

GOVERNMENT OF INDIA
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
DEPARTMENT OF CONSUMER AFFAIRS

RAJYA SABHA
UNSTARRED QUESTION No. 3430

TO BE ANSWERED ON 31.03.2023

GUIDELINES FOR ADVERTISEMENTS

3430. SHRI VAIKO
SHRI M. SHANMUGAM

Will the Minister of CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION be pleased to state:

- (a) whether the Ministry has issued new guidelines for advertisements like non-misleading advertisements, due diligence required for endorsement of advertisements etc.;
- (b) if so, the details thereof;
- (c) whether any advisory has been issued to the State Governments and general public about caution to be exercised in view of many misleading and bait advertisements appearing in the electronic media and newspapers; and
- (d) steps taken for action against such advertisements which are against norms and ethics and cheating the innocent public?

ANSWER

THE MINISTER OF STATE, CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(SHRI ASHWINI KUMAR CHOUBEY)

(a) & (b): In exercise of the powers conferred by Section 18 of the Consumer Protection Act, 2019, the Central Consumer Protection Authority has notified Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022 on 9th June 2022, with the objective to curb misleading advertisements and protect the consumers, who may be exploited or affected by such advertisements.

As per these guidelines, due diligence is required for endorsement of advertisements so that any such endorsement in an advertisement must reflect the genuine, reasonably current opinion of the individual, group or organisation making such representation and must be based on adequate information about, or experience with, the identified goods, product or service and must not otherwise be deceptive. Besides this, where, Indian professionals, whether resident in India or otherwise, are barred under any law for the time being in force from making endorsement in any advertisement pertaining to any profession, then, foreigner professionals of such profession shall also be not permitted to make endorsement in such advertisement.

Further, these guidelines also state that where there exists a connection between the endorser and the trader, manufacturer or advertiser of the endorsed product that might materially affect the value or credibility of the endorsement and the connection is not reasonably expected by the audience, such connection shall be fully disclosed while making the endorsement.

(c) & (d): As per existing regulatory framework, all programmes/ advertisements telecast on private satellite TV channels are required to adhere to the Programme Code & Advertising Code prescribed under the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder.

Rule 7(5) of the Cable Television Networks Rules, 1994 specifically provides that no advertisement shall contain references which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or super-natural property or quality, which is difficult of being proved.

The Cable Television Networks (Regulation) Act' 1995 and rules framed thereunder provide the statutory mechanism for redressal of grievances of citizens relating to content broadcast by private satellite TV channels.

Appropriate action is taken when violation of any provision of the Programme and Advertising Codes is found. Ministry of Information & Broadcasting also issues advisories from time to time to private satellite TV channels for ensuring strict compliance to the Programme Code and the Advertising Code
