

Effect of Non-Disclosing Endorser Status in Social Media Marketing Content Toward Consumer Buying Behavior

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ABSTRACT

Businesses have resorted to social media promotions, especially those endorsed or promoted by celebrities or influencers to gain more exposure for their product or service. It is common to find social media promotions in Indonesia, where the popular terms are “influencer”, “endorsement”, and “paid promote”. Despite the large number of social media endorsements, there seems to be no specialized guideline for both the influencers and business actors to look up to in creating their content in Indonesia yet. Many of these promotions even intentionally not disclose the influencer’s status as a paid endorser, leading the audience to believe that the content is indeed their personal recommendation. When this type of promotion doesn’t disclose the influencer’s stance as an endorser, both the business and the influencer may not notice that they have indeed violated the consumer’s rights. Having the right to be informed about the honest potency of a product is one of the essential rights that lays within every consumer. With the false impression projected to the audience, this is detrimental to the audience. Due to the fact that celebrity branding plays a significant role in determining a buyer’s purchasing intention.

Keywords: *social media endorsement, endorsement disclosure, celebrity branding*

1. INTRODUCTION

With the rise of social media usage among the society in modern times, the marketing realm has now evolved with a variety of advertising methods. Advertisements now aren’t only limited to billboards, a page on the newspaper, or television commercials like the conventional times. With the abundance of smartphone users having the internet at the tip of their fingers, the marketing division of almost every companies possible have infiltrated advertisements into user’s phones. Social media, a platform where people can share their content online in particular, has ever increased in popularity; where now no one is a stranger to the term “social media marketing”.

While most social media platforms provide the possibility of business accounts to legitimately advertise their products on the website/interface, the possibility for personal accounts to advertise products, or anything for that matter, is endless. The thing that makes social media so popular and powerful, is that everyone has full control and freedom to tailor their content for the whole world to see. For those people who seek to promote their business free of charge, they have sought creative ways to do so through social media.

The rapid increase of businesses adhering to social media marketing has been given a warm welcome by many people. Whereas actresses are used in television

commercials to promote a product, they haven’t gone out of jobs with the rise of social media. Businesses turn to celebrities, social media influencers, and content creators to advertise their product through social media, a popular term known as endorsement. Lately, there has been another trend in the social media that would be rather complex for some to comprehend: an informal interaction (usually humorous) between a business account and a personal account, mainly performed to engage an even wider netizen interaction; and therefore, attention.

To add more complexity within the issue at hand: where influencers/endorsers “conspire” with business companies not to disclose their status as a paid endorser in order to project the impression of an honest recommendation by the influencer. Without realizing, it affects a consumer’s right to honest information; since credibility of spokesperson takes part in a buyer’s purchase decision. In elaboration, the author will proceed to hopefully enlighten the readers upon the issue. Do bear in mind that reader’s discretion is advised.

2. ANALYTICAL FRAMEWORK

2.1 Definition of Social Media

Social Media is defined as the conjunction of Web 2.0 and User Generated Content, whereas Web 2.0 is the

modification of contents by all users continuously done in a participatory and collaborative fashion; and User Generated Content as the various forms of media content that are publicly available and created by end-users (Kaplan & Hainlein, 2010). Web-based social network sites are defined as a platform that allows individuals to construct a public or semi-public profile within a bounded system where it is available for others to view and traverse their list of connections and those made by others within the system (boyd & Ellison, 2007). While there are numerous sites for strangers to get to know people within their similar interests, there are also many social network sites that are commonly used to communicate with people you already know of, with addition to part of their extended social network.

In January 2019, the rough estimation of social media users worldwide has reached 3.484 billion in numbers, which increased up to 9% since last year. According to The Infinite Dial 2019, around 50% of social media users are aged between 12-34 years old. Around 32% of the middle-aged people between 35-54 years old are social media users. For the elderly people, the social media users dominate around 16%. Not to mention, the number of people owning smartphones keep on increasing every year, with an estimation of 237 million smartphone owners in 2019. Seeing from this data, social media isn't only utilized by Generation Z and the Millennials, but also Generation X and Boomers as well.

