

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

UNSTARRED QUESTION NO:942
ANSWERED ON:16.07.2014
SURROGATE ADVERTISING
Simha Shri Prathap

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

- (a) whether his Ministry has held a meeting with various departments in the recent past for seeking their views on ways and means to curb the practice of surrogate advertising in the country;
- (b) if so, the views expressed by various Ministries in this regard;
- (c) whether the Government has identified the companies which have been accused of promoting banned brands through advertisements; and
- (d) if so, the details thereof and the regulatory mechanism to be put in place to check such surrogate advertising so as to protect the interests of the consumers?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF INFORMATION AND BROADCASTING; ENVIRONMENT, FOREST AND CLIMATE CHANGE AND MINISTER OF STATE FOR THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI PRAKASH JAVADEKAR)

(a) &(b) The issue of defining genuine brand extensions of tobacco and alcohol products, as distinct from the products launched to promote the sale of tobacco and alcohol products, has been under consideration in the Ministry for some time.

A Committee of Secretaries (CoS) was constituted by the Government to examine the issue of TV advertisements on genuine brand extensions (Brands sharing names with tobacco and alcohol products) as distinct from surrogate advertisement (indirect advertisement) of tobacco and alcohol products. A note was circulated to the Department of Consumer Affairs, Department of Industrial Policy and Promotion, Department of Legal Affairs, Department of Health and Family Welfare and the Department of Revenue. A statement containing views of various Ministries/Departments is at Annexure-I.

The CoS considered the views of various Ministries in its meeting held on 22.01.2013 and made following recommendations:

- i. Ministry of Information & Broadcasting and the Ministry of Health & Family Welfare may jointly review the conditions prescribed in the February 2009 notification within one month and decide on its operationalization and inform the Cabinet Secretariat.
- ii. In case Ministry of Information and Broadcasting and Ministry of Health & Family Welfare are unable to reach an agreement, the issue may be brought before the CoS again for consideration.
- iii. Issues regarding advertisements on genuine brand extension for both tobacco and alcohol products will continue to be dealt with together.

(c) & (d) Telecast of advertisements on private satellite/cable TV channels is regulated as per the Cable Television Networks (Regulation) Act, 1995 and Rules framed thereunder. Rule 7 (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;

provided that a product that uses a brand name or logo, which is also used for cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants, may be advertised on cable service subject to the following conditions that:-

- (i) the story board or visual of the advertisement must depict only the product being advertised and not the prohibited products in any form or manner;
- (ii) the advertisement must not make any direct or indirect reference to the prohibited products;
- (iii) the advertisement must not contain any nuances or phrases promoting prohibited products;
- (iv) the advertisement must not use particular colours and layout or presentations associated with prohibited products;
- (v) the advertisement must not use situations typical for promotion of prohibited products when advertising the other products;

Provided further that:

(i) the advertiser shall submit an application with a copy of the proposed advertisement along with a certificate by a registered Chartered Accountant that the product carrying the same name as cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants is distributed in reasonable quantity and is available in substantial number of outlets where other products of the same category are available and the proposed expenditure on such advertising thereon shall not be disproportionate to the actual sales turnover of the product.

(ii) All such advertisements found to be genuine brand extensions by the Ministry of Information and Broadcasting shall be previewed and certified by the Central Board of Film Certification as suitable for unrestricted public exhibition and are in accordance with the provisions contained in sub-clause

(i) to (v) of the first proviso, prior to their telecast or transmission or retransmission.

Details of action taken against TV channels for violation of this provision during last three years is at Annexure-II. The Government has set up an Electronic Media Monitoring Center to monitor content aired by private satellite TV channels with a view to bring to notice of this Ministry violations of Programme and Advertising Codes. An Inter-Ministerial Committee has also been set up to consider cases of violations and make appropriate recommendations for action against those satellite TV channels which violate the provisions of the Programme and Advertising Codes. Complaints of violation of Advertising Code by private TV channels are also referred to the Advertising Standards Council of India (ASCI), an industry-level Self Regulatory Body of Advertisers and Advertising Agencies, for their Comments and action.