



Laws and Guidelines for Regulating Misleading Advertisements in India

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Abstract: Advertising has gained a lot of importance in the current business world, from a profession it has become a complete industry. Advertisements should be socially, culturally, and morally ethical but in current times it is being criticized for being false, misleading, obscene, and even fictitious at times. Even though there is a comprehensive legal framework for the control of misleading, false, objectionable, and deceptive advertisements in India, still companies continue the practice of producing misleading advertisements on a large scale. This paper tries to analyze the importance of advertising and various laws and guidelines initiated by the government and authorities to keep a check on misleading advertisements to protect consumer interest.

Keywords: Advertisements, Misleading, Guidelines, Bait, Surrogate, Disclaimer, Due Diligence

Introduction

In today's market, something which is compelling is only selling. Many efforts are being made successfully by companies, to channelize the thinking of buyers and make it convenient for them to take purchase decisions. There are thousands of brands offering identical, or substitute products to consumers, but the difference lies in how they advertise their products or services. Companies can run advertisements through various mediums like newspapers, magazines, television, radio, social media platforms, and many others. A good advertisement can help a company in earning revenue and assist consumers in making purchasing decisions. However, in certain cases to get an edge over its competitors' companies through advertisements mislead consumers.

"Almost every next ad exaggerates," says Prahlad Kakkar, veteran ad filmmaker. For example, a pack of instant noodles rarely cooks instantly or a pizza order often doesn't make it to your doorstep in 30 minutes. But as long as exaggerations are within reasonable limits, and as long as the product/service does the job it promises, they are overlooked." But sometimes, these claims defy reason. That's when you need a watchdog." False or misleading advertisements are around in both online and offline modes. "The Central Consumer Protection Authority under section 18 of the Consumer Protection Act 2019 says that if the advertisement doesn't meet the standard/characteristics of the product or services it will be considered misleading".

The Laws and guidelines for advertisement have been made to ensure advertisements present honest and transparent representations and that the claims or promises made in advertisements are achieved and fulfilled. Misleading and false advertising has a negative impact on the mental health and social



behavior of consumers and a grave impact on children and young minds. Organizations have to become socially responsible and for this, when they are doing business they should do it keeping in mind the welfare of people, society at large, and the environment where they conduct business.

Consumers and other citizens are aware of advertisement laws and guidelines to a very limited extent but it has to be improved to curb misleading advertisements. Also, if consumers will be part of the decision-making, they will have a crucial part in both the making and effective execution of laws. The involvement of consumers will give them the feeling that they own laws and they are responsible to protect them, at the same time manufacturers should also provide consumer satisfaction by advertising honestly.

Objectives

The present study is being undertaken to achieve the following objectives: -

- To study the definition and the increasing importance of advertisements in India
- To understand the concept of misleading advertisements
- To analyze various laws and guidelines to regulate misleading advertisements in India

Research Methodology

Data for the research paper is secondary in nature and sources of data are published articles online and offline, Books, Newspapers, and Data available on the official website of ASCI.

Review Of Literature

Sripathi Madhavi (2020) has suggested that no matter how many rules and regulations are made for checking misleading and false advertisements, its buyer who should be completely aware. Also, she concluded when buyers come across misleading or false claims in advertisements, they change their buying behavior. **Modi Nikita & Ramarao P (2019)** have given detailed misleading and deceptive advertisements and have suggested provisions of the law should be such that producers of misleading advertisements can be asked to discontinue the same or produce a new one. **Sharma Rinkey & Som Gaurav** have explained unethical advertisements in detail and concluded that unethical advertisements are on the rise as the implementation of laws is not strict.

Advertising and its Growing acceptance

Advertising is termed as the mass communication of information to the public regarding the production, quality, and availability of a product. It is also done to persuade buyers to purchase products and in return maximize the profits of a company. Advertisements can be in the form of a wrapper, circular, any document, notice, etc.

To run any business, raw materials, manufacturing, human resources, etc, are very important along with that advertising also is one of the main ingredients. Advertising has become the face of a company as it does the functions like promoting a brand, providing services, and getting the undivided attention of consumers with creative advertisements. In present times, advertisements have taken over most of the parts of an individual's life be it morning toothpaste, biscuits, good night coil or beauty products, treatment at any hospital, or any healthy practice, majorly companies are making creative advertisements to promote their products.

