GOVERNMENT OF INDIA

MINISTRY OF AYUSH

LOK SABHA

UNSTARRED QUESTION NO. 3113

TO BE ANSWERED ON 09th AUGUST 2024

Misleading Advertisements

3113 Smt. Pratima Mondal:

Will the Minister of AYUSH be pleased to state:

(a) the details of the Government's initiative to ensure the protection of citizens from misleading advertisements on Ayush drugs; and

(b) findings of the evaluation of false advertisements after omission of Rule 170 from the Drugs and Cosmetic Rules?

ANSWER

THE MINISTER OF STATE (IC) OF THE MINISTRY OF AYUSH

(SHRI PRATAP RAO JADHAV)

(a) The details of the Government's initiative to ensure the protection of citizens from misleading advertisements on Ayush drugs are as follows:

I. The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 and Rules there under encompass the provisions for prohibition of misleading advertisements and exaggerated claims of drugs and medicinal substances including Ayush medicines and for the penalty to be imposed on the defaulters.

II. Ministry of Ayush has formulated a Central Sector Scheme-Ayush Oushadhi Gunvatta evam Uttpadan Samvardhan Yojana (AOGUSY). One of the components of this scheme is Pharmacovigilance Program for ASU & H Drugs. Under this Program the major objectives are to keep vigilance over ASU & H drugs and to reduce the pollution of misleading advertisements. The program is working through a three-tier network of a National Pharmacovigilance Centre (NPvCC), Five Intermediary Pharmacovigilance Centres (IPvCs) and 99 Peripheral Pharmacovigilance Centres (PPvCs) established across the country. Through this channel of Pharmacovigilance centres objectionable/misleading advertisements

are regularly reported to the respective State Licensing Authorities for contravening regulations under different rules like Drug and Magic remedy act 1954, the cable television network act 1995, the consumer protection act, the emblems and names act 1950, the infant milk substitutes act 1992, the young person's act 1956, the cable television networks rule 1994 etc, for initiating action against the defaulters. Also, as per National Commission for Indian System of Medicine Regulations 2022 and National Commission for Homoeopathy regulations 2022, Pharmacovigilance is a mandate component for all the Ayush system of medicine. Under Pharmacovigilance Program for ASU & H drugs consumers can lodge complaints either directly or through online portal: https://www.ayushsuraksha.com.

III. Under the Consumer Protection Act, 2019, misleading advertisement in relation to any product or service is defined as an advertisement, which - (i) falsely describes such product or service; or (ii) gives a false guarantee to, or is likely to mislead the consumers as to the nature, substance, quantity or quality of such product or service; or (iii) conveys an express or implied representation which, if made by the manufacturer or seller or service provider thereof, would constitute an unfair trade practice; or (iv) deliberately conceals important information. Under the provisions of the Consumer Protection Act, 2019, the Central Consumer Protection Authority (CCPA) has been established w.e.f 24.07.2020 to regulate matters relating to violation of rights of consumers, unfair trade practices and false or misleading advertisements which are prejudicial to the interests of public and consumers as a class. The CCPA has notified the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022 on 9th June, 2022. These guidelines inter-alia provide for; (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 shall apply to a manufacturer, service provider or trader whose goods, product or service is the subject of an advertisement, or to an advertising agency or endorser whose service is availed for the advertisement of such goods, product or service. The CCPA has also issued an advisory dated 14.07.2022 regarding the sale of Ayurvedic, Siddha and Unani Drugs containing ingredients listed in Schedule E(1) of the Drugs and Cosmetic Rules, 1945 on e-commerce platforms.

(b) Ministry of Ayush vide Gazette notification no - G.S.R. 360(E) dated01/07/2024, omitted rule 170 of Drugs Rules 1945. As per the information received from National Pharmacovigilance Centre (NPvCC), States/ UTs governments, details of number of false

advertisements noticed after omission of Rule 170 of Drugs Rules, 1945 are available at Annexure I.

Annexure I

As per the information received from National Pharmacovigilance Centre (NPvCC), States/ UTs governments details of number of false advertisements noticed after omission of Rule 170 of Drugs Rules, 1945 are as follows:

S.No.	**Name of the Organization/State /UT**	**Reply**
1.	National Pharmacovigilance Centre (NPvCC)	There are no significant changes in number of false advertisements by Ayush manufacturers after omission of Rule 170 of Drugs and Cosmetic Rules, 1945**.**
2.	Odisha	No such case has come to notice.
3.	Tripura	The evaluation of false advertisements after omission of Rule 170 from the Drugs and Cosmetic Rules has no finding.
4.	Gujarat	5 cases reported by the Pharmacovigilance center IPVC, Institute of Teaching and Research in Ayurveda, Jamnagar
5.	Puducherry A&B	Dr. R. Sridharan, is appointed as Nodal officer (Siddha) for Drugs & Magic Remedies Act. Monitoring of Misleading advertisements done by SRRI (Siddha Regional Research Centre), Puducherry, a peripheral Pharmacovigilance Centre Siddha (PPv-02) CCRS, Ministry of AYUSH, GOI, a Nodal Agency Screening and regular inspection is done by Drugs Inspector, Department of Drugs Control, Puducherry
6.	Uttrakhand	For prevention of false advertisements Drugs & Magic Remedies Act already exists.
7.	Manipur	False advertisements have not been reported in the State.
8.	Lakshadweep	This UT does not have any manufacturing Units/Companies for AYUSH Drug.
9.	UP, Lucknow	It is too early as Rule-170 has been abolished on 01.07.2024. Therefore, no evaluation could be done in this regard in such a short time.
10.	Andhra Pradesh	It is submitted that the department is evaluating false advertisement in the state.
11.	Madhya Pradesh	After Omission of 170 Rules, there is no change found on receiving misleading advertisements.
12.	Karnataka	No increase in number of false advertisements after omission of Rule 170 from Drugs and Cosmetics Rules has been reported in the State of Karnataka.
13.	Maharashtra	The omission of Rule 170 from the Drugs and Cosmetic Rules has been done recently in May 2024 No any change in pattern in misleading advertisements is reported yet. However manufacturers are required to upload as self-declaration on Broadcast Seva Portal of Ministry of

		information & Broadcasting for TV & Radio and Press Council of India's portal for print/digital/internet media.
14.	New Delhi	NIL Information

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