

**GOVERNMENT OF INDIA**

**MINISTRY OF AYUSH**

**LOK SABHA**

**UNSTARRED QUESTION NO. 1221**

**TO BE ANSWERED ON 9<sup>th</sup> February, 2024**

**“Misleading Advertisements of AYUSH Medicines”**

**1221. SHRI VIJAY KUMAR:**

**SHRIMATI GEETA KORA:**

Will the Minister of Ayush be pleased to state:

(a) whether the Government has any plans to formulate any comprehensive policy to prevent the companies/institutions engaging in unfair/false/misleading

advertisements of AYUSH medicines/products and if so, the details thereof;

(b) whether the Government has taken any action against the companies/institutions for such offences/cases and if so, the details thereof along with the details of action taken against and penalty imposed on them;

(c) whether most of such firms have been let off with only warning and due to lack of strict action, these firms start such advertisements again; and

(d) if so, whether the Government proposes to enact a strict law regarding the said issue and if so, the details thereof?

**ANSWER**

**THE MINISTER OF AYUSH**

**(SHRI SARBANANDA SONOWAL)**

(a) to (d) 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.

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.

Under the Pharmacovigilance Program, objectionable/misleading advertisements are regularly reported to the respective State Licensing Authorities for initiating action against the defaulters. Till date approximately 357 brands have been issued the notice for exploiting the Drugs and Cosmetics Act, 1940.

The Department of Consumer Affairs (DoCA) maintains the Grievances Against Misleading Advertisements (GAMA) portal, providing a platform to address instances of misleading advertisements. Further, as the regulations and enforcement for TV Channels falls under the mandate of Ministry of Information and Broadcasting (MOIB), therefore references of misleading advertisement getting broadcasted on TV channels are forwarded to MOIB for action.

Further, under the provisions of the Consumer Protection Act, 2019, the Central Consumer Protection Authority (CCPA) has been established to regulate matters relating to the violation of the rights of consumers, unfair trade practices, and false or misleading advertisements. Further, CCPA has

notified guidelines for the prevention of misleading advertisements and endorsements for misleading advertisements, issued on 9th June 2022. These guidelines encompass various provisions, including:

- (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) Duties of manufacturer, service provider, advertiser and advertising agency.

These guidelines are applicable to manufacturers, service providers, or traders whose goods, products, or services are featured in an advertisement. Additionally, they apply to advertising agencies and endorsers whose services are utilized for the promotion of such goods, products, or services.

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

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**Annexure-I****Details of the action taken on Misleading Advertisement:**

S. No.	Name of the State/UT	Information received from State/ UT government
1.	Tamil Nadu	License of Asthra Power Tonic Capsule & Cream of M/s. Pee Gee Pharma, No. 2/143, Sivadapuram, had been suspended for one month for illegal advertisement with false claim. License of Boraxine Ointment of M/s. Ancient Pharma, Ayyanarpuram, had been suspended for one month for illegal advertisement with false claim. License of SegroPlus Capsule, MusliSegro Capsule & Kamana Capsule of M/s. Shankaralaya Herbals Pvt Ltd, Mangalanagar, Chennai had been suspended for one month for illegal advertisement with false claim.
2.	Delhi	Show cause notices/Memorandums have been issued to the companies/entities for offenses/cases of misleading advertisements on Ayush medicines. A total of 125 show cause notices have been served in the last 3 years and subsequent warning are issued after checking that the misleading advertisements have been taken down.
3.	Andhra Pradesh	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..								
4.	Karnataka	The details of the action taken against misleading advertisements during the last 3 years is below: <table border="1" data-bbox="579 479 1401 831"> <thead> <tr> <th>Year</th> <th>No. of notices issued</th> </tr> </thead> <tbody> <tr> <td>2021</td> <td>392</td> </tr> <tr> <td>2022</td> <td>354</td> </tr> <tr> <td>2023</td> <td>139</td> </tr> </tbody> </table>	Year	No. of notices issued	2021	392	2022	354	2023	139
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2021	392									
2022	354									
2023	139									
5.	Puducherry	Action has been initiated for 6 out of the 9 identified cases, and the same has been forwarded to the Law Department, Puducherry for concurrence to proceed legally.								
6.	Gujarat	Details at Annexure-II								
7.	Jammu and Kashmir	Nil								
8.	Arunachal Pradesh	Nil								
9.	Mizoram	Nil								
10.	Odisha	Nil								
11.	Chhattisgarh	Nil								

## Annexure-II

DETAILS OF ACTION TAKEN IN RESPECT OF DMR Act-1954 AGAINST FIRM DURING YEAR 2021			
S.no	Name of Mfgr./ Distributor	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**

<b>S. no</b>	<b>Name of Mfgr./ Distributor</b>	<b>Subject / Product name</b>	<b>Actions</b>
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

**DETAILS OF ACTION TAKEN IN RESPECT OF DMR Act-1954 AGAINST FIRM  
DURING LAST ONE YEAR-2023**

<b>S. No.</b>	<b>Name of Mfgr./ Distributor</b>	<b>Subject / Product name</b>	<b>Actions</b>
1.	Bhargava Phytolab Pvt. Ltd.	Artharal Tablets	S.C.N. issued to the firm and referred to the D.C. Rajasthan