Advertisements are not just for business purposes but they in some way impact every individual life and also society as a whole. It creates employment opportunities that lead to economic growth and the standard of living of the society and brings product information and related services which any consumer can avail from the market and make a buying decision accordingly. Advertising has come up as an organized industry and has creatively influenced electronic media.



The world of advertising has grown from just a mission to a full-grown professional industry. Over the years it has gone through a lot of technical and regulatory advancements from radio, and TV to now digital media and as a result, it has attracted a lot of Foreign Direct Investment also. With the growth of the advertising industry, it is also very important that advertisements fulfill their responsibility of being socially, morally, and culturally responsible and do not make any unethical. To meet the demands of rising competition, the advertising industry has been criticized also, as some of the advertisements appearing on various mediums do not follow any ethical norms, guidelines, or laws of a country, and to make their product or brand famous produce false, fictitious, misleading and obscene advertisements. For a long time, the advertising industry has practiced self-regulation for regulating advertisements. But that is not working in their favor as the code of ethics to be followed as formulated by the regulatory body, the Advertising Standards Council of India (ASCI) has not provided anything for managing unethical practices.

Outdated laws and their poor enforcement is not able to help control advertising and misleading and false advertisements continue to exploit consumer therefore, what is urgently required is to have more stricter laws and better self-regulation against advertisements so that trust of the consumer in government and brand is protected.

Meaning of Misleading Advertisements

Misleading / False advertising is giving asymmetrical, incorrect, and untruthful information to the consumer. Such advertisements infringe on fundamental consumer rights and also do not protect consumers from unfair trade practices. Through misrepresentation, the companies may permanently lose customers. Such misrepresentations are unethical and should be condemned both socially and commercially.

It is also treated as any published claim that may result in a customer suffering some kind of damage or a financial loss. Misrepresentations in advertisements can be of any characteristic about a good or service and laws cover only specific and common aspects of misrepresentations.

There is no specific definition of misleading advertisement, however “As per the Consumer Protection Act, 2019, misleading advertisements can be defined as an advertisement which-

1. describes such product or service falsely; or
2. gives a false guarantee to, or is likely to mislead the consumers as to the nature, substance, quantity, or quality of such product or service; or
3. conveys an express or implied representation which, if made by the manufacturer or seller or service provider thereof, would constitute an unfair trade practice;
4. or deliberately conceals some important information related to the product or service.”

It is illegal to misrepresent the quality, composition, price, origin, and composition of any product. “False or misleading advertisements that create false associations, are prohibited by both the Consumer Protection Act, 2019 and the Advertising Standards Council of India (ASCI) Code.”

Elements for Misleading Advertising:

- I. This is the type of advertising that probably creates a false impression or some sort of doubt is created or could be that the information outcome is misleading to a reasonable person viewing the advertisement. for ex a water filter advertisement claims that water is safe for drinking whereas it filters only bacteria and not viruses, this is a false statement.
- II. Falsity or confusion in an advertisement can be either part of the same or can be in the form of implied meaning also. In such a case it is not necessary that the advertisement should have caused any harm or injury to consumers. ex-car companies claim higher mileage, but in actual it may not be a correct disclosure, it does not harm consumers but creates confusion.



III. Misleading advertisements overstate, exaggerate, and present unrealistic attributes of the product, which makes consumers misunderstand the product and make incorrect decisions. Advertisements of products banned from advertising e.g. alcohol, and cigarettes also fall under this category.

“An advertisement is said to be deceptive if it misleads, changes reality, and influences consumer buying behavior”. For ex an advertisement promoting face cream claims in the advertisement that this particular cream not only permanently removes dark spots and does not let them come back. If a manufacturer cannot prove the same it will be treated as a deceptive advertisement.

Misleading advertising is unethical and it distorts both competition and consumer choice. It pushes consumers to avoid commercial dealings with such products as the consumer gets this feeling that his right to be correctly updated regarding features related to the product says its services, quality, and quantity, etc. have been violated.

Laws Governing Advertising Policies in India

Indian legal system has many existing laws which deal with misleading advertisements and false claims made by companies, some of the laws which are instrumental in providing justice to consumers are as follows:

‘The Consumer Protection Act, 2019’

The Consumer Protection Act, 2019 was earlier known as the Consumer Protection Act, 1986. It is the single law in India which gives the right to an aggrieved consumer, to seek redressal against if any false claims made in advertisements or any other unfair trade practices. As per this act, consumers can also claim for reimbursement for any loss suffered or if injury caused due to misleading advertisements. It is as per this law only a false or misleading advertisement becomes an unfair trade practice.

