

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

UNSTARRED QUESTION NO:1633

ANSWERED ON:04.12.2012

EXAGGERATED CLAIMS THROUGH ADVERTISEMENTS

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

- (a) whether the Government has noticed/received complaints about exaggerated claims being made by some manufacturing companies through advertisements being published/telecast in print and electronic media;
- (b) if so, the details thereof and the action taken thereon during each of the last three years and the current year, media-wise and company-wise;
- (c) whether the Government has any mechanism to verify the claims made by the companies about their product shown in advertisements;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor and the steps taken to stop such advertisements to protect the interest of consumers?

Answer

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

(a) & (b) So far as exaggerated claims through 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 have formed 'Norms of Journalistic Conduct' which cover principles and ethics of journalism. These norms including Norm 36 on the subject 'Advertisements' should be adhered to by the print media while accepting advertisements. The complaints against the content in print media which are in violation of the Norms of Journalistic Conduct are adjudicated by the PCI. The details of the complaints on misleading advertisements received by PCI during the last three years and the current year along with the action taken thereon are at Annexure-I.

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. The details of action taken by the Ministry in case of the advertisements making exaggerated claims telecast on private satellite TV channel are annexed at Annexure-II.

(c) to (e): There are number of legislations that have provisions to deal with misleading claims and advertisements made by companies regarding their products, such as. The Drugs and Cosmetics Act, 1940; The Drugs and Magic Remedies (Objectionable Advertisements) Act 1955; Food Safety and Standards Act, 2006; The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003; Consumer Protection Act, 1986 etc. Under 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. The Food Safety and Standards Authority prescribe for penal action against misleading advertisements pertaining to food products.