure by women (66,12%), that develop activities creating income (81,11%) and the average family has 4 persons. Their material status, as evaluated by the respondents in a subjective matter, is good and very good for 62,6 %, only 4,5 % of them believing that their status is unsatisfactory. The majority (84,4%) has a

bank credit contracted, 55,74% use a bank card on a regular basis, and 62,22% use the Internet and have an e-mail address.

Table 1**Sample characteristics**

Sample characteristics	Number	%
Sample total	540	100
Sex : - female (F) - male (M)	357 183	66,12 33,88
Age: -15-24 years -25-54 years -55-64 years -over 64 years	123 168 135 114	22,77 31,11 25,00 10,23
Study level: - General and professional - High-school and post high-school - Superior	135 165 240	25,00 30,50 44,50
Economic activity: -Active -Inactive	438 102	81,11 18,89
Number of people in the household: - 1-2 Persons - 3 Persons - 4 Persons - 5 Persons and above	120 174 234 12	22,22 32,22 43,33 2,22
Subjective self-assessment of material status: - Very Good - Good - Medium - Satisfactory - Unsatisfactory	212 126 117 60 25	39,30 23,30 21,60 11,30 4,50
People currently using Internet and e-mail addresses	336	62,22
People using a bank account and card	301	55,74
Have a bank credit	456	84,44

Respondents have identified the following forms of forbidden publicity that they faced in their life style (Law no. 158/2008):

a) deceptive publicity through declaration or deceptive affirmation regarding characteristics of goods and services (90% of respondents);

b) deceptive publicity by elision of important characteristics of products/services (83% of respondents);

c) declarations or affirmations that are not backed up by reasonable data (results from unsecure research)(55%).

d) deceptive publicity due to inaccuracy regarding the economic agent or producer (13%);

e) slavish publicity, containing imitations of distinctive signs of a different merchandiser (brand, logo, wrapper, label, etc.), confusing publicity (e.g. using a slogan similar to the original title holder) -66 % of respondents;

f) relational publicity that connects promoted activity or products to that of the competition, in order to take advantage of its renown (5%);

g) subliminal publicity, using stimuli that are too weak to be consciously perceived, but can influence a person's economic behavior. (2% of respondents).

Consumers' perceptions to the manner in which producers, distributors and merchandisers are preoccupied to obeying ethical aspects in creating and promoting marketing communication is shown in table no.2.

Table 2

Consumers' perception towards appliance of ethical aspects in marketing communication (%)

Distributors' preoccupation towards applying ethic aspects	Total	Persons interviewed according to:					
		Sex		Age groups			
		F	M	15-24 years	25-54 years	55-64 years	over 64 years
Small or very small amount	111/ 20,55	71/19,9	40/21,8	2/1,6	99/58,9	0	0
Medium	180/33,33	108/30,3	72/39,3	40/32,5	23/13,7	62/45,9	55/48,2
High or very high amount	249/46,12	178/49,8	71/38,9	81/65,9	46/27,4	73/54,1	59/51,8
TOTAL	540/100%	357/100%	183/100%	123/100%	168/100%	135/100%	114/100%

As shown in the data presented in table no.2, a percentage of 46,12 % of the sample total appreciates that distributors comply with ethical aspects of creating publicity communications in a high and very high amount, 33,33% consider that the preoccupation for these aspects is medium and 20,55% believe that ethic aspects are obeyed in a small and very small amount. From the point of view of structuring opinions based on the sex of respondent, 49,8% of the women believe the firms are preoccupied in a high and very high amount with obeying ethic principles, as well as 38,9% of male respondents. Most individuals that perceive a lower level of preoccupation towards ethic aspects are women between 25 and 54 years.

The main causes determining crystallization of these opinions are of subjective nature, from the global assessment of publicity communication, in table no.3 being ordered according to the importance that the respondents grant, the types of marketing activities identified by the 111 respondents, mainly 20.55% of consumers, which appreciate that ethic aspects are taken into consideration in a small and very small amount.

Table 3

Main distributor practices that led to negative appreciation towards ethic aspects of publicity (%)

	Total	Persons interviewed regarding:					
		Sex		Age groups			
		F	M	15-24 years	25-54 years	55-64 years	over 64 years
Incompliance with commitments made by promotional activities, promotion catalogues, window ads, product labeling	48/43,2	28/39,4	20/50,0	1/50,0	47/47,5	0	0
Disagreements between stated promotional price and the one paid at the register	35/31,5	25/35,2	10/25,0	1/50,0	34/34,4	0	0
Free products are offered conditionally, only when buying a different product, imposed by the distributor	18/16,2	13/ 18,3	5/12,5	0	16/16,1	0	0
Others	10/9,1	5/7,1	5/ 12,5	0	6/6,0	0	0
TOTAL	111/100%	71/100 %	40/100 %	2/100%	99/100 %	0	0

As shown in the data presented in table no.3, a percentage of 43,2% of the interviewed persons noticed incompliance of ethic principles belonging to merchandisers' promotional activities, promotion catalogues, window ads and product labeling, 31,5% noticed differences

between the promotional shelf price and the one paid at the register, and 16,2% of the respondents noticed that the offer of the promotion's free product is conditioned by buying a different product, 9,1% of the respondents noticing other aspects of incompliance with ethic principles of marketing. Women in the age group 25-54 years are the most vigilant in noticing these irregularities.

Unfortunately, for the Romanian consumers compliance with ethic principles in marketing is on the last place in criteria on which the purchasing decision is based (3,5%), the main criteria on which the buying decision is made being the price level (70%), and the confidence in media institutions is very high, on a scale from 1 to 10 television being on the 9th place, and radio on the 10th, as far as trust is concerned, ahead of written press on 7th place, justice – 4th place, government - 3rd place. (Euro barometer 69-2008 ec.europa.eu/public_opinion/archives/eb/.../eb69_ro_nat.pdf accessed 5.03.2011)

5. Conclusions

The evolution of the environment of goods production and service offering, their merchandising and consumption is developed in a social environment governed by values and rules, which create the legal and moral background of the exchange process. Marketing has an important role in promoting commercial offers and accomplishing a sales volume that ensures the firms prosperity. Defining what is ethic in commercial practices and relations with consumers, but also the control of applying the legislation in this area represents a challenge for the European Union and all the member states.

In our country, national legislation has been permanently harmonized with the one in the European Union, the main problems of the consumers being connected to obeying them.

The study shows that despite the fact that 90% of respondents have identified, in their life style, deceptive publicity through false declarations or affirmations regarding goods and services or elision of important characteristics of products/services (83%), only 20,55% believe that ethic aspects are complied in a small and very small amount. Consumers notice irregularities in keeping consumers' engagements of promotional activities, promotions catalogues, window ads and product labeling, existence of irregularities between promotional shelf price and the one paid at the register, the fact that offering the promotion's free product is conditioned to buying a different product.

Unlike the European consumers, the low standard of living determines Romanian consumers to grant a major importance to choosing products, to the detriment of abiding by ethic principles, which comes in last. Increasing the standard of living could change these opinions, determining the consumers to take into account the necessity of complying with them from the moment they have been informed and not only after the consumption, avoiding financial, physical and psychic risks generated by the acquisition of products/services that they have not been properly informed about.

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