



Advertising Code Prohibits Misleading Claims, Unsafe Portrayal of Children and Violation of Advertising Council (ASCI) Norms

Three-Tier Grievance Redressal Mechanism Enables Effective and Time-Bound Handling of Broadcast Content Complaints

Ministry Issued Advisories and Took Action Against Violations; Advised Media to Refrain from Advertisements of Online Betting Platforms and Surrogate Products

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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. The Advertising Code, inter-alia, provides that:

Rule 7(5): 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.

Rule 7(7): No advertisement which endangers the safety of children or creates in them any interest in unhealthy practices or shows them begging or in an undignified or indecent manner shall not be carried in the cable service.

Rule 7(9): No advertisement which violates the Code for self-regulation in advertising, as adopted by the Advertising Standard Council of India (ASCI), Mumbai, for public exhibition in India, from time to time, shall be carried in the cable service.

The Cable Television Networks (Amendment) Rules, 2021 provide a statutory three tier mechanism for redressal of grievances/complaints of citizens relating to content broadcast by television channels. The three-level complaint redressal structure is as under:

- i. Level I – A self-regulation by broadcasters,
- ii. Level II – Self regulation by the self-regulating bodies of the broadcasters, and
- iii. Level III – Oversight mechanism by the Central Government.

Rule 16 of the Cable Television Networks (Amendment) Rules, 2021 provides that any person aggrieved by the content of a programme of a channel as being not in conformity with the Advertising Code may file his complaint in writing to the broadcaster. Provided that where such complaint relates to Advertising Code laid down by the Advertising Standard Council of India (ASCI), such complaint may be addressed to

the said Council and that Council shall deal with such complaint in accordance with the procedure laid down by it. Provided further that ASCI shall take a decision on the complaint within sixty days of its receipt, and communicate the same to the broadcaster and the complainant.

An Inter-Departmental Committee (IDC) has been constituted by the Central Government, which hear complaints regarding violation or contravention of the Programme Code and the Advertising Code. As per recommendations of the IDC, appropriate action is taken against the private TV channels by issuance of Advisory, Warning, Apology Scroll and Off-Air Orders, when violation of any provision of the Advertising Code is established. Ministry also issues advisories from time to time to broadcasters for ensuring compliance to the Advertising Code.

In order to further curtail misleading advertisements and in compliance to Hon'ble Supreme Court's Order dated 07.05.2024, this Ministry launched a new feature on Broadcast Seva Portal for TV/Radio advertisements and Press Council of India Portal for print/internet advertisements respectively for uploading of Self-Declaration Certificate (SDC). The Ministry issued an advisory on 03.07.2024 advising Advertisers/Advertising Agencies to upload an annual SDC for advertisement related to products and services related to 'Food & Health sectors', published across various media platforms i.e. print/electronic/internet on the above-mentioned portals.

For content of Digital News Publisher and OTT platforms and online advertisements, Ministry of Information and Broadcasting had issued advisories dated 13.06.2022, 03.10.2022 and 06.04.2023 to print, electronic and digital media to refrain from publishing advertisements of online betting platforms or their surrogate products/services.

The Central Consumer Protection Authority under Ministry of Consumer Affairs has issued "Guidelines for Prevention of Misleading Advertisement Rules, 2022" vide notification dated 9th June, 2022 which lays down guidelines for prevention of false or misleading advertisements and making endorsements relating thereto. Complaints relating to violation of the guidelines, including false and misleading advertisements, are addressed under the Consumer Protection Act, 2019.

The information was submitted today in the Lok Sabha in a written reply to Shri Suresh Kumar Shetkar and Shri Vijayakumar alias Vijay Vasanth by Dr. L. Murugan, Minister of State for Information and Broadcasting and Parliamentary Affairs.

Mahesh Kumar/ Vivek Vishwash

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