

**GOVERNMENT OF INDIA
MINISTRY OF AYUSH
LOK SABHA
UNSTARRED QUESTION NO. 2289
TO BE ANSWERED ON 15.12.2023**

“Monitoring of Misleading Advertisements”

2289. DR. PON GAUTHAM SIGAMANI:

SHRI M.K. RAGHAVAN:

SHRI RITESH PANDEY:

Will the Minister of Ayush be pleased to state:

- (a) whether the Government has any plans to formulate a comprehensive policy to prevent companies/entities engaging in inappropriate/false/misleading advertisements of AYUSH medicines and if so, the details thereof;
- (b) whether the Government has taken any action against the companies/entities for such offenses/cases of misleading advertisements on Ayurvedic products and AYUSH medicines and if so, the details thereof along with the action taken thereon and penalty imposed;
- (c) whether the health experts have demanded urgent intervention of the Government and possible reversal of the recommendations on controlling inappropriate advertisements of Ayurvedic, Siddha and Unani medicines and if so, the details thereof; and
- (d) whether the Government has signed an Memorandum of Understanding with the Advertising Standards Council of India to undertake monitoring of AYUSH medicines and products related advertisements with misleading contents and if so, the details thereof?

**ANSWER
THE MINISTER OF AYUSH
(SHRI SARBANANDA SONOWAL)**

(a) Yes Sir. Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 and Rules thereunder encompass the provisions for prohibition of misleading advertisements and exaggerated claims of drugs and medicinal substances including Ayush medicines, which appear in the print and electronic media and Government has taken note thereof.

State/UT Governments are empowered to enforce the provisions of Drugs & Magic Remedies (Objectionable Advertisements) Act, 1954 & Rules thereunder.

Further, as per existing regulatory framework, all advertisements telecast on private satellite TV channels are required to adhere to the Advertising Code prescribed under the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder. Rule 7(5) of the Advertising Code inter alia provides that 'No advertisement shall contain references which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or supernatural property or quality, which is difficult of being proved.'

(b) Yes Sir. Pharmacovigilance Centres for Ayurveda, Siddha, Unani and Homoeopathy (ASU&H) Drugs set up in different parts of the country under the Central Sector 'Ayush Oushadhi Gunvatta Evam Utpadan Samvardhan Yojana Scheme' (AOGUSY Scheme) of Ministry of Ayush, are mandated to monitor and report the misleading advertisements to the respective State Regulatory Authorities. A three tier structure comprising of a National Pharmacovigilance Co-ordination Centre (NPvCC), Intermediary Pharmacovigilance Centres (IPvCs) and Peripheral Pharmacovigilance Centres (PPvCs) is established. All India Institute of Ayurveda (AIIA), New Delhi under Ministry of Ayush is the National Pharmacovigilance Co-ordination Centre (NPvCC) for the implementation of the National Pharmacovigilance program for Ayurveda, Siddha, Unani & Homoeopathy drugs. Misleading advertisements reported to NPvCC in the last three years:

March, 2019-February, 2020	4885 cases
March, 2020-February, 2021	6804 cases
March, 2021-February, 2022	10035 cases

All these misleading advertisements are being reported to the respective State Licensing Authorities by peripheral centers at regular intervals for initiating action against the defaulters.

Appropriate action is also taken by Ministry of Information & Broadcasting (MOIB) against the private TV channels when violation of any provisions of the Advertising Code is found. Ministry also issues advisories from time to time to broadcasters for ensuring compliance to the Advertising Code. Recently, vide Order dated 10.10.2023, this Ministry directed a private satellite TV channel to run an 'Apology Scroll' for telecasting misleading advertisements of products claiming to be Ayush products."

Further, as per the information received from various State/ UTs government, the details of action taken on Misleading Advertisement are at **Annexure-I**.

(c) No sir.