Social media marketing is the advertising of a product through a social media network as its medium. With the prominence of social media networks, businesses can no longer rely merely on television and radio for their marketing strategies. In fact, if a business's social media is nowhere to be found, it could reduce a possible consumer's further interest. While television, newspaper, and radio advertising are still relevant up to date, modern consumers are more attracted to the personal connection a company can offer. Besides marketing, the presence of businesses in social media networks have given more accessibility for their consumers to seek customer service by sending them a message with their concerns. Social media enables firms to communicate with their customers and also allows customers to communicate with each other (Mangold & Faulds, 2009).

Apart from businesses who realize the opportunity to grow their exposure upon the rise of social media, the social media company themselves realize the potential and demand for them to expand and generate more profits by giving companies a business profile that distinct them from ordinary users. Nowadays, a business's social media account profile has everything a consumer needs, ranging from their contact number, address, latest promotions, and also their number of followers.

Take Instagram as an example, a very popular photo and video-sharing mobile social network, where not only individuals could register an account, but also for companies to register their business accounts as well. Way before Instagram introduced their upgrade for business accounts in 2016 (Instagram Business Team,

2016), Instagram is already popular among individual users. After the upgrade, it has provided users with better accessibility to businesses. This is where the amount of Instagram followers comes into play; people can now easily assess the popularity of a business by knowing the number of followers it has. This effect would especially be a lot handier for those who are looking at new businesses, instead of businesses that are already well-known. The emergence of social media marketing has produced a win-win outcome for both ends (social media platform and businesses).

With the various options of social media platforms available for the society, individuals are free to choose from many platforms and generate their own contents. Having this available, existing literature theorizes that people join virtual communities to exchange information and/or social support (Ridings & Gefen, 2017). According to Ridings & Gefen (2017), these virtual forums which provides for a subset of the information available on the internet, are unique in that most of their content is member-generated, as opposed to information which is typically provided by the site provider. Since users can freely seek and exchange information through these platforms, they tend to believe that the reviews are trustworthy since users gathered the information through their own experience. Whereas if they seek for product results or service outcomes from its official website, they clearly won't disclose any deficiencies.

This is where a company's social media presence becomes vital in building their image. They need to provide an appealing content to promote their products and catch the consumers' attentions. With people's frequent use of social media, this becomes an opportunity for businesses to market their products. However, unlike the television whose shows can't be changed, advertisements that pop up in smartphones can easily be controlled by the person through quickly dismissing the content. Such action is very detrimental to businesses, which is why they came up with social media endorsement through celebrities or influencers. A business's social media presence will have their own followers, but they have to think of another way to reach a bigger audience; like the major audience gained from television commercials. Through celebrity endorsements, the promotion of their product will sure to be delivered, because the targeted audiences are people who already follows the celebrity's social media account.

2.2 Social Media Endorsement

Product branding or endorsement is usually done through celebrities, where they are paid by a company to promote their product or service by showing to the public that they use the product. Endorsement is a channel of communication where celebrities act as spokesperson of the brand and by extending their popularity and personality, they certify the brand's claim and position (Kotler & Armstrong, 2008). Celebrity endorsement as a concept is as old as the first products, where back in the day it was mainly

used to promote tobacco, beauty, fashion, and beverages; it became a real thing during the 1920s (Rantanen, 2017). Celebrities like film stars have not only been successful in gathering huge public attention, but also in increasing sales (Zipporah & Mberia, 2014). Having celebrities promoting their products would cost a business more than it should, but the positive impact on sales it brings will later compensate for said expenses.

