



FOR THE PEOPLE BY THE PEOPLE - FALSE ADVERTISEMENTS IN INDIA

ABSTRACT

We live in an age where most information is read, shared, even created on the internet. With the growth of globalisation in the past decade and the parallel growth of communication channels such as social media, entertainment media and television, the common man is burdened with an abundance of information of all kinds. This age of the human race, jurisprudentially, is called the “post-truth” era, where the people have unlimited access to information, so much access that the lines between reality and falsity are often blurred.

In such circumstances, entities use the freedom of speech and expression to lay false claims to attract customers and profit. This article aims to help the common man understand the severity of such falsities as well as the remedies to it.

INTRODUCTION

India is a melting pot of cultures, traditions, ideas, and most importantly, consumers. Consumers of almost all kinds of products are available in India, ranging from skincare to electronics, medicines, and also multimedia. Such a wide diaspora attracts sellers from all over the world and also incentivises Indian businesses to sell various products and thrive in the market. One of the most widely used sale technique, which is necessary for every seller, is advertising. Advertising a product in an investment but grants huge returns with interested customers and recognition in the market. Advertisements are as competitive as the business itself. A well-known example is the Pepsi/Coca Cola¹ rival advertisements that are trending this decade.

However, entities also misrepresent information, and also use certain methods to conceal fraudulent manufacturing practices. As a result, consumers are often misled to believing these claims and buying these products. This article aims to provide prominent examples of such misrepresentation, and explain the process of identifying and blowing the whistle on the same.

The crux of the article is to highlight that it is the democratic people that have given everyone the right to express and advertise, and the power to ensure that such freedom is not misused, also largely lies in the hands of the people.

INSTANCES OF FRAUDULENT ADVERTISEMENT

Some of the most prominent examples of such advertisements are the “Patanjali Coronil” – An Ayurvedic Corona Kit, claiming to “cure” Covid 19, “Fair and Lovely” – A skincare product claiming to increase skin brightness and lighting, “Horlicks” – A coco milk powder claiming to increase height, and many more. It is concerning that such marketing/advertising is not only limited to “products”, per se. In February, 2025, various IIT/JEE coaching institutes across India were fined and sent notices from the Central Consumer Protection Authority (CCPA), for

¹ <https://mattwardmarketing.com/marketing/coke-vs-pepsi-who-wins-this-epic-marketing-battle/>.

making deceptive claims about the JEE mains result and ranks². Moreover, fear mongering advertisements also are treated with similar scrutiny. In 2024, an IRS official slammed the FITJEE coaching institute for publicly shaming a student's performance because she left the institute.³

An entity misrepresenting information at such a large level is concerning. This leads to many customers falling prey to such advertisements, and a general confusion within the consumer base. This also could constitute as unfair means in Indian Competition Law.

LEGAL AND POLICY PERSPECTIVE

The Indian legal system gives every person the right to raise their voice against injustice and fraud. Similar principle has been used in the consumer protection laws in India. The primary law protecting Indians against such practices is the Consumer Protection Act, 2019, which establishes the Central Consumer Protection Authority (CCPA), under S.21 of the same⁴.

The CCPA is the primary authority that accepts claims against fraudulent advertisements. It has the power to order discontinuation or modification of ads, impose penalties from 10 Lakh to 50 Lakh. One of the most important features of the Consumer Protection Act is that it even makes celebrities liable if they don't perform their statutory duty to conduct due diligence of a company before undertaking a contract (which is also limited to 3 years).

The Advertising Standards Council of India (ASCI), is a self regulated authority. It is a voluntary, non-statutory body but has been widely recognised as a watchdog in this sector. ASCI works closely with different stakeholders in the matter of consumer protection. ASCI's code is part of The Advertising Code enshrined within the Cable TV Networks (Regulation) Act, 1994, providing it with a legal backstop.

NATION-WIDE AWARENESS DATA

When examined prima facie, it does seem that there is a lack of awareness in the general public. While that holds true to some extent, the data suggests significant growth in vetting false/misrepresenting advertisements away from the public. The ASCI Annual Complaints Report, 2024-2025⁵, showed that the ASCI looked into a total of 9599 complaints, out of which 7199 ads were scrutinized for potential violation⁶.