Section 2 (1) (r) of the act defines what unfair trade practices are and Section 14 of the act talks about in what manner the honorable court handles any unfair trade practices. Legal remedies for misleading advertising are the plaintiff can get injunctive relief granted by the courts when he can demonstrate deception because of purchase and if any irreparable harm has been caused. Section 14 h (c) of the Act, describes that the court can instruct a defendant to launch a corrective campaign or can award a plaintiff monetary damage or it can also direct the advertiser to forever suspend false advertisements and further instruct never to repeat the same.

To prevent misleading advertisements Indian central government has established a Central Consumer Protection Authority (CCPA) has provided certain guidelines to reduce misleading in advertisements and to save the interests of customers. The guidelines will apply to all advertisements and in any format. They will also apply to all who in any manner are associated with advertisement be it advertisement manufacturers, service providers, any endorsers, and advertising agencies.

“Section 15(1) states that the Central Authority can have an Investigation Wing, and Section 17 states that a complaint of misleading advertisements can be made to any the District Collector or the Commissioner of regional office or the Central Authority and finally Section 21 can issue directions and penalties against false or misleading advertisements.”

‘The Press Council of India Act, 1978’

It takes duo cognizance on its own or based on complaints received regarding the contents in the print medium which violate norms of journalistic code as per Section 14 of the Act.

‘The Bureau of Indian Standards (Certification) Regulations, 1988’

‘Rule 7 of the act prohibits misleading advertisements related to certification.’ The licensee has to state in some form of the document by making use of any advertising media, that the license has been approved by a designated bureau and also complete details of the organization and its location. But



licensee cannot claim the product has been verified till a valid license for product certification is obtained.

‘The Indian Contract Act, 1872’

As per, The Sale of Goods Act, 1930 to save consumer interest has laid down that the seller of the goods has an implied warranty regarding the quality of the products. ‘Section 15 of the act made it clear that goods described in advertisements should correspond with the description of the same.’ This was done to legally regulate and control false and misleading statements. The court understands that when a descriptive word is used it means the product should be as per the description in the advertisement. But, when a consumer makes any purchase in online mode, the seller has to ensure the perfection of the goods.

‘Law of Tort’

A harm or tort is caused to any one party because of the negligence of other parties. Remedies under tort are available to consumers and if need be consumers can make both manufacturers and the sellers liable for any of the unfair trade practices. They can also if need be claim for any loss or suffering they have incurred because of defective products and due to any wilful negligence of the seller.

‘The Monopolies and Restrictive Trade Practices Act, 1969’

Its prime aim is to prevent any monopolistic restrictive and unfair trade practices that in any way affect consumers and the economy negatively. As per Section 36A of the act, misleading information through advertisements was defined as an Unfair Trade Practice. This section also lists unfair or deceptive trade practices to promote sales of products and their services. Unfair trade practices are when false information is provided about goods and services whether orally, in writing, or through any visible representation.

The issue with the definition in the act is too narrow and as a result, both advertisers and sellers can come up with new types of misleading practices therefore what is needed is to have a general definition also including some unexpected categories of unfair practices.

Other statutes

Acts discussed in the earlier section are the prime legislations to manage misleading advertisements but besides them, there are some more to keep a check on misleading advertisements. Some of them are-

‘The Food Safety and Standards Act, 2006’

The Food Safety and Standards Authority of India (FSSAI) has given certain regulations for those who are in the food business what they can include in their advertisements and what not. The prime reason for implementing these restrictions is to establish and save consumer interest and ensure claims made in advertisements are fair and if anything is misleading business operator can be held accountable. FSSAI and ASCI have signed a memorandum as per which FSSAI will direct food-directed misleading ads to ASCI and they will monitor them across all mediums. Any person who is found to publish false or misleading punishment regarding food will be fined of rupees ten lakh and this is included in Section 52 and Section 53 of the act.

‘The Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce Production, Supply and Distribution) Act, 2003’

The act strictly forbids any advertisement which indirectly or directly promotes the consumption of tobacco or related products it was done primarily to implement the objective of the resolution passed by



the 39th World Health Organisation, in 1986. 'As per Section 3 (A) of the Act, there is a complete ban on the advertisement of cigarettes and tobacco products.' The main purpose of the act is to stop youngsters from starting smoking and reduce risks for those who continue to smoke.

