

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

**RAJYA SABHA**  
**UNSTARRED QUESTION No. 1503**

TO BE ANSWERED ON 15.12.2023

**ACTION AGAINST MISLEADING ADVERTISEMENTS**

1503. DR. FAUZIA KHAN

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

- (a) whether Government has taken any penal or enforcement actions against misleading food advertisements;
- (b) if so, the details thereof and if not, the reasons therefor;
- (c) whether the Investigation Wing under the Central Consumer Protection Act is undertaking or plans to undertake an investigation on proliferation of misleading food advertisements;
- (d) if so, the details thereof and if not, the reasons therefor; and
- (e) whether the Ministry plans on a joint effort with the Ministry of Health and Family Welfare to spread awareness in this regard, if so, the details thereof?

**ANSWER**

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

(SHRI ASHWINI KUMAR CHOUBEY)

(a) to (e) : As per the provision of the Food Safety and Standards Act, 2006 (FSS Act, 2006), the misleading claims and advertisements on food products are prohibited and punishable offences under Section 23 and 24 of the FSS Act, 2006.

In this regard, the enforcement of the said provisions is regularly carried out by the State/ UTs and Food Safety and Standards Authority of India (FSSAI) respectively to ensure compliance with the same under their respective jurisdiction. Further, the details of Enforcement Samples found non-conforming, including samples reported as having labelling defects/misleading during the last 3 years are at **Annexure**.

Under the Consumer Protection Act, 2019, misleading advertisement in relation to any product or service is defined as an advertisement, which— (i) falsely describes such product or service; or (ii) gives a false guarantee to, or is likely to mislead the consumers as to the nature, substance, quantity or quality of such product or service; or (iii) conveys an express or implied representation which, if made by the manufacturer or seller or service provider thereof, would constitute an unfair trade practice; or (iv) deliberately conceals important information.

Under the provisions of the Consumer Protection Act, 2019, the Central Consumer Protection Authority (CCPA) has been established w.e.f 24.07.2020 to regulate matters relating to violation of rights of consumers, unfair trade practices and false or misleading advertisements which are prejudicial to the interests of public and consumers as a class.

The CCPA has notified the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022 on 9th June, 2022. These guidelines inter-alia provide for; (a) conditions for an advertisement to be non-misleading and valid; (b) certain stipulations in respect of bait advertisements and free claim advertisements; and, (c) duties of manufacturer, service provider, advertiser and advertising agency.

As per the 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 that 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 to prove.

The Government takes appropriate action in cases where violation of the Advertising Code is established, by way of issuance of advisory, warning, apology scroll and off-air orders as per the procedure under the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder.

As per the Consumer Protection Act, 2019 the CCPA is empowered under Section 19 to conduct a preliminary enquiry to ascertain whether there exists a *prima facie* case of violation of consumer rights or any unfair trade practice or any false or misleading advertisement. The Central Consumer Protection Authority (Submission of Inquiry or Investigation by the Investigation Wing) Regulations, 2021 have been notified by the CCPA on 9<sup>th</sup> December 2021 which elaborates on the procedure adopted for the purpose of preliminary enquiry and investigation by the Investigation wing.

The Department of Consumer Affairs is implementing an exclusive scheme namely “Consumer Awareness” to generate consumer awareness and empower the consumers under the aegis of “Jago Grahak Jago” campaign through various media including electronic, outdoor and social media.

The Department in 2022-23 has launched “Jagriti”, a mascot for empowering consumers and generating awareness of their rights. Jagriti is projected as an empowered young consumer.

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**ANNEXURE REFERRED TO IN REPLY TO PARTS (a) TO (e) OF RAJYA SABHA UNSTARRED QUESTION NO.1503 FOR 15.12.2023 REGARDING ACTION AGAINST MISLEADING ADVERTISEMENTS BY DR. FAUZIA KHAN.**

**Details of Enforcement Samples analysed, found non-conforming and penal action taken during last three years.**

Year	No. of Samples Analysed	No. of Samples found non-conforming	Non-Conforming Samples			Civil Cases			Criminal Cases		
			Unsafe	Sub Standard	Labeling defects/ Misleading/ Miscellaneous	No. of Cases Launched	No. of Convictions	Penalties Raised (Cr Rs.)	No. of Cases Launched	No. of Convictions	Penalties Raised (Cr Rs.)
2020-21	1,07,829	28,347	5,220	13,394	9,733	24,195	14,817	49.92	3,869	506	0.83
2021-22	1,44,345	32,934	4,890	16,582	11,462	28,906	19,437	53.39	4946	671	1.38
2022-23	1,77,511	44,626	6,579	21,917	16,130	38,096	28,464	33.23	4818	1188	2.75

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