

ASCI announces COVID-19 advertising advisory

They are in line with existing ASCI codes and are the first of many steps to safeguard consumers from the plethora of misleading pandemic-related claims

Mumbai, 20th October 2020: Given the proliferation of advertisements with misleading claims around COVID-19 cures and preventions, The Advertising Standards Council of India (ASCI) has announced an advisory to advertisers so that they can adhere better to ASCI code on misleading advertisements.

Advisory:

1. Advertisers of Ayurvedic, Unani, Siddha and Homeopathy products and services are advised to abide by the Order of Ministry of AYUSH dated April 1, 2020, on coronavirus (COVID-19) advertisements. (<https://www.ayush.gov.in/docs/121.pdf>)
2. During the coronavirus (COVID-19) pandemic, it is advised that advertisements avoid claiming destruction or removal of any virus other than coronavirus (COVID-19) in order not to violate provision of ASCI code's clauses 1.4 ("Advertisements shall neither distort facts nor mislead consumers by means of implications and omissions...") and 1.5 ("Advertisements shall not be so framed as to abuse the trust of consumers or exploit their lack of experience and knowledge..."). In case advertisers choose to claim removal of any other virus in their advertisement, they should include a disclaimer such as "Claim not applicable to coronavirus (COVID-19)" or a similar message with the disclaimer size and position as per the Disclaimer Guideline of ASCI.
3. Advertisers are advised to be particularly careful whilst making, directly or indirectly, claims to reduce the chances of becoming infected with coronavirus (COVID-19) or gain immunity against it. Advertisers should be able to substantiate claims of immunity against or treatment for coronavirus (COVID-19) supported by either technical support recognised or approved by health authorities such as WHO, ICMR, MoHFW, AYUSH, DCGI, CDC (USA), or health organisations of similar stature or by well recognised medical/technical literature or by regulatory-approved clinical research conducted by a recognised medical institute/laboratory.
4. Products which are not internally consumed or applied to bodies, ie, not requiring license under the Drug & Cosmetic Act, should be particularly cautious while making claims regarding prevention of, immunity against or treatment for coronavirus (COVID-19) unless they have claim-support data as required per clause 3 above.

Manisha Kapoor, General Secretary, ASCI, said: "We want advertisers to be more mindful in creating advertisements and making claims related to Covid-19. Given the pandemic and the extended lockdowns, people are obviously concerned. Manufacturers and brands have also responded to consumer needs arising out of the pandemic. However, we want these products and advertisements to stick to claims and promises that are well backed by adequate substantiation. The advisory to advertisers is meant to safeguard consumers as well as to ensure the highest standards for advertising. They have been developed after consultations with advertisers, as well as with technical experts in different fields such as biochemistry, Ayurveda, Food and nutrition etc.

The pandemic is a difficult time for everyone, even brands, but it cannot be a platform to mislead consumers. We thank brands who have been watchful of their claims, embracing self-regulation as a practice while promoting their products and services."

This advisory is in line with Chapter 1 of ASCI's code related to truthfulness and honesty of representation and, thus, the creation of consumer confidence in advertising.

Press Release

In April 2020, the Ministry of AYUSH sought ASCI's help to alert it about misleading advertisements. Since then, ASCI has processed 250 advertisements and reported 233 from the healthcare sector to the ministry. Of these, 162 were successfully resolved as the advertisers either withdrew the advertisements or modified them. The remaining 71 were taken up by the ministry for appropriate action.

Through ASCI's suo motu monitoring of the digital space, including social media platforms and advertiser websites, it has screened more than 500 advertisements that had COVID-related misleading claims. In three cases, ASCI also exercised the suspension pending investigation option. This mechanism is used in exceptional circumstances, when it appears that an advertisement is in serious breach of the ASCI code and that its continued transmission on any medium could cause public harm or injury or if its continuation is against the public interest. In such cases, ASCI would, pending investigation, direct the advertiser, agency, media buying agency and the media concerned to suspend the advertisement. Advertisers are given two business days to withdraw it themselves and the matter is subsequently examined within a month

For further information, please contact:

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