With the newly found trend of social media among the society, businesses have made their way by having celebrities market their products or services in their social media accounts. This marketing method becomes effective, since the social media platform itself have gained popularity way before social media endorsements were a thing. Simply put, advertisements in the form of celebrity endorsements are done in social media platforms. This leads to the endorsed product gaining large exposure since many people have long been using the social media platform itself.

Since social media networks are user-generated contents, the audience can exchange their honest opinions about the product and therefore be certain that it serves as a factual review based on others' experiences. Moreover, social media networks have made it even better for both business actors and users to interact with the ad content, by easily clicking the picture to know the price and also be redirected to the business's account. After all, accessibility is what strikes as the strong appeal in technology.

Even though it may be hard to monitor all social media endorsement contents due to its unlimited amount, endorsements are actually regulated in the United States. These regulations are issued by the Federal Trade Commission, an independent agency whose aim is to uphold consumer protection. The "Guides Concerning the Use of Endorsements and Testimonials in Advertising" came into effect on December 2009, where it serves as the basis for voluntary compliance with the law by advertisers and endorsers.

The distinction of statements made by public figures is made clear according to this regulation, as to which is and which is not an endorsement. It is explicitly stated in the guideline that when a well-known figure is depicted as themselves (instead of an actor/spokesperson speaking on behalf of the company) and giving their opinion of a product or service, it constitutes as an endorsement.

Examples of what advertisements constitute as endorsements are even provided in the guideline, where a well-known professional automobile racing driver advertising tires. While it isn't stated that the message is of the driver's personal opinion, audiences will perceive the individual as a racing driver who provides a candid opinion on the product, and not just a spokesperson for the company. On the contrary, when a person posts a content that expresses their likeness towards a certain product or service in their personal blog (or social media, for that matter), such thing doesn't fall in the scope of an endorsement.

When a friend reviews a product that they think was great to you, their review will factor into your decision in buying the product. You know their review is trustworthy, because you know this person and are sure that the person isn't speaking on behalf of the product's company. On the other hand, when a public figure, or anyone else for that matter, is telling you how great a new product is, their recommendation would factor into your decision to the product as well. Suppose that this person is working for the company that sells the product—or has been paid by the company to promote the product, clearly you would want to know that when you're evaluating the endorser's recommendation (Federal Trade Commission, 2017). This premise is at the heart of the Federal Trade Commission's Endorsement Guides, as it serves to protect the consumers.

This doesn't exactly mean that whenever you express your likeness towards a product online means that you are being endorsed. As long as you aren't being rewarded for the content, it doesn't constitute as an endorsement. Therefore, you won't have to abide to the advertising standards in the FTC Guideline. However, if you're creating a content for paid partnership, or you're being compensated by getting discounts on future purchases, a simple disclosure to your audience signifying that you have affiliations with the company for this particular content would be appropriate (Federal Trade Commission, 2017).

3 METHOD

This research is a judicial normative legal research, where it examines written legal norms or laws concerning consumer protection and advertisement ethics. The primary legal resources are the Indonesian Advertisement Ethics and the Indonesian Consumer Protection Law (Law No. 8/1999). This research also included a comparison with the USA Endorsement Guidelines established by the Federal Trade Commission, to pinpoint the essential differences with Indonesia's current situation. The author then analyzed the comparison to reach a conclusion.

4. RESULTS AND DISCUSSION

4.1 Social Media Endorsement in Indonesia

Indonesian users dominate social media platforms around the world, amounting to 30% of social media users or 66 million users (Kemp, 2016). According to a poll conducted by *Asosiasi Penyelenggara Jasa Internet Indonesia* (Indonesian Internet Service Providers Association), there is around 170 million Indonesians connected to the internet, which is around 64% of the Indonesian population. Among those users, around 150 million of them are active social media users, with 130 million users being mobile social media users. They are connected to the internet and is therefore exposed to worldwide information

and news. From this statistic, we can conclude that social media use is pretty significant among the Indonesian people.

