

Press Release

ASCI UPHOLDS COMPLAINTS AGAINST 31 ADVERTISEMENTS OUT OF 81

Mumbai, March 1, 2018: In December 2017, ASCI's Consumer Complaints Council (CCC) upheld complaints against 31 advertisements out of the total 81 advertisements evaluated.

From the total of 20 advertisements picked by ASCI's suo moto surveillance, complaints against 18 advertisements were upheld. Of the 61 advertisements complained against by the general public or by industry members, complaints against 13 advertisements were upheld by the CCC.

Amongst the above 31 advertisements, 13 belonged to the [healthcare category](#), seven to the [education category](#), three to the [food & beverages category](#) and eight were from the ['others' category](#).

Gross exaggeration of product efficacy was the number one reason for upholding complaints, followed by violation of the Drugs and Magic Remedies Act (DMR Act) and the Drugs and Cosmetics Rules (D&C Rules). The other reasons were failure to provide substantial facts and figures to support claims and the advertisements were considered to be misleading by ambiguity or implication.

Among the various complaints, CCC observed that a realty service provider was giving misleading information with gross exaggeration on the discounts and exclusive deals to attract customers. Similarly, a couple of advertisers were claiming market leadership which was not conclusively proven.

"ASCI has effectively strengthened the professional and ethical standards in the advertising industry. Our continuous focus is to deal effectively and accurately with the complaints received against misleading advertisements. "Independent Review Process" under the chairmanship of Justice Mohit Shah, Former Chief Justice and Justice Dr. S. Radhakrishnan, Former Judge, Bombay High Court, was one such step that we took to further improve transparency for both, the advertiser as well as the complainant, to facilitate fair adjudication of complaints" said Ms. Abanti Sankaranarayanan, Chairman, ASCI.



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HEALTHCARE:

The CCC found claims of 13 advertisements in health care products or services to be either misleading or false or not adequately / scientifically substantiated and hence violating ASCI's Code. Some of the health care products or clinic advertisements also contravened provisions of the Drug & Magic Remedies Act and Chapter 1.1 and III.4 of the ASCI Code. Complaints against the following advertisements were UPHELD.

- 1. Balaji Ayurved Sansthan:** The advertisement's claim, "No side effects", was not substantiated with clinical evidence of product safety. Furthermore, the claim, "trusted by millions" was not substantiated with supporting evidence or through a third party validation. These claims are also misleading by exaggeration.
- 2. Ayurnet Healthcare (Piles free):** The advertisement's claims, "Be Pile Free, Be tension Free", "Beneficial for Piles and Haemorrhoids", "There will be no pain, no bleeding and relief from burning sensation", were not substantiated with product efficacy data and are misleading by exaggeration.
- 3. Orichem Drugs & Pharmaceuticals Pvt Ltd (Zalim Lotion):** The advertisement's claims, in Gujarati as translated in English, "Enemy of Ring worm, Scabies/eczema and Itches" and "Apply Orichem Green Ointment with Zalim Lotion and get instant relief from old disease", were not substantiated with product efficacy data and are misleading by exaggeration. Claim, "89 years of trust", was not substantiated with supporting evidence or through a third party validation. The claims are misleading by exaggeration.
- 4. Astha Clinic:** The advertisement's claims, "Vitiligo/Leukoderma - No need to hide white spots, get freedom from white spots in few months" were considered to be prima facie, in violation of The Drugs & Magic Remedies (DMR) Act.
- 5. Zenlabs Ethica Ltd (Zenivot Tonic and Capsules):** The advertisement's claims, "Zenovit Multivitamin, Minerals Antioxidant, Soft gel Capsule", "Tension, Weakness, Immunity, Trauma, Ageing, Pregnancy, Anaemia. Very effective in above mentioned states", were not substantiated with any technical rationale regarding the RDA levels of the ingredients nor did they provide any evidence of product efficacy. The claims are misleading by exaggeration. The visual of the celebrity when seen in conjunction with the unsubstantiated claims, is likely to mislead consumers regarding product efficacy.
- 6. Jaipur Ayush Clinic:** The advertisement's claim, "Successful Treatment of Heart Blockage, Paralysis," was considered to be prima facie, in violation of the DMR Act.



