

**GOVERNMENT OF INDIA
MINISTRY OF INFORMATION AND BROADCASTING**

**LOK SABHA
UNSTARRED QUESTION NO. 1037
TO BE ANSWERED ON 04/12/2015**

MISLEADING AND SURROGATE ADVERTISEMENTS

**1037. SHRI K.R.P. PRABAKARAN :
SHRI ANOOP MISHRA:
SHRI DUSHYANT CHAUTALA:
SHRI OM BIRLA:
SHRI GAJENDRA SINGH SHEKHAWAT:**

Will the Minister of **INFORMATION AND BROADCASTING**

be pleased to state:

- (a) whether the cases of misleading and surrogate advertisements have been on the rise in the electronic and print media in the country;
- (b) if so, the details thereof along with the details of complaints received by the Government including the action taken thereon during each of the last three years and the current year, media-wise;
- (c) whether the Government proposes to make companies more accountable regarding their claims made in the advertisements, if so, the details thereof and if not the reasons therefore;
- (d) whether the Government has issued any regulations/guidelines to electronic and print media in the matter and if so, the details thereof; and
- (e) the regulatory mechanism to be put in place to check such advertisements by companies to dupe people in buying their products?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF INFORMATION & BROADCASTING
[COL RAJYAVARDHAN RATHORE (Retd.)]**

(a) to (e): No such study has been brought to the notice of the Ministry. In so far as private satellite TV channels are concerned, all advertisements telecast on such channels are regulated in accordance with the Advertising Code prescribed in Rule 7 of the Cable Television Network Rules, 1994. Rule 7(2)(viii)(A) of the Advertising Code provides that no advertisement shall be permitted which promotes directly or indirectly production, sale or consumption of cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants; provided that a product that uses a brand name or logo, which is also used for cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants, may be advertised on cable service subject to certain conditions prescribed thereunder. Rule 7 (5) of the Advertising Code provides that no advertisement shall contain references which are likely to lead the public to infer that the product advertised or any of its ingredients has some special or miraculous or super-natural property or quality, which is difficult of being proved.

The Ministry has constituted a composite Inter Ministerial Committee (IMC) under the chairmanship of the Addl. Secretary (I&B) and comprising officers drawn from various Ministries concerned including a representative from the Advertising Standards Council of India, to take cognizance *sou-motu* or look into specific complaints regarding violation of the Programme Code and Advertising Code. The IMC functions in a recommendatory capacity. The final decision regarding penalties and its quantum is taken on the basis of the recommendations of IMC. The uplinking and downlinking guidelines carry the provisions for penalties. Ministry generally issues warnings or advisories to comply with the Programme/Advertising Codes or asks the channels to scroll apologies on their channel. Occasionally, the channels are also taken off air either temporarily for a limited period depending on the gravity of the violation. A list showing details of action taken against TV channels for telecasting advertisements in violation of Rule 7(2)(viii)(A) regarding surrogate advertisement and violation of Rule 7(5) regarding misleading advertisements is at **Annexure-I.**

In so far as Print Media is concerned, the Press Council of India (PCI), a statutory autonomous body has been set up under the Press Council Act, 1978 to maintain and improve the standards of newspapers and news agencies in India and also to inculcate principles of self-regulation among the press.

The PCI, in furtherance of its objective under Section 13(2) of the Act has formulated 'Norms of Journalistic Conduct' for adherence by the print media. The relevant Norm 36 on the subject 'Advertisements' is at **Annexure-II.** The PCI takes cognizance, *suo-motu* or on complaints, of the contents in print media which are in violation of the 'Norms of Journalistic Conduct'. The Press Council of India may warn, admonish or censure the newspaper, the news agency, the editor or the journalist or disapprove the conduct of the editor or the journalist under the guidelines framed by them. A list of adjudications in print media is at **Annexure-III.**
