

Government of India
Ministry of Consumer Affairs, Food and Public Distribution
Department of Consumer Affairs

LOK SABHA
UNSTARRED QUESTION NO. 2094
TO BE ANSWERED ON 29.11.2016

CHECKS ON MISLEADING ADVERTISEMENTS

2094. SHRIMATI MEENAKASHI LEKHI: SHRI VINAYAK BHAURAO RAUT: SHRI SHRIRANG APPA BARNE: SHRI ADHALRAO PATIL SHIVAJIRAO:

Will the Minister of CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्री be pleased to state:

- (a) whether the Government is aware that celebrities are engaged in advertisement for different products and schemes in large scale and if so, the details thereof;
- (b) whether most of such advertisements are false or misleading due to which people get trapped in the false lucrative offers of the company and if so, whether the Government has taken action against such companies;
- (c) whether the Government is considering some new provisions/rules making celebrities responsible for the brands/advertisements endorsed by them, if so, the details thereof and the time by which the new system would be implemented; and
- (d) whether regular checks are conducted on advertisements in radio, television and print media to check if these advertisements are misleading, if so, the redressal mechanism followed in this regard?

ANSWER

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण राज्य मंत्री
(श्री सी आर चौधरी)

THE MINISTER OF
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(SHRI C.R.CHAUDHARY)

(a) & (b) : Yes, Madam. Under the Consumer Protection Act, 1986, the practices of making any statement, whether orally or in writing or by visible representation which falsely represents that the goods are of a particular standards, quality, quantity, grade, composition, style or model; falsely represents that the services are of a particular standards, quality or grade; represents that the goods or services have sponsorship, approval, performance, characteristics, accessories, uses or benefits which such goods or services do not have; makes a false or misleading representation concerning the need for, or the usefulness of, any goods or services; is treated as an unfair trade practice against which a consumer can file a complaint in the appropriate Consumer Forum established under the provisions of the Act. If the complaint is proved, the Consumer Forum can order discontinuance of the unfair trade practice or not to repeat it; not to offer the hazardous goods for sale; for issuance of corrective advertisement to neutralize the effect of misleading advertisement at the cost of the opposite party responsible for issuing such misleading advertisement. It can also order for payment of compensation to the consumer for any loss or injury suffered by the consumer due to the negligence of the opposite party.

Additionally, to tackle the misleading advertisements, the complaints received by the Department of Consumer Affairs are handled through the Advertisement Standards Council of India (ASCI), a voluntary self-regulatory body of Advertisement Industry, through an Memorandum of Understanding (MoU).

(c) : The Parliamentary Standing Committee on Food, Consumer Affairs & Public Distribution in its 9th report on the Consumer Protection Bill, 2015 has recommended stringent provisions for tackling misleading advertisements as well as fixing responsibility on endorsers/celebrities.

(d) : The Press Council of India takes cognizance, suo-motu, or on complaints of the contents in print media which are in violation of the 'Norms of Journalistic conduct'. Similarly all advertising channels appearing in private satellite TV channels are regulated in accordance with the Advertising code stipulated by Ministry of Information Broadcasting.
