



Advertising Code Prohibits Advertisements Claiming Miraculous or Supernatural Properties for Products

Central Consumer Protection Authority (CCPA) Guidelines Mandate Due Diligence for Endorsements and Prescribe Conditions for Advertisements

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As per existing regulatory framework, all advertisements telecast on private satellite TV channels are required to adhere to the Advertising Code prescribed under the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder. Rule 7(5) of the Advertising Code inter alia 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.' Appropriate action is taken against the private TV channels when violation of any provision of the Advertising Code is found. Ministry also issues advisories from time to time to broadcasters for ensuring compliance to the Advertising Code.

The Central Consumer Protection Authority (Central Authority/CCPA) has been established under Section 10 of the Consumer Protection Act, 2019 to regulate the matters related to violation of rights of consumers, unfair trade practices and false or misleading advertisements and protect and enforce the rights of the consumers as a class.

Central Consumer Protection Authority (CCPA), in exercise of the powers conferred by Section 18 of the Consumer Protection Act, 2019, issued "Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022". These guidelines provide for conditions for non-misleading and valid advertisement, bait advertisement, prohibition of surrogate advertisement, children targeted advertisement, disclaimer in advertisement and duties of manufacturer, service provider, advertiser and advertising agency.

The aforesaid Guidelines further stipulate under clause 13: Due diligence required for endorsement of advertisements i.e. any endorsement in an advertisement must reflect the genuine, reasonably current opinion of the individual, group or organization making such representation and must be based on adequate information about, or experience with, the identified goods, product or service and must not otherwise be deceptive. Further, the Guidelines mentions that where, Indian professionals, whether resident in India or otherwise, are barred under any law for the time being in force from making endorsement in any advertisement pertaining to any profession, then, foreigner professionals of such profession shall also be not permitted to make endorsement in such advertisement.

The information was submitted today in the Lok Sabha in a written reply to Shri Dr. M K Vishnu Prasad by Dr. L. Murugan, Minister of State for Information and Broadcasting and Parliamentary Affairs.

Mahesh Kumar/ Vivek Vishwash/ Aparajita Priyadarshini

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