

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

UNSTARRED QUESTION NO:2151
ANSWERED ON:05.12.2014
SURROGATE ADVERTISING
Girri Shri Maheish

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

- (a) whether the Government proposes to bring a regulation to bar liquor/alcohol products & tobacco companies against surrogate advertising under which the companies are promoting these products with the help of another product with the same name;
- (b) if so, the details thereof;
- (c) whether the Government has identified the companies which have been accused of promoting banned brands through advertisements;
- (d) if so, the details thereof; and
- (e) the regulatory mechanism to be put in place to check such surrogate advertising?

Answer

MINISTER OF STATE IN THE MINISTRY OF INFORMATION & BROADCASTING (COL RAJYAVARDHAN RATHORE (Retd.))

(a) to (e) Ministry of Information & Broadcasting is mandated to regulate content as per provisions of Programme & Advertising Codes prescribed under Cable Television Network (Regulation) Act, 1995 and the Rules framed thereunder. All advertisements telecast on such channels are regulated in accordance with the Advertising Code prescribed in Rule 7 of the Cable Television Network Rules, 1994. As per Rule 7(2)

(viii) (A) thereof, no direct or indirect advertisements of cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants are permissible on TV channels, with certain proviso. The same is available on Ministry's website www.mib.nic.in. Accordingly, action is taken against TV channels whenever any violation of these Rules is brought to the notice of the Government. However, Ministry is not mandated to take action against the Advertising Companies/ Product manufacturer. Details of action taken against TV channels during last three years and the current year for violation of Rule 7(2)

(viii)(A) of the Cable Television (Networks) Rules, 1994 is at Annexure-I.

Ministry has constituted an Inter Ministerial Committee (IMC) to look into the violations of the Programme and Advertisement Codes. IMC has representatives from the Ministry of Home Affairs, Defence, External Affairs, Law, Women and Child Development, Health and Family Welfare, Consumer Affairs and a representative from the industry in Advertising Standards Council of India (ASCI). IMC meets periodically and recommends action against violations. Ministry has also set up a state-of-art Electronic Media Monitoring Centre (EMMC) to monitor the content telecast on Private satellite television channels on a 24x7 basis.

Besides, as part of self-regulation by the Industry, Advertising Standards Council of India (ASCI), established in 1985, has set up Consumer Complaints Council (CCC) to consider complaints in respect of advertisements. ASCI has also laid down in their Code for Self-Regulation in Advertising provision for checking surrogate and indirect advertisement of liquor and tobacco product.

As far as the Print Media is concerned, 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 the country and also to inculcate the principles of self-regulation among the press. In furtherance of its objectives, PCI has formulated 'Norms of Journalistic Conduct' for adherence by the media. These norms cover principles and ethics of journalism. Norm 36

(ii) concerned with the subject of 'Advertisement' indicates that no advertisement shall be published, which promotes directly or indirectly production, sale or consumption of cigarettes, tobacco products, wine, alcohol, liquor and other intoxicants. The Council monitors and takes cognizance, suo-motu or on complaints, of contents in print media which prima facie, are violative of Norms of Journalistic Conduct. The council 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 or disapprove the conduct of the editor or the journalist.

Ministry of Health & Family Welfare has informed that under Section 5 of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA), all direct and indirect advertisements of the tobacco products are prohibited. The said prohibition also extends to any activity that promotes the use or consumption of cigarettes or any other tobacco products.

A National Level Steering Committee under the Chairpersonship of Secretary Health & Family Welfare look into violation of Section -5 of COTPA which inter-alia prohibits all forms of advertisements of tobacco products, except at the points of sale or on the tobacco

products packs and take action suo-motu. Similarly, State and District level Monitoring Committees have been formed to look into specific instances of violation of section -5 of COTPA.

The Central Board of Secondary Education vide circular dated 30th May, 2014 has sent an advisory to all the schools affiliated to them, not to allow students to participate in events sponsored by any firm or subsidiary of a firm which promotes the use of tobacco in any form. It recommended that schools should not allow any institution using brand name, emblem, trademark, logo or trade insignia or any other distinct feature directly/ indirectly connected with tobacco products to be associated with students.