



Guidelines to Curb Unfair Advertisements

Context:

The **Central Consumer Protection Authority (CCPA)** recently issued guidelines to prevent false or misleading advertisements.

Relevance:

GS II- Government policies and Interventions

Dimensions of the Article:

1. Details
2. What do the new advertising guidelines say?
3. What is surrogate advertising?
4. What are the Guidelines' implications?
5. About Central Consumer Protection Authority

Details:

- The guidelines were issued by the Central Consumer Protection Authority (CCPA)
- It includes a Rs 10 lakh penalty for first violation and a Rs 50 lakh penalty for subsequent violations.
- Notified by the Consumer Affairs Ministry, the guidelines were issued days after outrage over a controversial perfume ad.

What do the new advertising guidelines say?



- The Guidelines for **Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022**, have been released to “protect the consumers” and “to ensure that consumers are not being fooled with unsubstantiated claims, exaggerated promises, misinformation and false claims”.
- These guidelines focus on **misleading ads and ads shown during programming for children**.
- **Surrogate ads**, meanwhile, have been banned completely.
 - Misleading ads have not been defined, instead characteristics of non-misleading ads have been mentioned such as those which “contain truthful and honest representation” and do not exaggerate benefits.
- On advertisements aimed at children, detailed criteria has been spelt out to disqualify certain ads, such as: ads that encourage practices detrimental to children’s physical health or mental well-being, imply children are “likely to be ridiculed or become less popular” if they do not purchase the goods, and ads that use qualifiers such as ‘just’ or ‘only’ to make the price of goods seem less expensive even when additional charges are present.
- The guidelines have also introduced the need to have “**disclaimers in advertisements**” to clarify a claim made in such advertisement or make qualifications or resolve ambiguities therein in order to explain such claim in further detail.
- Moreover, the **advertiser must not “attempt to hide material information** with respect to any claim made in such advertisement, the omission or absence of which is likely to make the advertisement deceptive or conceal its commercial intent”.
- The guidelines also **impose duties on the manufacturers, service providers and advertising agency** to not claim and make comparisons in an advertisement which relate to matters of objectively ascertainable fact.

What is surrogate advertising?

- Surrogate advertising is the strategy of **advertising a product that cannot be advertised openly**.
- Advertisers instead create ads that help in building a brand, and often involve popular celebrities – all without naming the actual product that is being indirectly advertised.
- In India, tobacco products and alcohol cannot be advertised openly under laws like the Cigarette and Other Tobacco Products Act, 2003, which bans all kinds of direct and indirect advertisements of tobacco products.
- To circumvent them, surrogate advertising is done.
 - A few years ago, the Delhi government pulled up actor Pierce Brosnan for endorsing an Indian pan masala brand. Brosnan claimed he was “cheated” by the brand and unaware of the fact that the “breath freshener” ad was a surrogate ad used to disguise the actual product – areca nut or supari, which the Delhi government argued was a cancer-causing agent.



What are the Guidelines implications?

- The rules are groundbreaking since they expressly state the obligations of advertisers while addressing key gaps in consumer protection. The recommendations make an effort to counteract the promotion of child-targeted irrational consumption.
- For far too long, the issue of deceptive, bait, surrogate, and child-targeted advertising has festered without relief.
- The recommendations play a crucial role in aligning India's regulatory structure with global norms and standards.
- The guidelines are momentous in empowering customers against mischievous advertisers.
- The guidelines mention the conditions for defining a "non-misleading and valid" advertisement instead of defining what constitutes a misleading or invalid advertisement. This reduces the scope for exploitation of loopholes.
- The challenges in the enforcement of existing advertisement regulations have also been addressed by the guidelines through the imposition of stringent penalties.

About Central Consumer Protection Authority

- CCPA is a regulatory body established in 2020 based on the provisions of the Consumer Protection Act, 2019.
- CCPA works under the administrative control of the Ministry of Consumer Affairs.

Objective:

- To promote, protect and enforce the rights of consumers as a class.
- To conduct investigations into violation of consumer rights and institute complaints/prosecution.
- To order the recall of unsafe goods and services, discontinuation of unfair trade practices and misleading advertisements.
- To impose penalties on manufacturers/endorsers/publishers of misleading advertisements.

-Source: The Hindu



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