'The Drugs and Cosmetics Act, 1940'

All advertisements related to drugs are prohibited unless they take approval for same from the central government and other licensing authorities or they should be exempted under the said act. This law takes care of their manufacturing, production, and ultimately trading of them. If found guilty a fine of up to 500 will be imposed depending upon what the offense is.

'The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1955'

The act aims to reduce any kind of self-medication to treat serious or non-serious diseases. It was found that certain advertisements of drugs induce people to resort to self-medication. As a result, it was decided by authorities to check the puffing of advertisements and Section 4 has put an express prohibition on the publication of such advertisements and sellers have been directed to route their products through recognized sources and tested by authorized agencies.

'The Cable Television Network Regulation Act, 1995'

In the absence of proper licensing mechanisms, there has been an increase in the number of cable television networks, operators, and broadcasting without following regulations. As a result, "Section 6 of the Cable Television Networks (Regulation) Act, 1995 says that no person is allowed to transmit or re-transmit through a cable service, any advertisement unless such advertisement is in conformity with the prescribed advertising code and it has to be followed by all cable services."

Also, "as per Rule 7, all advertisements must adhere to the laws of the land and not suffer from any defect or deficiency, they must not contain any references which are likely to lead the public to infer that the product advertised occupies some special property or quality which otherwise is difficult to prove" If an operator is found to be violating any norms they will be punished as per section 16 and The Ministry of Information and Broadcasting (I&B) in India, has made it compulsory for cable operators to comply with code as given by ASCI in this regard.

'Advertising Standard Council of India (ASCI)' - Industry-based self-regulation

It was established in the year 1985 as a self-regulatory voluntary organization. If an advertisement has to be published and qualify to be called fair in India it should be truthful, honest, decent, fair in competition, contains claims that can be proved, and should not be a harmful product. If any published advertisement is found to be false, to protect consumer interest necessary action would be taken by the authorities. It is an ideal medium to serve the interest of both the advertisers and the consumers and besides this, there is no other non-governmental body that regulates Indian advertising content.

It tries to ensure and protect the legal interests of advertisers, consumers, media, advertising agencies, and others who are in any way associated with advertising. If a consumer or anyone from the industry is of the opinion that any advertisement contravenes ethical code, or is making false claims, or is made in bad taste they can take up their issue/complaint with ASCI to take any appropriate action, if necessary.

The prime purpose of ASCI is not just to both maintain and increase the confidence of the people in advertising. It has also established the Consumer Complaints Council (CCC) which accepts complaints from various categories like the consumers, government, and advertisers against one another, board members of both the Consumer Complaint Council and ASCI, etc.

It has adopted an internal and self-regulating code for regulating advertising in India. Its codes and



rules apply to every advertisement and in all formats. It has formulated various guidelines to be followed by all associated with advertising be it advertisers, professionals, doctors, celebrities, and any other related person.

The effective functioning of ASCI's continues to help track down misleading advertisements and it also has the power to remove or prohibit misleading, hazardous, and offensive advertisements.

“For the swift implementation of the laws mentioned above, many legislative bodies are also working in India to check on misleading advertisements. Some of them are-

- Drug Controller General of India,
- food and its safety-related advertisements are managed by the Food Safety and Standards Authority of India (FSSAI),
- Ministry of Information and Broadcasting,
- Insurance-related advertisements are regulated by (IRDAI) the Insurance Regulatory and Development Authority of India which looks into insurance advertisements,
- Telecom Regulatory Authority of India,
- Advertising Standards Council of India (ASCI),
- Consumer Courts,
- GAMA portal (Grievance Against Misleading Advertisements).”

In India, laws about misleading advertisements are spread across different legislations but most of these laws do not clarify in detail the concept of misleading advertisements. ASCI have also developed an ASCI code for regulating advertisements, but that too is voluntary and followed by only some in the industry. In the absence of a strong common law, misleading advertisements are on the rise.

Guidelines for Misleading Advertisements

False or misleading information in advertisements results in at times increase in volume sales for the company, a good response for stock clearance, and a greater number of customers visiting retail stores, but it may also result in a bad image of a company and customers may not repeatedly purchase from that company. The Central Consumer Protection Authority (CCPA) on 9th June 2022 issued certain guidelines to safeguard the rights and interests of consumers. Some of these guidelines are-

‘Guidelines for Advertisements Targeting Children

In India, there is no age limit for children to watch any commercial; as a result, advertisers are featuring children in their commercials to enhance sales. Some of the advertisements like that of Horlicks are relevant for kids' portrayal but advertisements of Rin and Tide don't require their presence. It is unethical on the part of marketers to view innocent children as their potential customers for products that may not favor children rather, they should shift their focus to the upper-age segment.