Indonesian social media users are no stranger to social media endorsements either. Endorsements are very popular, as Indonesian influencers are a lot in numbers, including their followers. Indonesian businesses make sure they seize this opportunity by promoting their products or services through these influencers. These influencers also generate an unknown (and possibly large) amount of income through these endorsements, by fixing their standard prices for promotion. The common local term for this type of deals are called “paid-promote”, and prices vary for the type of endorsements the business wishes to use.

Unlike the aforementioned endorsement regulations in the United States, the Indonesian law doesn’t regulate this matter. Despite the huge amount of promotion that accounts to advertisement in social media platforms done by influencers, they have no guidelines to abide to despite the social media platform’s guidelines itself (which mostly revolves around community guidelines by refraining from racial or religious discrimination for their contents). In other words, with no existing regulation, they also aren’t taxed for the incomes gained from these endorsements. This fact attracts more and more people to become influencers, and for businesses to engage them in their marketing strategy. While there might seem to be no problem with the nonexistent regulation for endorsement contents in social media platforms, this might impose unknown but detrimental affect towards the audience, who also stands as potential consumers.

As social media endorsement contents are usually complied with a script that the celebrities/influencers must address accompanying the promotion, people can easily conclude that the celebrity is using the product because they are being paid to do so; instead of actually promoting the product on the basis of their personal recommendation. Nowadays, people don’t just easily approve of advertisements, because they are aware that it’s scripted. While businesses have sought to utilize social media endorsements, people can still easily differentiate between a candid review by a public figure and a paid endorsement. However, for Indonesian businesses, some of them managed to find a way around this by giving the impression that the content is indeed the celebrity’s personal recommendation instead of a paid promotion or endorsement.

With no regulations on social media endorsement present in Indonesia, it gives celebrities/influencers the flexibility to market products or services. Most importantly, they aren’t obligated to disclose to their audience that their content is indeed a *quid pro quo* for a reward they will be receiving in return.

The content published by celebrities/influencers can easily be categorized by the audience as an advertisement, due to its nature of content being apparently promotional. Most of the times, since paid promotions or endorsements are in the form of a

photo/video content along with a text description, people can induce the content as promotional by seeing the content alone. This is due to the fact that the picture or video for the product promotion will place the product in spotlight for brand exposure, complemented with an elaborate description regarding the product or service.

With the celebrities/influencers having no obligations to disclose their status as a paid endorser, this leniency gives businesses the ease to make deals with them by making a content that would seem like it’s their own personal recommendation instead of an advertisement. In Indonesia, it’s as easy as asking these influencers to promote the product in a casual manner, without making it seem to much as a formal advertisement. For example, when taking a smiling picture holding the product at a good angle immediately gives off the impression that it is an advertisement, influencers can resort to taking casual pictures of them using their product instead. That way, the audience can’t promptly tell that it is indeed an advertisement from the content alone.

As far as being discreet goes, both the influencers and the businesses aren’t violating anything by not disclosing the influencer’s content as an advertisement. Even though these influencers have no guidelines to abide to, they are still encouraged to report their tax by themselves (Klikpajak, 2018). The tax that is levied to influencers is actually the same with the one imposed to individual taxpayers. However, the mechanism may differ from each paid promotion or endorsement.

Pursuant to Article 21(1) e of Income Tax Law, the withholding tax on income must be made for “organizers of activities that make payments in connection with carrying out an activity”. From that elaboration, influencers meet the criteria and should report to the Directorate General of Taxes. Even though it is stipulated in the law, it is not difficult for influencers to evade their tax duties, because tax audits are mostly done by conducting a field inspection. Naturally, business actors who would get inspected are those with physical offices or at least a working station. Since an influencer’s scope of work is only done online, it’s still difficult for tax revenue officers to reach influencers as they are large in number.

The case most of the time is that influencers ignore their tax deduction obligation. Therefore, the profit generated from their paid promotion or endorsement income is larger. Due to this fact, it becomes advantageous for both the influencer and the company wishing to market their product or services through them. With the growing number of influencers on social media and the attention received from their large number of followers, businesses don’t hesitate to engage in business deals with these profitable influencers.