(d) Yes sir. Ministry of Ayush had signed a Memorandum of Understanding (MoU) with Advertising Standards Council of India (ASCI) for two years to monitoring advertisements of Ayurveda, Siddha, Unani, and Homeopathy (ASU & H) products in print and TV media in 20th January, 2017

Details of the action taken on Misleading Advertisement:

S. No.	Name of the State/UT	Information received from State/ UT government	
1.	Maharashtra		
		No. of Advertisement Scrutinized	1071
		No. of Advertisement	55
		No. of Notices issued	52
		No. of Prosecution	02
		No. of FIR'S or Seizure	01
2.	Andhra Pradesh	<p>The Regional Research Institute (Homoeopathy) in Gudivada, A.P. filed a complaint against M/s. Sri Manjunath Ayurvedic Pvt. Ltd. for their product SMA Navya Hair Oil. The misleading advertisement on social media claimed rapid hair growth on bald heads within a week, the ability to regrow hair in just five days, and immediate and permanent transformation of white hair to black. The Inspector & Licensing Authority issued a notice on 09/10/2023, requiring an immediate explanation from M/s. Sri Manjunath Ayurvedic Pvt. Ltd..</p>	
3.	Karnataka	<p>Notices have been issued to the erring advertisers for the misleading claims in their advertisements.</p>	

4.	Delhi	Show cause notices/Memorandums have been issued to the companies/entities for offenses/cases of misleading advertisements on Ayurvedic products and Ayush medicines. A total of 125 show cause notices have been served till date.
5.	Chhattisgarh	Nil
6.	Kerala	Details at Annexure-II
7.	Gujarat	Details at Annexure-III

Annexure-II

ADVERTISEMTN CASES SINCE 2019					
Filed on	Case No.	Court	Accused	Offence	Present Stage
18-10-2019	CC1303/19	Hon. Judicial First Class Magistrate court, Thalassery	<ol style="list-style-type: none"> 1. M/s Sitaram Ayurveda Pharmacy Limited, Gandhi Nagar Road, Nedumpuzha, Trissur 2. Dr D Ramanathan (MD), M/s Sitaram Ayurveda Pharmacy Limited, Gandhi Nagar Road, Nedumpuzha, Trissur 	DMR (OA) 1945 3(d)	Appearance of Accused. Next posting date 21/01/2022
18-10-2029	CC1302/19	Hon. Judicial First Class Magistrate court, Thalassery	<ol style="list-style-type: none"> 1. M/s Sankar Pharmacy, Manjummal, Udyogamandal PO, Ernakulam, 2. Dr Roshith R, Santhwanam, Manappuram Road, Kottakattukara PO, Aluva, Ernakulam 	DMR (OA) 1945 3(d)	Final Judgement Came
06-11-2021	CC 1249/21	Hon. Judicial First Class Magistrate court I, Hosdurg	<ol style="list-style-type: none"> 1. M/s Mallur Flora & Hospitality Pvt Ltd Alasuru Dinne, Sidlaghatta Taluk, Chikkaballapur District, Karnataka 2. Munilakkappa (First Director) S/o Appanna M/s Mallur Flora & Hospitality pvt Ltd Alasuru Dinne, Sidlaghatta Taluk, Chikkaballapur District, Karnataka 3. Smt. SM Ratmma (First Director) W/o Late Ramanarayanan M/s Mallur Flora & Hospitality pvt Ltd Alasuru Dinne, Sidlaghatta Taluk, Chikkaballapur District, Karnataka 4. Pillamma (First Director) S/o Appanna M/s Mallur Flora & Hospitality pvt Ltd Alasuru Dinne, Sidlaghatta Taluk, Chikkaballapur District, Karnataka 5. Miracola Drinks Pvt Ltd, RBI Colony, Ganga Nagar Bangalore, Karnataka 6. Smt. Sunitha Raju, (First Director) D/o. Manchaiah, Miracola Drinks Pvt Ltd, RBI Colony, Ganga Nagar Bangalore, Karnataka 7. Smt Ratnamma sulthanpet Munilakkappa (First Director) D/o Munilakkappa Miracola Drinks Pvt Ltd, RBI Colony, Ganga Nagar Bangalore, Karnataka 8. Sri Vijayan A, S/o Raman MP, Residing at Akkalath, Sri Nilayam, Neeleswaram, 	DMR (OA) 1945 3(d) and 4 (c)	Next hearing on 29/12/2023

