

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

UNSTARRED QUESTION NO:3739
ANSWERED ON:16.12.2011
EXAGGERATED PRODUCT ADVERTISEMENTS
Karunakaran Shri P.

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

- (a) whether the Government has taken note that there is a significant increase in the number of exaggerated product advertisement making tall claims regarding efficacy of certain anti-aging creams, fairness creams, weight loss programmes and vitamins/dietary supplements;
- (b) if so, the details thereof;
- (c) whether the Government has conducted any inquiry/taken any measures to put a check on these misleading advertisements; and
- (d) if so, the details thereof and the remedial measures taken by the Government in this regard?

Answer

THE MINISTER OF HEALTH & FAMILY WELFARE (SHRI GHULAM NABI AZAD)

(a)to(d): The regulatory control over manufacture of cosmetics is exercised by the State Governments under the provisions of the Drugs & Cosmetics Act, 1940 and the Drugs & Cosmetics Rules, 1945. The Drugs & Cosmetics Rules, 1945 were amended in 2009 by inserting rule 148-B which provides prohibition against false and misleading claims for cosmetics. Complaints about tall or unsubstantiated claims are examined by the concerned State authorities under whose jurisdiction the manufacturer is located. During the meeting of the statutory Drugs Consultative Committee held on 14.11.2011, the State Drugs Control Authorities were asked to take action on misleading advertisements originating from their States. As regards the advertisement of food items, Section 24 of the Food Safety and Standards Act, 2006 provides for restriction on advertisement of any food which misleads or contravenes the provisions of the Act or the rules and regulations made thereunder. Under Section 53 of the said Act, there is a provision for penalty for misleading advertisement, which makes it liable to a fine which may extend to ten lakh rupees. The regulatory control in this regard is also exercised by the State Governments.