4.2 Consumer Protection

Consumer protection dates back to 1962, US then-President John F. Kennedy gave a speech about the

basic consumer rights, which later became established as The Consumer Bill of Rights. One of the four basic consumer right is the right to be informed, regarding the quality, quantity, potency, purity, standard and price of goods so as to protect the consumer against unfair trade practices (Kuchhal & Kuchhal, 2014).

The United Nations Conference on Trade and Development published the United Nations Guidelines for Consumer Protection (UNGCP), bearing in mind that consumers should have the right of access to non-hazardous products, as well as the right to promote just, equitable and sustainable economic and social development and environmental protection (The United Nations Conference on Trade and Development, 2016). One of the principles stipulated in the UNGCP includes disclosure and transparency, where “businesses should provide complete, accurate and not misleading information regarding the goods and services, terms, conditions, applicable fees and final costs to enable consumers to take informed decisions”.

Naturally, when selling a product to consumers, the business actors have an obligation to stick with the consumer guideline, so as to not mislead the consumers. As seen from the aforementioned points, when providing information about a product, it should be truthful as to what it really is.

As for advertisements, Indonesia has its specialized guideline called *Etika Pariwara Indonesia* (Indonesian Advertisement Ethics). The guideline contains definitions for endorsement and endorser. An endorsement is a statement, claim, or promise given by the endorser which must be related to the competency he has. Moreover, an endorsement can only be brought by an individual, and not represent an institution or a group. Whereas an endorser is “a character or an ordinary person who is displayed in an advertising message to invite others to use or consume an advertised product, without suggesting that he himself has used or consumed said product”.

The Indonesian Advertisement Ethics actually impose sanctions when a point is proven to be violated. According to the written procedure, a warning is to be given (up to twice), and a termination of broadcasting or the issuing of a sanction recommendation to the related institutions, respectively. However, with social media endorsements being published in the internet, it becomes difficult to monitor when a content has violated the code of ethics, let alone impose a proper sanction.

Consumer Protection in Indonesia is regulated in Law No. 8/1999. Matters regarding advertisement ethics are regulated in Article 17 of the legislation, where it specifically stipulates that businesses actors are prohibited from advertising products that (f) violate ethics and/or statutory provisions regarding advertising. There are administrative and criminal impositions, where the *Badan Penyelesaian Sengketa Konsumen* (Consumer Dispute Resolution Body) has the authority to impose administrative sanctions.

On social media today, you will encounter many paid promotions or endorsements on your timeline. Since the content is similar to one another, it will be easy for

people to dismiss them merely as advertisements and therefore not let the content consume their attention; knowing that it is a *paid* promotion or endorsement. These businesses need people to pay attention to their advertisement and be aware of what product or service they can offer them. Due to this goal, companies and influencers have found a way through this, by entering into a marketing deal, but showcasing the promotion in a discreet way.

Instead of having a clear description about the product in the content, it will either be a discreet product placement or marketing. The common paid promotions or endorsements are very much similar to one another, where the description is usually in a formal structure including full details about the product and the brand. Whereas the usual advertisement caption would include full details about the product, a discreet marketing method would need only the picture of the product where the brand is also clearly shown, with no intention to imply or disclose to the audience that the person showcasing the product is being paid to do so.

A discreet marketing method in social media that has emerged is when a business interacts with a celebrity on social media while displaying that their product or service is being used by said celebrity. Through this seemingly nonchalant conversation between the two, audience will perceive it as a candid conversation. Therefore, the use of the business’s product or service by said celebrity will also be seen as the celebrity’s personal preference. In short, the advertisement doesn’t disclose the celebrity’s position as an endorser, by not letting the audience have implications that it is indeed a paid endorsement.

