

**GOVERNMENT OF INDIA
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
LOK SABHA**

STARRED QUESTION NO:110

ANSWERED ON:28.07.2015

Misleading Advertisements

Reddy Shri Ch. Malla;Tanwar Shri Kanwar Singh

Will the Minister of CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION be pleased to state:

- (a) whether consumers are being cheated by companies including manufacturers of cosmetics and food supplements through misleading advertisements making exaggerated claims about their products;
- (b) if so, the details thereof indicating the number of such cases reported along with the steps taken to protect the interests of the consumers during the last three years and the current year, State/UT-wise;
- (c) whether the Government proposes to set up a regulatory body to monitor and regulate such advertisements; and
- (d) if so, the details thereof and if not, the reasons therefor?

Answer

THE MINISTER OF
CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION
(SHRI RAM VILAS PASWAN)

(a) to (d) : A Statement is laid on the Table of the House.

STATEMENT REFERRED IN REPLY TO PARTS (a) TO (d) OF LOK SABHA STARRED QUESTION NO.*110 FOR 28.07.2015 REGARDING MISLEADING ADVERTISEMENTS.

(a) & (b) : Yes Madam, a large number of misleading advertisements come through various media. Details of such advertisements are not centrally available. There are a number of legislations that have provisions to deal with misleading claims and advertisements made by companies regarding their products which include:

- (i) The Drugs and Cosmetics Act, 1940 (Ministry of Health)
- (ii) The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1955 (Ministry of Health)
- (iii) Food Safety and Standards Act, 2006 (Ministry of Health)
- (iv) The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (Ministry of Health)
- (v) Consumer Protection Act, 1986 (Administered by Department of Consumer Affairs)
- (vi) Advertisement aired on private satellite TV channels are regulated under the Advertising Code prescribed in rules framed under Cable Television Network (Regulation) Acts 1995.
- (vii) Advertisement in print media, which are violative of 'Norms of Journalistic Conducts' are being adjudicated by the Press Council of India under Section 14 of the Press Council Act 1978.

Various Ministries are administering above Acts and taking necessary action to protect consumer interests.

(c) & (d) : No Madam, Telecast of advertisements on private satellite/cable TV channels is regulated as per the Cable Television Networks (Regulation) Act, 1995 and rules framed there under. 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 supernatural property or quality, which is difficult to prove.

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 the twin objective to preserve the freedom of press and to maintain and improve the standards of newspaper and news agencies in India and also to inculcate the principles of self-regulation. Accordingly, the Council has built "Norms of Journalistic Conduct" which cover principles and ethics of journalism for adherence by the media. The norm 36 prescribes guidelines for 'Advertisements'.

To ensure inter-ministerial coordination an Inter-Ministerial Monitoring Committee has been established. The Department of Consumer Affairs has recently launched a portal to enable consumers to register Grievances Against Misleading Advertisements (GAMA). Since the launch of the portal in March, 2015, a total of 234 grievances have been registered on the portal as on 23rd July, 2015. After preliminary scrutiny of the grievances registered on the portal, the grievances are forwarded to the State Government concerned or the respective Central Regulator as the case may be.
