



# Guidelines to Curb Unfair Advertisements

**For Prelims:** Consumer Protection Act, 2019, Initiatives for Consumer Protection

**For Mains:** New Guidelines to Curb Unfair Advertisements and Significance, CCPA

## Why in News?

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

## What is Central Consumer Protection Authority?

- **About:**
  - 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.

## What are the Guidelines?

- **Non-misleading and valid Advertisements.**
  - An advertisement can be considered **non-misleading if it contains true and honest representation of goods** and does not exaggerate the accuracy, scientific validity or practical usefulness or capability.
  - In case of unintentional lapse, the advertisement may still be considered as valid if the advertiser has taken prompt action in letting the consumer know the deficiency.
- **Surrogate Advertisements:**
  - Surrogate advertisement" refers to the **advertisement of goods in the shadow of other goods**.
    - For example, the advertisement of tobacco in the garb of pan masala.
  - No surrogate advertisement or indirect advertisement shall be made for goods or services whose advertising is otherwise prohibited or restricted by law.
  - No circumventing of such prohibition or restriction and portraying it to be an advertisement for other goods or services shall be allowed.
- **Advertisements Targeting Children:**

- Advertisements that **condone, encourage, inspire or unreasonably emulate behaviour that could be dangerous for children** or take advantage of children's inexperience, credulity or sense of loyalty etc. have **been prohibited**.
- It goes without saying that **advertisements tend to influence children's buying behaviour** and encourage them to consume unhealthy goods, or develop negative feelings toward healthy goods.
- **Disclaimers in Advertisements:**
  - 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".
- **Duties:**
  - 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 facts.
  - Moreover, the advertisement **must be framed to gain the trust of the consumers and not to "abuse the trust of consumers** or exploit their lack of experience or knowledge".

## What is the Significance of the Guidelines?

- The guidelines are pathbreaking because **they fill significant consumer protection gaps** while explicitly outlining advertiser duties.
- The guidelines also try to **discourage the promotion of illogical consumerism aimed at children**.
- The problem of misleading, bait, surrogate and children-targeted advertisement has **festered without respite for far too long**.
- The guidelines perform an essential function in bringing the Indian regulatory framework at par with international 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.

## What are the Initiatives for Consumer Protection?

- [Consumer Welfare Fund](#)
- [Central Consumer Protection Council](#)
- [Consumer Protection Rules, 2021](#)
- [Consumer Protection \(E-Commerce\) Rules, 2020](#)
- [National Consumer Day](#)

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