

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

**LOK SABHA
UNSTARRED QUESTION NO. 5308 (OIH)
TO BE ANSWERED ON 05.04.2023**

CRITERIA FOR ADVERTISEMENTS FOR COSMETIC PRODUCTS

5308. SHRI OMPRAKASH BHUPALSINH ALIAS PAWAN RAJENIMBALKAR:
SHRI ARVIND GANPAT SAWANT:

(OIH)

Will the Minister of **CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION** उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्री be pleased to state:

- (a) the criteria framed by the Government with regard to issuing advertisements on cosmetic products, junk food and beverages;
- (b) whether the Government conducts any check in this regard from time to time and if so, the details thereof;
- (c) whether the Government has put in place any mechanism for the same;
- (d) whether the Government has received complaints regarding various false advertisements and if so, the details thereof;
- (e) whether any inquiry has been conducted into the same and if so, the steps taken by the Government to stop such false publicity and advertisements made during the last five years;
- (f) whether the Government has taken any action against false publicity and advertisements influencing children's perception about the use of such products and if so, the details thereof; and
- (g) whether several big companies are also involved in it and if so, the details thereof?

ANSWER

**उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण राज्य मंत्री
(श्री अश्विनी कुमार चौबे)**

**THE MINISTER OF STATE
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(SHRI ASHWINI KUMAR CHOUBEY)**

(a) to (g): 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, inter alia, relating to 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 prohibit, inter-alia, advertisements that target children from encouraging dangerous behavior, taking advantage of children's inexperience, or making unrealistic claims about goods or services. Such advertisements cannot encourage practices that are detrimental to children's physical or mental health or imply that children will be ridiculed if they do not purchase the advertised goods or services. Advertisements for junk food cannot be shown during programs for children or on channels exclusively for children, and promotional gifts cannot be used to persuade children to purchase goods or services unnecessarily.

CCPA has issued show-cause notices against various misleading advertisements in order to protect consumer rights in every sector targeting various categories of consumers from children to elders. It has taken strict actions against the misleading advertisements especially in cases where Covid-19 sensitivities were being exploited where by, many of these misleading advertisements were withdrawn by the companies and some were modified. Penalties of 10 lakhs each was issued against Sensodyne & Sure Vision along with order for withdrawal of misleading advertisement which has been complied.

Apart from this, as per the existing regulatory framework, all programmes/advertisements telecast on private satellite TV channels are required to adhere to the Programme Code & Advertising Code prescribed under the Cable Television Networks (Regulation) Act' 1995 and rules framed thereunder. The Advertising Code inter alia provides that:

Rule 7(4) : The goods or services advertised shall not suffer from any defect or deficiency as mentioned in the Consumer Protection Act, 1986 (now Consumer Protection Act, 2019)

Rule 7(5): 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 super-natural property or quality, which is difficult of being proved-

Rule 7(7): No advertisement which endangers the safety of children or creates in them any interest in unhealthy practices or shows them begging or in an undignified or indecent manner shall not be carried in the cable service.

Appropriate action is taken against the private satellite TV channel(s) when violation of any provision of the Advertising Code is found. Ministry of Information & Broadcasting also issues advisories from time to time to private satellite TV channel(s) for ensuring strict compliance to the Programme Code and the Advertising Code.