2.	Complain of Institute of Teaching & Research in Ayurveda (ITRA), Jamnagar	Dr. Ortho Ayurvedic Oil Cap & Spray, Sex Samasyao, Harass Bhagandar, Fissure, Hempushpa, Kailas Jivan multipurpose, Roop mantra, Collegian Cream, Eye Cream, my fair sunscreen, face wash, soap & cream, Jhansi Baidyanath, Da'zeagra Janani ande Janani-f-capsul, right sugar tablets, charturbhuj oil and capsul petsaffa, divya Patanjali, Ayurvedic various product	All Assistant Commissioner of Circle Offices are asked to inquire and to report
3.	Complain of Institute of Teaching & Research in Ayurveda (ITRA), Jamnagar	Dr. Ortho Ayurvedic Oil Cap. & Spray. Sex Samasyao, Harass Bhaganadar-Fissure, Hempushpa, kailas jivan multipurpose collagisn cream, da zeager. petsaffa, piramal nutrioallax-a, vita-ex oil & vita x gold plus capsuls, brumex forte fly above, torque "sorthomac gel	All Assistant Commissioner of Circle Offices are asked to inquire and to report
4.	Complain of Institute of Teaching & Research in Ayurveda (ITRA), Jamnagar	Dr. Ortho Ayurvedic Oil Cap. & Spray, Sex Samasyao, Harass Bhaganadar-Fissure, Hempushpa, collagisn cream,da"zeager. petsaffa,piramal nutrioallax-a, vita-ex oil & vita x gold plus	All Assistant Commissioner of Circle Offices are asked to inquire and to report



		capsuls, brumex forte fly above, torque"sorthomac gel	
5.	Complain of Institute of Teaching & Research in Ayurveda (ITRA), Jamnagar	Dr. Ortho Ayurvedic Oil Cap. & Spray, Sex Samasyao, Harass Bhaganadar-Fissure, Hempushpa, kailas jivan multipurpose ,Roop Mantra, Collegian Cream, Eye Cream. my fair sunscreen face wash, soap & cream, Jhansi Baidyanath, da'zeagra japani ande japani-f capsul,right sugar tablets, chaturbhuj oil and capsul, petsaffa, divya patanjali ayurvedic various product, kabja har, sachi saheli, ichku ointment	All Assistant Commissioner of Circle Offices are asked to inquire and to report
6.	Complain of Institute of Teaching & Research in Ayurveda (ITRA)	Dr. Ortho Ayurvedic Oil Cap. & Spray, Sex Samasyao, Harass Bhaganadar-Fissure, Hempushpa kailas jivan multipurpose Collegian Cream, Jhansi Baidyanath. da'zcagra polsalfa, kabja har, sachi saheli, ichku ointment mahabhigraj haie oil, baidnath amla juice & alpvera juice, baidyanath ayudant, havabana harde and jaljeera, baidyanaalgh sundari sakhi, brumax, parimal naturolax-a,	All Assistant Commissioner of Circle Offices are asked to inquire and to report

		kayam churna advance granules, jakhme rooz gulabi malam, aamlahari tab	
7.	Complain of Institute of Teaching & Research in Ayurveda (ITRA)	Mahabhingarajm hair oil, Patanjali dant kanti, Baidyanath Sudarshan ghanvati, Sachi saheli syrup, Eye Mantra Eye Drops, Dr. Ortho Ayurvedic Oil Cap. & Spray, Pet Saffa, D-Sona Ayurvedic Gum Care Powder, Kailas Jeevan, Magics hair care, Fat-Go Cap. & Apple Cider Vinegar, Vaseer Gel & Cap. Roppmantra Ayur. Face Cream & face washes, baidyanaath sundari sakhi, baidyanaath Ayudant, Kabja Har, baidyanaath Joint Care Products - baidyanath Run Out Products, Havabana Harde, Divisa All Products. Nicogel Pro	All Assistant Commissioner of Circle Offices are asked to inquire and to report
8.	Complain of Institute of Teaching & Research in Ayurveda (ITRA)	Dr. Ortho Ayurvedic Oil Cap. & Spray, sachi saheli syrup, Eye Mantra Eye Drops, Pet Saffa, Fat-Go Cap. & Apple Cider Vinegar, Roppmantra Ayur. Face Cream & face washes. Kabja Har/Trifala Churna, Gesari Pills, Malsuddhivati Tab.,	All Assistant Commissioner of Circle Offices are asked to inquire and to report

		<p>baidyanath Kesari Kalp, Woodard's Gripe Water, baidyanath Vita-Ex/mall Tail, Trichup hair Control, Dhootpapeshwar Shipravang Special, Jolly Tulsi 51 Drops, Dhootpapeshwar Swamala Gold, baidyanath Healthy Hair Products, Kayam Churna Advance Grules, Jambola Liquid And Cap.. Jolly Vasser Gel &amp; Cap., Mahivala Pain-balm strong, Rosalin Liniment, Nicogel Pro, baidyanaath Joint Care Products.</p>	
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