

**GOVERNMENT OF INDIA
MINISTRY OF INFORMATION AND BROADCASTING**

**LOK SABHA
UNSTARRED QUESTION NO. 903
TO BE ANSWERED ON 07/02/2019**

LAWS FOR CELEBRITIES ENDORSING FOOD PRODUCTS

903. SHRI PONGULETI SRINIVASA REDDY:

Will the Minister of **INFORMATION AND BROADCASTING**

be pleased to state:

- (a) whether celebrities endorsing food products can be prosecuted under any laws;
- (b) if so, the details thereof and if not, the reasons therefor; and
- (c) the steps being taken to enact new laws or make the existing law clear to endorse the responsibility on the celebrities in case they make false promises about the food products?

ANSWER

**MINISTER OF STATE (INDEPENDENT CHARGE) IN THE MINISTRY OF
INFORMATION & BROADCASTING
[COL RAJYAVARDHAN RATHORE (Retd.)]**

(a) & (b): Food Safety and Standards Authority of India (FSSAI), Ministry of Health & Family Welfare has informed that Section 24 of the Food Safety and Standards Act, 2006 places restrictions of advertisements and prohibition as to unfair trade practices, which is provided below:

- (1) No advertisement shall be made of any food which is misleading or deceiving or contravenes the provisions of this Act, the rules and regulations made thereunder.
- (2) No person shall engage himself in any unfair trade practice for purpose of promoting the sale, supply, use and consumption of articles of food or adopt any unfair or deceptive practice including the practice of making any statement, whether orally or in writing or by visible representation which –
 - (a) falsely represents that the foods are of a particular standard, quality, quantity or grade-composition;
 - (b) makes a false or misleading representation concerning the need for, or the usefulness;
 - (c) gives to the public any guarantee of the efficacy that is not based on an adequate or scientific justification thereof:

Provided that where a defence is raised to the effect that such guarantee is based on adequate or scientific justification, the burden of proof of such defence shall lie on the person raising such defence.

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Further, Section 53 of the said Act prescribes penalty for misleading advertisement, which is as follows:

- (1) Any person who publishes, or is a party to the publication of an advertisement, which—
 - (a) falsely describes any food; or
 - (b) is likely to mislead as to the nature or substance or quality of any food or gives false guarantee, shall be liable to a penalty which may extend to ten lakh rupees.

2. Food Safety and Standards Authority of India (FSSAI) have notified in the Gazette of India the Food Safety and Standards (Advertising and Claims) Regulations on 19.11.2018. These regulations are aimed at establishing fairness in claims and advertisements of food products and make food businesses accountable for such claims /advertisements so as to protect consumer interest. These regulations inter-alia, also provide a list of prohibited claims and clearly specify that any person, including a third party, who advertises or is a party to the publication of any misleading advertisement not complying with these regulations would be penalised, as per Section 53 of the Food Safety and Standards Act, 2006.

These regulations come into force on the date of their publication in the Official Gazette. However, Food Business Operators shall comply with all the provisions of these regulations by 1st July, 2019.

Celebrity endorsements are covered under above provisions.

(c): Department of Consumer Affairs has informed that there is no provision in Consumer Protection Act, 1986 to prosecute celebrities endorsing food products. Section 2(1)(r) of the ibid Act provides that the practice of making any statement, whether orally or in writing or by visible representation which falsely represents that the goods are of a particular standard, quality, quantity, grade, composition, style or model; falsely represents that the services are of a particular standard, quality or grade, falls under unfair trade practices. A consumer can make a complaint against unfair trade practice in a consumer forum established under the Consumer Protection Act, 1986.

If, the complaint is upheld, a Consumer Forum can issue an order to the opposite party directing him to remove the defect/or to replace the good/ or to return the price of the good to complainant as the case may be.
