

Government of India
Ministry of Consumer Affairs, Food and Public Distribution
Department of Consumer Affairs

LOK SABHA
UNSTARRED QUESTION NO. 4244
TO BE ANSWERED ON 26.03.2025

FAKE ADVERTISEMENT

4244. SHRI AMRINDER SINGH RAJA WARRING:

Will the Minister of **CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION** be pleased to state:

- (a) whether the Government is aware of fake advertisement and claims about nutraceutical products in the country;
- (b) if so, the steps taken by the Government to control and regulate the fake claims in the interest of consumers;
- (c) the details of penal provisions that exist to deter such practices; and
- (d) the steps taken by the Government to raise awareness about such practices amongst the consumers?

ANSWER

THE MINISTER OF STATE
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(SHRI B.L.VERMA)

(a) to (d) : Department of Consumer Affairs is continuously working for consumer protection and empowerment of consumers by enactment of progressive legislations. With a view to modernize the framework governing the consumer protection in the new era of globalization, technologies, e-commerce markets etc. Consumer Protection Act, 1986 was repealed and Consumer Protection Act, 2019 was enacted.

Section 2(28) of the Consumer Protection Act, 2019 defines “misleading advertisement” in relation to any product or service, 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) which is an executive agency, came into existence on 24.07.2020. It is designed to intervene, to prevent consumer detriment arising from unfair trade practices and to initiate class action(s), including the enforcement of recalls, refunds and return of products. Its core mandate is to prevent and regulate false or misleading advertisements which are prejudicial to the public interest.

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. According to these guidelines, endorser includes an individual or a group or an institution making endorsement of any goods, product or service in an advertisement whose opinion, belief, finding or experience being the message which such advertisement appears to reflect. These guidelines states that due diligence is required for endorsement of advertisements such that any endorsement in an advertisement must reflect the genuine, reasonably current opinion of the individual, group or organisation making such representation and must be based on adequate information about, or experience with, the identified goods, product or service and must not otherwise be deceptive. It clarifies that where, Indian professionals, whether resident in India or otherwise, are barred under any law for the time being in force from making endorsement in any advertisement pertaining to any profession, then, foreigner professionals of such profession shall also be not permitted to make endorsement in such advertisement.

In case of false or misleading advertisement, as per Section 21(2) of the Consumer Protection Act, 2019, the CCPA may impose fines on manufacturer or endorser upto Rs. 10 lakhs or Rs 50 lakhs in case of repeated violations.

In order to address the issues of misleading claims, labelling and advertisements, FSSAI has established the comprehensive regulations including the Food Safety and Standards (Advertising and Claims) Regulation, 2018. These regulations have mentioned clear specifications for making claims by the food businesses and ensure that food related advertisements & claims are accurate, non-deceptive, and align with food safety standards. It is the responsibility of the food businesses to adhere with these requirements. Section 24 of the FSS Act imposes restrictions on unfair trade practices, including the prohibition of misleading advertisements and claims. Any contravention of these regulations may lead to appropriate actions in accordance with the provisions of the Food Safety and Standards Act, 2006, and its subsequent regulations made thereafter. Any person who advertises or is a party to the publication of any advertisement or claims not complying with this regulation shall be penalized as per Section 53 of the act which has the provision for penalty upto ten lakh rupees.