Considering that children are sensitive and vulnerable, the consumer affairs ministry has given around 19 provisions of guidelines targeting children. The guidelines do not allow advertisements that represent the following-

- Negatively impact in any manner the body image of children:
- Children are not easily able to distinguish between real life and fantasy
- Affect food habits of children in an adverse manner
- Exploit in any manner innocence of children and make them susceptible to charitable appeals



- Inducing children to have very high expectations and consuming goods against which health warning is issued.
- Any advertisement which features junk foods, carbonated beverages, and any other snacks or drinks should never be advertised particularly at the time of the children's program.
- Advertisements cannot feature celebrities from the field of sports, music, or cinema for the products which under any law require a health warning for same or should not be purchased directly by children.

'Guidelines for Surrogate Advertising'

Surrogate or 'substitute' as they are called are the type of advertisements which duplicates the brand image of a product to promote another product but of the same brand. The surrogate product can be completely similar to an actual product or can be a completely different product but both will have a common same brand name. It is also done in certain cases where the original product cannot be advertised on mass media. In India there is a ban on advertisements of tobacco and liquor, so this industry is advertising their products through surrogate advertisements.

"As per the Guidelines advertisement will be considered to be a surrogate if:

- it directly or indirectly indicates or suggests to the consumer that it is in respect of,
- it makes use of any brand name, logo, layout, presentation, and color associated with, goods, products, or services whose advertisements are restricted or prohibited by law."

The Guidelines prohibit surrogate advertising however, by just making use of the brand name applied to prohibited products or services would not render the advertisement to be a surrogate advertisement, if provisions don't object to it otherwise. A complete ban on surrogate advertising as it will adversely impact free trade. Though there are a few things that are the same in the Advertising Guidelines and the Code of ASCI for surrogate advertising, guidelines are considered to be a step ahead as they impose stricter restrictions and financial penalties also.

'Guidelines for Bait Advertisements'

Bait advertising is the one where the customer is attracted to purchase by offering products at a much lower price than they are. When a customer goes to a store to buy an advertised sale product, and the customer is informed that the same product is not available and ultimately the customer is advised to buy a better version of the product at a higher price. The sale item is just bait for the customer to switch over to the real expensive product. The real reason behind this is to get interested customers to come to the store and then convince them to buy the expensive product. Examples of bait sales are of clothes that have some minor defects, export surplus or sale of second products, etc.

'Guidelines lay down the following conditions to be fulfilled for bait advertisements:

- the advertisement must not, in any case, convince consumers to purchase goods or services which lack the reasonable prospect of a sale
- an adequate supply of the advertised product or services must be ensured by the advertiser or manufacturer to meet the foreseeable demand
- if for any particular reason advertiser or producer are not able to offer the product during the specified time, they should clearly state it in the advertisement
- if estimated demand exceeds the supply, and the stock has limited a disclaimer regarding limited availability should be clearly stated in the advertisement.
- it should be clearly indicated if the advertisement is being made just to gauge the potential demand for the product.



- The advertisement should not in any case omit purposely any critical information like age or some regional constraints.
- in case of unfavorable market conditions, the advertisement should not mislead consumers rather it must induce consumers to purchase those products at less favorable than normal conditions.'

'Guidelines for Free Claims'

When any advertisement makes use of the word 'free' it is generally a misuse of the word 'free'. Retailers normally include the price in the overall price and the consumer is paying for what apparently looks free. So much so that in the name of free claims the advertising costs are also actually paid by the consumer. For example, in the "buy one, get one free" sale, the second product should be free but that is not the actual case, because to get that product, the buyer pays the full cost of the first item also. As per guidelines, advertisements shouldn't claim charges for products and they should clearly state the obligation that the consumer will have to pay to avail free offer though this can exclude certain charges which are unavoidable.

An advertisement that makes claims of offering products for free should not undertake the following-

- make use of certain tags like "free,", "without charge" or any other similar term if the consumer has to pay any other charges or they have to pay for the delivery of such item.
- reduce both the quality and quantity of the products when they are availed or purchased as free
- be stated as free if the consumer has to cover the charges for handling, packaging, or any other administrative charges for a free product or service
- be mentioned as a 'free trial 'if the consumer has to first purchase the product to test for their satisfaction and if after purchase the consumer is dissatisfied, they can return the product and claim for a full refund.