One of the most misleading advertisements comes from the offshore betting sector, such as Dream 11 that shows betting as legal and winnable from both sides. Other misleading sectors

² Business Standard, *CCPA fines IITPK, 23 others for misleading ads on IIT-JEE admission success*, Rimjhim Singh, 14th Feb, 2025. https://www.business-standard.com/india-news/iitpk-fined-misleading-iit-jee-results-ads-125021400896_1.html?utm_source=chatgpt.com.

³ India Today, *'Shameful, new low': FIITJEE slammed for mocking ex-student in newspaper ad*, Chingkhinganbi Mayengbam, 17th March, 2024. https://www.indiatoday.in/india/story/fiitjee-slammed-mocking-ex-student-newspaper-ad-jee-mains-2024-2516127-2024-03-17?utm_source=chatgpt.com.

⁴ § 21, Consumer Protection Act, 2019. https://ncdrc.nic.in/bare_acts/CPA2019.pdf.

⁵ ASCI, *Annual Complaints Report 2024-2025*. <https://www.ascionline.in/wp-content/uploads/2025/05/Digital-ASCI-Annual-Complaints-Report-2024-2025.pdf>.

⁶ ASCI, *Annual Complaints Report 2024-2025*, Pg. 3. <https://www.ascionline.in/wp-content/uploads/2025/05/Digital-ASCI-Annual-Complaints-Report-2024-2025.pdf>

include Realty, personal care, etc. Most of these violations (94%) were found on digital media (social media platforms such as Instagram, whatsapp etc). This elucidates the point that complete and unfettered access to the internet seems to be causing more damage than harm.

ASCI provides a platform for the general public to directly approach for redressal and review. The report shows that there is an 85% increase in reporting from the general public. A total of 659 advertisements came from members of the general public. This too goes to highlight that there are systems in place that are being used effectively by the people.

ASCI has proven to be one of the most efficient platforms for reporting false advertising in India. It is also known for its own robust 24/7 screening team, and quick dispute resolution mechanism.

HOW TO REPORT FALSE ADVERTISEMENT?

While the CCPA is the most constitutional authority in consumer complaints, it is mostly ridden with pending investigations and is usually slow. A way better and consumer-friendly platform for the common man to report fraudulent advertisement is the ASCI portal. It also provides a feature for complaints on WhatsApp, its website, and its office address.

The quick disposal of cases by the ASCI helps incentivise consumers to be on the lookout for misleading advertisements, which is why most complaints come from the general public itself⁷.

Information required to register complaint

To register a complaint with ASCI, the following information is required:

1. The name of the advertiser or brand.
2. Time, date and medium in which the ad appeared.
3. Name of the product or service that was being advertised.
4. Copy of the ad or a brief description of it.
5. Specific objections including any specific claims/visual frames, reasons for objections
6. Complainant's name and contact details.

The streamlined and user friendly platform of the ASCI has contributed in making the Indian consumer market stable and lawful. It acts as a watchdog towards those who use such unfair means and prevents those practices.

CONCLUSION

In the digital age, consumer trust and security are of paramount importance. Many misleading advertisements have broken this trust in the past decade or so. However, the Indian consumer market is fortunately in a much better position globally, because of market-aware citizens and a robust self regulator mechanism that keeps a constant supervision on all advertisements.

The ASCI puts the people back in power by addressing their concerns and complaints directly from an open platform. The foundation of the Indian Democrat is that while it retains some of the freedom from the people, for the creation of the state, it is also bound to give people that

⁷ Supra 5, Pg. 11.

freedom back through the laws it makes. This is the basic sense of the social contract between a people and its state. This social contract seems to be fulfilled when it comes to consumer protection initiatives such as the ASCI and the CCPA.

While there is still a need to publicise this issue and raise awareness in the economically, socially, and geo-politically displaced citizens of India, who are also prey to misleading claims, the situation is still much better than anticipated, with the general public taking charge to blow the whistle and the regulatory authorities also taking suo moto cognizance of misleading claims.