			Kasargod		
07-08-2021	ST 121/2021	JFMC II, Palakkad	AV Sujith Proprietor of Krishna Ayurveda Pharmacy, Kolacnchery PO, Kannur, residing at Karingalkuzhy, Kolanchery, Kannur	DMR (OA) 1945 3(d) and 3 (b)	Under Trial
26-09-2019	CC 1059/20	JFMC I, Palakkad	P.R. Jayakrishnam (Prop), Bio vedics, Kankikode, Palakad	1945 3(d) and 3(b)	Under Trial

Annexure-III

Annexure - A			
DETAILS OF ACTION TAKEN IN RESPECT OF DMR Act-1954 AGAINST FIRM YEAR-2019			
Serial No.	Name of Mfgr. / Distibutor	Subject / Product name	Action
1	Gufic Biosciences Limited, Belgaum, Karnataka	Smashit Tablets	warned to the firm
2	Bilnath Healthcare, Ahmedabad	Bilnath Healthcare-V-Col/V-Dot	warned to the firm
3	Osho Medicare, Rajkot	Osho Medicare	A.C. Rajkot is asked to inquire
4	Sri Hari Herbals, Sonipat (H.r.)	Naari Kiran	S.C.N. issued to the firm and referred to the D.C. H.r.
5	M/s. Maruti Herbal, Rajsthan (C.E.R.C., A'bad on dt.28-05-2019)	Stay on Power Capsules	S.C.N. issued to the firm and referred to the D.C. Rajasthan
6	Daffy Cosmetic Pvt. Ltd., U.K.	Fun Time Massage Oil For Men	warned to the firm
7	Shubham Homeopathic, Ahmedabad	Shubham Homeopathic/ B Shape 36	Not Contraved DMR Act,1954
8	Shubham Homeopathic, Ahmedabad	Shubham Homeopathic/ Vigoral-la	Not Contraved DMR Act,1954
9	Shubham Homeopathic, Ahmedabad	Shubham Homeopathic/Thunder M TM	Not Contraved DMR Act,1954
10	Khodiyar Ayurvedic, Surat	Khodiyar Ayurvedic/Zoom Eye Drops	A.C. Surat is asked to inquire
11	Avyukta Lifecare, Ahmedabad	Nuzan Syrup	warned to the firm
12	Hilton PharmaChem, Patan, North Gujarat, India	Stonax Syrup, Stonax Tablet, EHSAAS Capsules	warned to the firm
13	Muktesh Healthcare Pvt. Ltd., Vadodara	Homeogra Drops	S.C.N. issued to the firm and A.C. Vadodara is asked to inquire
14	M/s Syncom Healthcare Ltd., Dehradun (UK)	Musli Yovan	warned to the firm