'Guidelines for Disclaimers'

A disclaimer is a short statement that informs the reader about something important related to the purchase. Disclaimer discloses information that may be relevant to any buyer regarding the product. It also reduces the liability of the seller. Ex if an ad claims that one can lose 10kg in one week without exercise then the company cannot add the disclaimer 'exercise required'

The disclaimers shown in an advertisement and the material claim made in the advertisement should be the same. If there is any absence of fact it is likely to make the advertisement misleading. 'The guidelines require disclaimers to be fulfill following:

- the disclaimer must be transparent, bring clarity and resolve anything ambiguous in the claim
- shall in no way try to suppress any material information regarding any claim made in the advertisement, the absence of which is likely to make the advertisement deceptive or conceal its commercial intent
- it should not be an attempt to correct any misleading claim that has already been made in the advertisement.
- the language of the advertisement and disclaimer should be the same
- the font of the advertisement and disclaimer should be identical
- the disclaimer should be placed in a clearly visible place on the packaging
- disclaimer and advertisement should be in sync and at the same speed as that of the original voice-over claim.
- disclaimer should be so clear, prominent, and legible to a normal-sighted person reading the advertisement for once, from a reasonable distance and at a reasonable speed.'



Disclaimers in advertisements and provisions of the ASCI code which say claims should be made in such a manner that it minimizes the need for disclaimers and should be presented in such a manner that whosoever is interested to read them can do so.

‘Guidelines for Due Diligence’

‘Any advertisement doing endorsement must reflect the genuine, reasonably latest opinion of the individual, groups, or organizations making such representation which must be based on adequate information, and experience with identified goods and are not deceptive’ As per the guidelines due diligence of an advertisement should be done even before endorsement. If there is a possibility of any potential link between the advertiser, endorser, manufacturer, and trader of the product it should be fully disclosed. Guidelines establish the duties of all these and other service providers which are: -

- Advertisements that claim, and describe verifiable facts must be substantiated and be able to prove themselves if authority requires.
- advertisements should provide the exact ‘source and date of research’ expressly stated on the basis of which the claims have been made in advertisements
- advertisements shall not mention about any person, firm, or organization in a manner that it will give an unjustified advantage for the product being advertised to any of them or organization will come into a disreputable situation. This can be done if prior approval is obtained from this person by the advertiser.
- Advertisers should not make any claims either directly or indirectly or make use of any visuals that can in any way mislead customers regarding the advertised product, advertiser, or any other product or advertiser, by exaggeration or omission.
- advertisements should not be made to mislead customers by taking advantage of their inexperience or ignorance. The endorser should support all claims genuinely and provide supporting information as well.

Suggestions

The following suggestions can be incorporated by the companies to prevent misleading advertisements:

- Buyers should not omit reading any key information mentioned on the product when making a purchase of a product or availing of any service.
- Self -Regulation is very much required in advertising and there should be no violation of the ASCI code.
- Buyers should purchase based on a rational mind and not based on exaggerated facts and identify whether a product will be able to give claimed results or not.
- For every advertisement and all the details included in the advertisement, there must be a legal explanation provided backed with valid documents as proof.
- If any advertisement is proven to be false, the correct advertisement should be created by the advertiser to undo the negative impression created by a misleading advertisement.
- All advertisements should be evaluated in advance or should be pre-cleared before publication by any regulating body to avoid any misrepresentation and false claims.
- creator of misleading advertisement be it advertiser or manufacturer should be punished or imprisoned depending on the extent of the loss
- The advertisements which are shared with the general citizens should be free from contradictions and unnecessary exaggeration.
- Existing legal provisions should be made stricter and membership of self-regulatory bodies like ASCI must be made compulsory for all associated with advertisements.



Conclusion

The Guidelines framed will play an important role settling in legal proceedings and judicial disputes. The conditions framed for disclaimers, bait, free claims, children, surrogate and due diligence, etc, are for sure steps in a positive direction to make sure the rights of consumers are protected. Such stringent laws and guidelines will discourage advertisers from producing advertisements that are misleading and the confidence of the consumer will further build up in advertisements that are majorly fair. The restrictions imposed through laws and guidelines may affect profitability and easy trading for some time but in the long run, this will create better and well-informed customers. An in-depth analysis of the existing laws is to be done to protect the interest of consumers, also what is best for business and governments should be undertaken all this should be done within a designated time frame and should be supported by all facts and action taken.

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