

**GOVERNMENT OF INDIA
MINISTRY OF AYURVEDA, YOGA & NATUROPATHY,
UNANI, SIDDHA AND HOMOEOPATHY
(AYUSH)**

**LOK SABHA
UNSTARRED QUESTION NO.2824
TO BE ANSWERED ON 3RD AUGUST, 2018**

MISLEADING ADVERTISEMENTS

2824. SHRI K.C. VENUGOPAL:

Will the Minister of **AYURVEDA, YOGA AND NATUROPATHY, UNANI, SIDDHA AND HOMOEOPATHY (AYUSH)** be pleased to state:

(a) whether his Ministry proposes to take collaborative efforts with the Department of Consumer Affairs, Ministry of Information and Broadcasting and State Governments against misleading advertisements with respect to AYUSH drugs;

(b) if so, the details thereof and the action taken in this direction so far;

(c) whether the Government proposes to enact a new legislation containing the existing and proposed provisions of both Drugs and Cosmetics Act, 1940 and Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954 and if so, the details thereof and the action taken by the Government in pursuing the legislation to get into law;

(d) whether the Government is taking any measures on a regular basis for effectively preventing the publication of inappropriate and misleading advertisements in respect of AYUSH drugs; and

(e) if so, the details thereof?

ANSWER

**THE MINISTER OF STATE (IC) OF THE MINISTRY OF AYURVEDA,
YOGA & NATUROPATHY, UNANI, SIDDHA AND HOMOEOPATHY
(SHRI SHRIPAD YESSO NAIK)**

(a) & (b): Ministry of AYUSH has taken up the issue of checking the veracity of misleading advertisements of AYUSH drugs with collaborative efforts of other Central and State Government Departments. Actions taken in this direction are as under:

- i) The Department of Consumer Affairs has established a portal for Grievances Against Misleading Advertisements (GAMA), wherein the consumers can directly register their grievances against misleading advertisements for all products/services including ASU&H drugs. The complaints of the consumers registered in the GAMA portal about AYUSH drugs are examined in the Ministry of AYUSH and forwarded to the concerned State Regulator for taking action in accordance with the legal provisions.

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- ii) Ministry of Information & Broadcasting has issued instructions/guidelines dated to all media channels to advertise only those AYUSH products, which have valid manufacturing license and to abstain from telecasting such misleading advertisements which are in contravention of the provisions of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 and Rules thereunder.
 - iii) State Governments have authorized Gazetted Officers to search, seize, examine any record, register, document or any other material object related to any objectionable advertisement under the provisions of Section 8(1) of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 and have reported to have taken action against the defaulters.
 - iv) Ministry of AYUSH signed a MoU with Advertising Standard Council of India (ASCI) to undertake comprehensive monitoring of the quality of advertisements pertaining to Ayurveda, Siddha, Unani and Homoeopathy (ASU&H) drugs in print & TV media and to report the cases of default to the concerned State regulatory authorities for taking action in accordance with the legal provisions.
 - v) Ministry of AYUSH has implemented a central scheme of pharmacovigilance initiative for safety monitoring of Ayurveda, Siddha, Unani and Homoeopathy drugs in which surveillance of AYUSH advertisements is one of the activities.
- (c): Both Drugs & Cosmetics Act, 1940 and Drugs & Magic Remedies (Objectionable Advertisement) Act, 1954 are under the administrative purview of Ministry of Health & Family Welfare. Government has taken a decision to prepare fresh legislation for regulating drugs for which Ministry of AYUSH provided inputs to frame the regulatory provisions pertaining to Ayurvedic, Unani, Siddha, Sowa Rigpa and Homoeopathic drugs and prohibition of their misleading advertisements.
- (d) & e): The Ministry of AYUSH is pursuing the matter of introducing prohibitive measures for misleading advertisements and has inter alia made the notification of draft Rules under Drugs & Cosmetics Rules, 1940 and constituted an Empowered Committee for controlling the publication of inappropriate and misleading advertisement/exaggerated claims of ASU&H drugs.

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