15	M/s Chatrabhuj Pharamaceuticals Co., Haridwar(UK)	Japani-M Capsules	S.C.N. issued to the firm and referred to the D.C. U.K.
16	M/s Chatrabhuj Pharamaceuticals Co., Haridwar(UK)	Japani-F Capsules	S.C.N. issued to the firm and referred to the D.C. U.K.
17	M/s Chatrabhuj Pharamaceuticals Co., Haridwar(UK)	Japani Oil	S.C.N. issued to the firm and referred to the D.C. U.K.
18	M/s Chatrabhuj Pharamaceuticals Co., Haridwar(UK)	Right Sugar	S.C.N. issued to the firm and referred to the D.C. U.K.
19	Adven Biotech (P) Ltd., Gurgaon, Haryana	Teston-Forte Tablet	S.C.N. issued to the firm and referred to the D.C. H.r.
2	M/s Nirav Healthcare Inc., Narmada	Vysex Dragee	warned to the firm
21	M/s. Janardan Ayurvedic Ausadhi, Una, Junagadh	Dant Ratna,Premium Quality, Multi Action Powder	Warned to the firm
22	Rahat Ayurvedic, Rajkot	Rahat Ayurvedic-Rahat Ayurvedic Range of Products	A.C. Rajkot is asked to inquire
23	Muktesh Healthcare Pvt. Ltd., Vadodara	Moonvon Pills	S.C.N. issued to the firm and A.C. Vadodara is asked to inquire
24	Muktesh Healthcare Pvt. Ltd., Vadodara	Gynocare Syrup	S.C.N. issued to the firm and A.C. Vadodara is asked to inquire
25	M/s I.G. Homoeo Remedies Pvt. Ltd., Delhi.	Diabi Care Anti Diabeti Drops	warned to the firm
26	Datachem Biotech, Delhi	Japani Tila Indo	S.C.N. issued to the firm and referred to the D.C. Delhi
27	M/s. Xylum Healthcare, M.P.	Gynocent Cap.	warned to the firm
28	Dr. Raj Homeo Pharma., A'bad	Joint Ache Tablets	A.C. Ahmedabad (Rural), Gandhinagar is asked to inquire
29	Adven Biotech (P) Ltd., Gurgaon, Haryana	Stonull Drops	S.C.N. issued to the firm and referred to the D.C. Haryana
30	Renovision Exports P. Ltd., Jharkhand	Orhtovit Capsules	S.C.N. issued to the firm and referred to the D.C. Jharkhand

**DETAILS OF ACTION TAKEN IN RESPECT OF DMR Act-1954 AGAINST
FIRM DURING YEAR-2020**

Serial No.	Name of Mfgr. / Distributor	Subject / Product name	Action
1	M/s. Lucid Healthcare Pvt. Ltd., Sonipat	Fiberslim Capsule	warned to the firm
2	M/s. Bhargava Phytolab Pvt. Ltd., Rajasthan	Artharal Tablet	warned to the firm
3	M/s. Ban Labs (P) Ltd., Dhaulakuan (H.P.)	Lucogyl Cap.	S.C.N. issued to the firm and referred to the D.C. H.P.
4	M/s. Nirav Healthcare, Narmada	Viton 99 Syrup	warned to the firm
5	M/s. Nirav Healthcare, Narmada	Calcurosin Caplet	warned to the firm
6	M/s. Nirav Healthcare, Narmada	Calcurosin Syrup	warned to the firm
7	M/s. Hilton Pharma Chem, Patan	Rising Sandah Oil, only for man	A.C. Patan is asked to inquire
8	M/s. Xylum Healthcare, M.P.	Japanese Oil	warned to the firm
9	M/s. Renovision Exports P. Ltd., Patna	Debilit-Y	warned to the firm
10	M/s Jolly Pharma (India), Ludhiana (PB).	(1) Jolly Fat-Go Slimming Capsules (2) Jolly Fat-Go Anti Cellulite Massage Oil (3)Tulsi 51	S.C.N. issued to the firm and referred to the D.C. Punjab
11	M/s. Vaidya Nutraceuticals (P). Ltd., Solan	Baidyanath Asli Ayurved Sundari Sakhi	S.C.N. issued to the firm and referred to the D.C. H.P.
12	M/s. Om Pharma. Ltd., Bangalore	Shilappravang special	S.C.N. issued to the firm and referred to the D.C. Karnataka
13	M/s. Makewell Pharma. Co., Noida	Speed Height Capsules	S.C.N. issued to the firm and referred to the D.C. U.P.
14	M/s. Dhanvantri Guj. Herbs., Anand (Guj.)	AYUSH Kwath tablets	warned to the firm
15	M/s. Vasu Healthcare P. Ltd., Vadodara (Guj.)	Vasu Ayurvedic Immunity Kit	Referred to ASCI, Mumbai
16	M/s. Ayursun Pharma., Surat (Guj.)	Corovyl Tab. & Syrup	A.C. Surat is asked to inquire

