

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

STARRED QUESTION NO:255

ANSWERED ON:13.03.2015

MISLEADING ADVERTISEMENTS

Chautala Shri Dushyant;Hegde Shri Anant Kumar Dattatreya

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

- (a) whether the Government/Advertising Standards Council of India (ASCI) has received numerous complaints about misleading advertisements or unsubstantiated claims made in advertisements in electronic and print media in the country;
- (b) if so, the details of such complaints and the action taken by the Government during each of the last three years and current year;
- (c) whether the Government proposes to make companies more accountable regarding their claims made in the advertisements;
- (d) if so, the details thereof and if not, the reasons therefor; and
- (e) the corrective steps taken/proposed to be taken by the Government to check such advertisements by companies to dupe people in buying their products?

**Answer**

THE MINISTER OF FINANCE; THE MINISTER OF CORPORATE AFFAIRS AND THE MINISTER OF INFORMATION & BROADCASTING (SHRI ARUN JAITLEY)

(a) to (e) A statement is laid on the table of the House.

STATEMENT AS REFERRED TO IN REPLY TO PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION No. 255 FOR ANSWER ON 13.03.2015

(a) to (e): Ministry of Consumer Affairs, Food & Public Distribution, Department of Consumer Affairs have enacted the Consumer Protection Act, 1986 to provide for better protection of the interests of consumers inter-alia from `unfair trade practice` which has been defined in the Act as a trade practice which, for the purpose of promoting the sale, use or supply of any goods or for the provision of any service, adopts any unfair method or unfair/ deceptive practice.

Department of Consumer Affairs have informed that they have constituted an Inter-Ministerial Monitoring Committee (IMMC) headed by Additional Secretary and consisting of several members from other Ministries/ Departments. A copy of the Office Memorandum dated 21.02.2014 regarding Constitution of Inter Ministerial Monitoring Committee' is annexed at Annexure -I.

The IMMC is mandated with the following objectives:

- i) Monitor misleading advertisement and unfair trade practices arising thereto and suggest steps accordingly;
- ii) Identify and recommend appropriate legislative measures;
- iii) Suggest on an on-going basis institutional measures for intervention in this regard;
- iv) Any other matter relevant to the problem.

Ministry of Information & Broadcasting has incorporated certain provisions against misleading advertisements in the Cable Television Network (Regulation) Act, 1995. Thus the advertisements telecast on private satellite TV channels are regulated as per Advertising Code prescribed under the Cable Television Network Rules, 1994. Rule 7(5) of the Advertising 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. Action is taken against the TV channel, if violation of the said Code takes place. The details of action taken against TV channels in case of misleading advertisements during the last three years and current year are annexed at Annexure-II.

In 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 to maintain and improve the standards of newspapers and news agencies in India and also to inculcate principles of self-regulation among the press. The PCI, in furtherance of its objective under Section 13(2) of the Act has formulated "Norms of Journalistic Conduct' for adherence by the print media. The relevant Norm 36 on the subject "Advertisements' is enclosed at Annexure-III.

The PCI takes cognizance, suo-motu or on complaints, of the contents in print media which are in violation of the "Norms of Journalistic Conduct" and may warn, admonish or censure the newspaper, the news agency, the editor or the journalist or disapprove the conduct of the editor or the journalist under the guidelines framed by them. The details of action taken against misleading advertisement in respect of Print Media is annexed at Annexure-IV.

In so far as, Advertising Standards Council of India (ASCI) is concerned, it is a self- regulatory body of Advertisers and Advertising Agencies set up in 1985. ASCI has informed that the number of Advertisements inviting action by them after being found to be making misleading, unsubstantiated and false claims between June 2012 to February 2015 are as under :

Period	Total
June2012 - March2013	414
April 2013- March 2014	1399
April 2014 - February 2015	1091