

Ministry of Consumer Affairs, Food & Public Distribution directs advertising agencies to ensure strict compliance of guidelines on surrogate advertisements

Department of Consumer Affairs also cautions the Advertisers' Associations that failure to ensure strict compliance of the guidelines would lead to stern action against the violators.

Posted On: 31 AUG 2022 4:20PM by PIB Delhi

The Department of Consumer Affairs, Ministry of Consumer Affairs, Food & Public Distribution has directed to Advertising Association of India, Indian Broadcasting Foundation, Broadcasting Content Complaints Council, News Broadcasters and Digital Association, Advertising Standards Council of India, PHD Chamber of Commerce and Industry, Federation of Indian Chambers of Commerce and Industry, Confederation of Indian Industry, ASSOCHAM, International Spirits & Wines Association of India, and Indian Society of Advertisers to ensure strict compliance of the guidelines for prevention of misleading advertisement and endorsement for misleading advertisement especially the provisions pertaining to surrogate advertisements.

Department has stated that it has been noticed that these guidelines are not being strictly complied with by the concerned entities and the prohibited goods are still being advertised through surrogate goods and services. During the recent sports events that were televised globally, many instances of such surrogate advertisements were noticed.

It has been observed that many alcoholic spirits and beverages are being advertised under the garb of music CDs, club soda and packaged drinking water whereas the chewing tobacco and gutkha has taken the veil of fennel and cardamom. Moreover, many such brands are employing major celebrities that accentuates the negative impact on the impressionable youth amongst others. Several instances of direct advertisement of alcoholic beverages on social media platforms were also observed by the Department.

Pertinently, the guidelines are applicable to a manufacturer, service provider or trader whose goods, product or service is the subject of an advertisement, or to an advertising agency or endorser whose service is availed for the advertisement of such goods, product or service regardless of the form, format or medium of the advertisement.

The guidelines clearly state that no surrogate advertisement or indirect advertisement shall be made for goods or services whose advertising is otherwise prohibited or restricted by law, by circumventing such prohibition or restriction and portraying it to be an advertisement for other goods or services, the advertising of which is not prohibited or restricted by law.

It is also relevant to note here that in a landmark decision of the Delhi High Court titled TV Today Network Limited v. Union of India, on 15.2.2021 the Petitioner was directed to run a 10 second apology every hour between 8 AM to 8 PM on two days for airing a surrogate advertisement and violating the Advertising Code.

The Department also cautioned the advertisers' associations that failure to ensure strict compliance of the

guidelines by the concerned parties would lead to the CCPA taking the reins and take suitable stern action against the violators.

AD/TFK

(Release ID: 1855766)