

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

UNSTARRED QUESTION NO:729

ANSWERED ON:27.11.2012

MISLEADING ADVERTISEMENTS

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

- (a) the details of complaints received by the Government regarding misleading advertisements published/telecast/ broadcast in the print as well as the electronic media along with the action taken thereon during each of the last three years and the current year, media-wise;
- (b) whether mechanism exists by which citizens can complain about misleading advertisements;
- (c) if so, the details thereof and the steps taken to ensure that such advertisements do not mislead the consumers;
- (d) whether the Government proposes to set up a body equipped with penal powers to deal with misleading advertisements in the print and the electronic media;
- (e) if so, the details thereof and the time by which such body is likely to be set up and made functional; and
- (f) if not, the concrete steps proposed to be taken by the Government to stop such advertisements in both the media to protect the consumers?

Answer

THE MINISTER OF STATE (INDEPENDENT CHARGE) FOR THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI MANISH TEWARI)

(a) The details of complaints received by the Press Council of India (PCI) against the misleading advertisements in print media as well as action taken during the last three years and the current year are annexed at Annexure-I. The details of complaints against misleading advertisements in electronic media as well as action taken are annexed at Annexure-II.

(b) to (f): Under Section 2(r) of the Consumer Protection Act, 1986, making false or misleading representation materially misleading the public, giving false or misleading facts etc. have been notified as unfair trade practices and a consumer has the right to seek redressal in consumer forums for any loss suffered on account of such misleading advertisement.

So far as misleading advertisements in print media are concerned, Press Council of India (PCI) – a statutory autonomous body has been set up under the Press Council Act, 1978 with one of its objectives to maintain and improve the standards of newspapers and news agencies and to inculcate principles of self-regulation among the press. Accordingly, PCI, in order to prevail upon the Press to practice self-regulation, have formed Norms of Journalistic Conduct under section 13(2) (b) of the Press Council Act. These norms cover the principles and ethics of journalism. A copy of Norm 36 relating to the subject "Advertisements" is at Annexure-III. These norms should be adhered to by the print media while accepting advertisements. The complaints against advertisements in print media, which are violative of the norms are 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 advertisements telecast on private satellite TV channels are regulated under the Advertising Code prescribed by Cable Television Networks Rules, 1994 contained in Cable Television Networks (Regulation) Act, 1995. Rule 7(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 power or supernatural property or quality, which is difficult of being proved. The advertisements aired on the TV channels are to conform to the Advertising Code.

Whenever any specific violation of the above Code by TV channels is noticed, action is taken as per the said Act. An Inter-Ministerial Committee (IMC) has been set up to look into the cases of violation of the Advertising Code. Advertising Standards Council of India (ASCI), a self-regulatory body, has also adopted a code for regulation of advertisements on TV channels. The ASCI code has been incorporated in the Advertising Code prescribed under Cable Television Networks Rules, 1994. The ASCI has also set up a Consumer Complaints Council to consider complaints in regard to advertisements.