17	M/s. Hetal Pharmaceuticals, Anand (Guj.)	Viaglon Capsules	warned to the firm
18	M/s. Rajvaidya Shital Prasad & Sons, Delhi	Hempushpa	S.C.N. issued to the firm and referred to the D.C. Delhi
19	M/s. Maruti Herbal, Rajsthan	Stay on Power Capsules	S.C.N. issued to the firm and referred to the D.C. Rajasthan
20	M/s. Atrey Pharmaceuticals Pvt. Ltd., Ahmedabad	9 PM Revitalize Tablet	warned to the firm
21	M/s. Hanu Herbal, Patan	Hanu Herbal Advt.	A.C. Patan is asked to inquire
22	M/s. Atrey Pharmaceuticals Pvt. Ltd., Ahmedabad	Ayutrim Natural Fat Burner Tablet	S.C.N. issued to the firm and A.C. Ahmedabad(Rural), Gandhinagar is asked to inquire
23	M/s. Atrey Pharmaceuticals Pvt. Ltd., Ahmedabad	Breath Clear Breath Tab.	warned to the firm
24	M/s. Silvernest, Surat	Ayurvedic Respirator	A.C. Surat is asked to inquire

DETAILS OF ACTION TAKEN IN RESPECT OF DMR Act-1954 AGAINST FIRM DURING YEAR 2021

S.no	Name of Mfgr. / Distibutor	Subject / Product name	Actions
1.	M/s. Giniva Pharma., Ahmedabad, Gujarat	Best-Toner Cap.	Assistant Commissioner, Ahmedabad-1 is asked to inquire
2.	M/s. Jagat Pharma, U.P.	Isotine Eye Drop	S.C.N. issued to the firm and referred to the D.C. U.P.
3.	M/s. Indo Herbal Products (Unit 2), U.K.	Roop Mantra	Assistant Commissioner, Bhuj is asked to inquire
4.	M/s. Shree Dhanwantri Herbals, Punjab	Sachi Saheli	Assistant Commissioner, Bhuj is asked to inquire
5.	M/s. Kumar Products, Ahmedabad	Cardisip Syrup	S.C.N. issued to the firm and Assistant Commissioner, Ahmedabad-1 is asked to inquire and to report.
6.	M/s. UPS Ayurvedic Medical Store, Valsad	Dr. Chella's OncoBAN	Assistant Commissioner, Valsad is asked to inquire

**DETAILS OF ACTION TAKEN IN RESPECT OF DMR Act-1954 AGAINST
FIRM DURING LAST ONE YEAR-2022**

S. no	Name of Mfgr. / Distibutor	Subject / Product name	Actions
1.	M/s. Sheth Brothers, Bhavnagar, Gujarat	KAYAM Ayurvedic Tablet	Assistant Commissioner, Bhavnagar is asked to inquire
2.	M/s. Darsh Biotech Pvt. Ltd., Ahmedabad, Gujarat	Menoleaf Syrup	S.C.N. issued to the firm and A.C. Ahmedabad(Rural) is asked to inquire
3.	M/s. Healwell International Ltd., Mehsana, Gujarat	Vigoral-LA Liquid	SCN issued to the firm & AC Mehsana is asked to inquire and report
4.	M/s, SBL P. Ltd., Haridwar, Uttrakhand	SBL Drops No. 6	Assistant Commissioner, Bhavnagar is asked to inquire
5.	M/s,Bhargava phytolab pvt.ltd	Artharal tablets	SCN issued to the firm & AC Himatnagar is asked to inquire and report