4.3 Effect of Celebrity or Influencer Endorsement on Consumer’s Tendency to Purchase Intention

In 2011, a celebrity marketing company called Brand Affinity Technologies (BAT) analyzed 200 social media endorsements against comparable social media advertisements that did not feature any celebrities and found that endorsed messages gave performance rates huge lifts: the results showed that 50% improvement was made in cost-per-action for endorsed messages over non-endorsed advertising, and the click-through-rates for endorsed messages were higher (Yelin & Kinnear, 2012).

Celebrities are seen by many people as public figures, someone you look up to. When a celebrity portrays their fondness towards a product or service, it will factor into a person’s buying decision. When a person fancies a certain celebrity or public figure, imitating their ways would be a certain form of flattery. Purchasing products or using the same services a celebrity uses is one of the form of imitation that is accessible to anyone, as the product or service is sold for public. Moreover, the person will still feel the sense of exclusivity, because not everyone will buy the product or service. The same applies otherwise, in case where a person despises a certain celebrity or

public figure no matter what, resulting in avoiding any product or services they endorse.

According to Zipporah & Mberia (2014), effectiveness of the celebrity in endorsement depends on three constructs of the source including expertise, attractiveness, and trustworthiness. The source credibility model suggests the effectiveness of the subject matter depends on the expertise and trustworthiness of the celebrity seemed by the customer (Ohanian, 1991), where an endorser's credibility is the most commonly used technique in marketing to influence customer buying behavior (Lafferty & Goldsmith, 2004). When these elements are met, a person's buying behavior will be heavily influenced by these factors. Celebrity endorsements are shown to have huge impact on a consumer's purchasing decision.

With no strict enforcement of endorsement guidelines, this results in influencers creating endorsement contents as they please. Even worse, business actors now offer a higher payment when influencers agree not to disclose their status as being endorsed and then posting the content in a discreet endorsement manner. We can see that celebrity brandings alone affect a consumer's purchase decision, especially so when the "endorsement" is a personal recommendation by the celebrity.

Truth in advertising is important, even in social media. An act or practice is deceptive if it misleads "a significant minority" of consumers, because even if some readers are aware of these deals, many readers aren't; which is why disclosure is important (Federal Trade Commission, 2017).

5. CONCLUSION

Social media has become a prominent actor in today's society, as everyone is connected as simple as accessing your phone. With the emergence of social media, businesses have expanded their marketing strategy by advertising their products through social media as well. Celebrity brandings that are usually found in television commercials aren't being left out from the technology development as well. Influencers and celebrities are put to good use by businesses using the popular paid promotion or endorsement method in their social media accounts. As celebrity brandings (subject to credibility) have been found to take part into a consumer's purchasing decision, the same goes to social media endorsements. However, online endorsements aren't exactly monitored nor regulated yet in Indonesia. This results in content deviations that aren't supposedly in line with the common advertisement ethics. In fact, businesses and influencers have been found to agree upon a social media promotion which doesn't disclose nor imply the influencer's status as being a paid spokesperson to do the job. Without realizing, this impacts a consumer's right to honest information because of what they thought was an honest recommendation by a celebrity/influencer they believe is credible.

6. RECOMMENDATION

While Indonesia has their code of ethics for advertisement, the explanation isn't yet sufficient. Especially, with the addition to the complexity of social media promotions and endorsements. Since the number of social media promotions and endorsement has continued to increase, it would be relevant if Indonesia provides themselves with a more specialized Endorsement Guideline. The guideline shall contain elaborate guidelines regarding the do's and don't's of social media promotions.

Moreover, the social media promotions should also be monitored by an institution. Preferably by the Directorate of Consumer Empowerment which is under the Directorate General of Consumer Protection & Trade Compliance, Ministry of Trade of Indonesia. The Directorate is responsible for both policy-making, law enforcement, consumer education and awareness-raising as well as receiving consumer complaints (ASEAN Consumer, n.d.).

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