

# Government cracks whip on misleading advertisements

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NEW DELHI: To protect people from being exploited or affected by misleading advertisements, the Central Consumer Protection Authority (CCPA) has notified new guidelines for stopping them across all platforms – regardless of form, format or medium – and has put a complete ban on surrogate advertising. The new guidelines also include norms for commercials that seek to lure consumers with ‘discounts’ and ‘free’ offers and also advertisements that target children.

The ban on surrogate advertising gains importance considering that they promote regulated products like cigarettes and alcohol in the disguise of another product like music CDs, soda and pan masala.

The notification, which came into effect from Friday, defines the responsibility of manufacturers, advertisers, advertising agencies and endorsers to stop misleading advertisements by doing due diligence of the products and services they promote. It forbids advertisements from exaggerating the features of a product or service in a manner that leads children to have unrealistic expectations of them. Making claims of health or nutritional benefits, which are not scientifically substantiated by a recognised organisation, is now prohibited as per the guidelines.

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**'ENDORSERS NEED TO DO DUE DILIGENCE'**

**Misleading advertisements are those, which:**

- Falsely describes a product or service
- Gives a false guarantee to, or likely to mislead the consumers
- Deliberately conceals important information

**Bait advertisements:** Where goods, products or services are offered for sale at low prices to attract consumers

**Surrogate or indirect advertising:** Advertisements for goods, products or services whose advertisement is prohibited by law

**Free claims advertisements:** Only those where consumers need to pay only for collecting or paying for delivery of items

**WHAT'S BANNED**

➤ Misleading & surrogate advertisements

without valid scientific evidence

➤ Advertisements that condone or encourage practices detrimental to children's physical or mental wellbeing

➤ Advertisements targeting children that develop negative body image

➤ Claims that consumption of a product helps enhancing physical or mental ability

➤ Advertisements giving impression that advertised products are better than natural or traditional food

**DISCLAIMERS BY MANUFACTURERS & ADVERTISERS**

➤ Disclaimers must be in same language & font size as the main ads

➤ In audio-visual ads, voice over must be clear & not quick ones

➤ Owners/ promoter in companies need to disclose their stake

**Responsibility of endorsers: Endorsers need to do due diligence to gain adequate information of the product**

The guidelines say advertisements targeting children shall not feature any personalities from the fields of sports, music or cinema for products which under any law requires a health warning or cannot be purchased by children. It has been specified that advertisements which target children shall not develop negative body image in kids, give any impression that such goods, product or service is better than the natural or traditional foods they may be consuming.

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Releasing the norms, Union consumer affairs secretary Rohit Kumar Singh said one of the major focus of the guidelines is full disclosure of details by the manufacturers and advertisers as consumers have the “right to know” before making any decision of availing of a product or service.

According to CCPA chief commissioner, Nidhi Khare, under the new guidelines, the manufacturers and advertisers must indicate the source and date of independent research or assessment in case of claims that the advertisement is based on or supported by such research or assessments. “All disclaimers in an advertisement must be in the same language and same

letter size so that people can read them easily. If promoters or shareholders are endorsing something, they have to disclose this," she added.

The violation of norms may attract imposition of a fine up to Rs 10 lakh for first offence and up to Rs 50 lakh for subsequent ones.