

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

UNSTARRED QUESTION NO:4078
ANSWERED ON:03.12.2010
ADVERTISEMENTS OF FOOD, BEVERAGE AND HEALTH PRODUCTS
Premajibhai Dr. Solanki Kiritbhai

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) the existing mechanism to examine the claims of the companies on their food, beverage and health products in the country;
- (b) whether the Government proposes to lay down norms to regulate the misleading advertisements of food, beverage and health products including medicines in the country;
- (c) if so, the details thereof and if not, the reasons therefor;
- (d) whether the Government proposes to empower the concerned authorities to take legal action in case of any violation of the said legislation: and
- (e) if so, the details thereof?

Answer

THE MINISTER OF STATE FOR HEALTH & FAMILY WELFARE(SHRI DINESH TRVEDI)

(a) to (c): The Prevention of Food Adulteration (PFA) Rules 1955 framed under PFA Act 1954 contain provisions to regulate the advertisements relating to food products. Similar provisions under section 24 also exist in Food Safety and Standards Act, 2006. In addition, the Food Safety and Standard Authority of India (FSSAI) has drafted a code for self regulation in food advertisements for the food business operators and advertisers to take note and bring in precautionary & corrective measures in the context of misleading claims and advertisements.

The Central Drugs Standards Control Organization regulate quality, safety &. efficacy of drugs under the Drugs & Cosmetics Act and Rules made thereunder. Drugs which are found to have favourable safety & efficacy profile under the said Act and Rules are permitted to be marketed in the country for the specific claim.

Further, advertisements of drugs for treatment of certain diseases and disorders are prohibited under Drugs & Magic Remedies (Objectionable Advertisement) Act, 1954.

(d) & (e): Rule 43 of PFA Rules, 1955 prohibits misleading advertisements in respect of food. Any violation of these Rules is punishable under Section 16 of PFA Act, 1954. Penal provisions also exist in the Food Safety & Standards Act. 2006 to check misleading advertisements As per Section 8 of Drugs & Magic Remedies (Objectionable Advertisement) Act, 1954, the State Governments are empowered to take action against the offenders.