

**GOVERNMENT OF INDIA
INFORMATION AND BROADCASTING
LOK SABHA**

UNSTARRED QUESTION NO:1096

ANSWERED ON:20.03.2012

MISLEADING ADVERTISEMENTS

Devi Aswamedh;Mahto Shri Baidyanath Prasad;Panda Shri Baijayant;Pandurang Shri Munde Gopinathrao;Pradhan Shri Nityananda;Rajaram Shri Wakchaur Bhausaheb;Ramkishun Shri ;Sudhakaran Shri K.

Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) the number of complaints received by the Government regarding misleading surrogate advertisements making exaggerated claims publishing/ telecasting through print and electronic media including Doordarshan as well as through hoarding alongwith the action taken thereon during each of the last three years and the current year, company-wise, media-wise and State-wise;

(b) the details of existing provision to combat such advertisements; thereof;

(c) whether the Government has proposed to set up inter-ministerial Committee to check such advertisements and prepare a draft of regulating mechanism in this regard;

(d) if so, the details thereof; and the time by which the said regulatory mechanism is likely to be set up; and

(e) if not, the other concrete measures being taken by the Government to control/ban/check such advertisements through both the media?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI C.M. JATUA)

(a) & (b): The Consumer Protection Act, 1986 has provisions under section 2(r) wherein making false or misleading representation, materially misleading the public, giving false or misleading facts etc, have been duly notified as Unfair Trade practices and a consumer has a right to seek redressal in Consumer Forums for any loss suffered on account of such misleading advertisements. So far as print media is concerned, the Press Council of India (PCI) – a statutory autonomous body has been set up under the Press Council Act, 1978 with twin objectives of preserving the freedom of press and for maintaining and improving the standards of newspapers and news agencies in India and to inculcate principles of self-regulation among the press. Accordingly, PCI have formed Norms of Journalistic Conduct under section 13(2)(b) of the Press Council Act, 1978 which cover the principles and ethics of journalism. The Norm 36 relating to the subject "Advertisements" is annexed at Annexure -I. These norms should be adhered to by the print media while accepting advertisements. The complaints of content in print media, which are violative of 'norms of Journalistic Conduct' are received and adjudicated by PCI under section 14 of the Press Council Act, 1978. The Council can warn, admonish or censure the newspaper, the news agency, the editor or the journalist, as the case may be.

The details of the complaints on misleading/surrogate advertisements received by PCI during the last three years and the current year are annexed at Annexure-II.

Advertisements aired on private satellite TV channels are regulated under the Advertising Code prescribed under Cable Television Networks Rules, 1994 contained in Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder. Clause 2(VIII)(A) of the Advertising Code provides that no advertisement shall be permitted which promotes directly or indirectly production, sale or consumption of cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants. Clause 5 of the Code provides that 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. The advertisements aired on these channels are to conform to the Advertising Code. Whenever any specific violation of the above Code is noticed, action is taken as per the said Act.

In respect of electronic media, 13 complaints against surrogate advertisements and 11 complaints against misleading advertisements have been received in the recent past. Details in respect of electronic media are being collected and will be laid on the Table of the House.

(c) No, Sir.

(d) Does not arise.

(e) The Department of Consumer Affairs is seized of the issue of misleading claims in advertisements and its ill effects on the consumer. A series of consultations and workshops with all stakeholders is being held in different parts of the country.