

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

RAJYA SABHA
UNSTARRED QUESTION No. 853
TO BE ANSWERED ON 03.12.2024

ADVERTISEMENTS OF PROHIBITED GOODS AND SERVICES

853. SHRI AKHILESH PRASAD SINGH

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

- (a) whether it is a fact that surrogate advertisement or indirect advertisement of goods and services which are prohibited by law are being freely shown on electronic media;
- (b) how these surrogate advertisements are being shown when these are prohibited;
- (c) whether Government has taken any action against any companies in this regard in the last 3 years;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

ANSWER

THE MINISTER OF STATE, CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(SHRI B.L VERMA)

(a) to (e) : 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 and to promote, protect and enforce the rights of 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 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) prohibition of surrogate advertisements.

Under these guidelines, no surrogate advertisement or indirect advertisement shall be made for goods or services whose advertising is otherwise prohibited or restricted by law, by circumventing such prohibition or restriction and portraying it to be an advertisement for other goods or services, the advertising of which is not prohibited or restricted by law.

Apart from this, as per the regulatory framework, all private TV channels are required to adhere to the Advertising Code laid down under the Cable Television Networks (Regulation) Act, 1995 and the rules framed thereunder. Rule 7(2)(viii)(A) of the Advertising Code provides that no advertisement shall be permitted which promotes directly or indirectly production, sale or consumption of cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants, with the stipulation that a product that uses a brand name or logo, of such products may be advertised on TV subject to certain conditions, including certification of the advertisement by the Central Board of Film Certification (CBFC).

The Government takes action whenever any violation of Advertising Code is found, by way of issuance of Advisories, Warnings, Apology Scroll Orders etc. Since the last three years, 4 Warnings and 31 Apology Scroll Orders have been issued to private satellite TV channels for violation of Rule 7(2)(viii)(A) of the Advertising Code.