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- 7. Rediscover Clinic:** The advertisement's claim, "Get rid of unwanted bulges", "Quick reduction and lose up to eight centimetres from one area (non-surgical)", and "Lose upto five kilograms", were not substantiated with supporting clinical evidence, and with treatment efficacy data, and are misleading by exaggeration. Also, efficacy being depicted via images of before and after the treatment is misleading. Furthermore, the visual in the advertisement implies that a significant weight loss around tummy would be feasible, which is also grossly misleading.
- 8. Ayurwin Pharma Pvt Ltd (Nutrigain Range of Products):** The advertisement's claim, "The only product which makes your body healthy and toned and improves the body weight", was not substantiated with evidence of product efficacy, data comparing it with similar products in the same category to prove that no other product performs equally well if not better and is misleading by exaggeration. Additionally, the claim, "Approved by Ayush Dept.", was considered to be inappropriate as all AYUSH products in the market are required to have approval from the State Licensing authorities, and calling it out separately as a claim is misleading by ambiguity and implication that Ministry of AYUSH has approved the product efficacy / claims made in the advertisement.
- 9. Ayurwin Pharma Pvt Ltd (Nutrigain Range of Products):** The advertisement's claim, "Gain Body Weight with Strong Personality", was not substantiated with evidence of product efficacy, and is misleading by exaggeration. Also the claim, "Approved by Ayush Dept.", was considered to be inappropriate as all AYUSH products in the market are required to have approval from the State Licensing authorities, and calling it out separately as a claim is misleading by ambiguity and implication that Ministry of AYUSH has approved the product efficacy / claims made in the advertisement.
- 10. Herbal Creations (Herbo Gold Tulsi Power):** The advertisement's claim, "Helpful in dengue, swine flu, chikungunya, plague, malaria, joint pain, stones, obesity, blood pressure, sugar, hepatitis, burn, urine related diseases, asthma, piles, pain of eyes, ringworm, scabies, haemorrhage, swelling of lungs, ulcer, lack of semen, heart blockage etc.", were inadequately substantiated and are misleading by exaggeration.
- 11. Alkaline ionizers India Pvt Ltd (Life Ionizers):** The advertisement's claim, "Gives the best and the healthiest alkaline water in the world", was not substantiated and is misleading by exaggeration.
- 12. Medinn Belle Herbal Care Pvt Ltd (Endura Mass):** The advertisement's claims, "If you are also underweight, start taking Endura Mass" and "Gain Weight, Stay Fit", were not substantiated with evidence of product efficacy, and are misleading by implication and exaggeration.
- 13. Ara Pharmaceutical Trade Company (Athiri Dia Care Herbal Tea):** The advertisement's claims, "Strengthen the immunity power", "Removes the disease germs from blood and controls skin diseases", "It Helps for the full function of liver and regulate insulin level and controls sugar level" and "Regulates the function of liver and spleen and helps for curing digestion problem and eye deficiency", were not substantiated with clinical evidence of product efficacy. These advertisements are misleading by gross exaggeration.

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EDUCATION:-

The CCC found claims in the advertisements by seven different advertisers were not substantiated and thus, violated ASCI Guidelines for Advertising of Educational Institutions. Hence complaints against these advertisements were UPHELD.

- 1. IELTS Classes:** The advertisement's claim, (in Gujarati) as translated in English, "Guaranteed Seven Bands", was not substantiated with verifiable supporting data and is misleading by exaggeration. The claim, "Fees will be returned to those who fail", was not substantiated with any supporting evidence of the students who got a refund, and is misleading by exaggeration.
- 2. Krishanam Classes:** The advertisement's claim, "Sure selection guarantee", was not substantiated with any verifiable supporting data and is misleading by exaggeration.

Complaints against advertisements of all educational institutes listed below are UPHELD mostly because of unsubstantiated claims that they 'provide 100% placement/AND/OR because of misleading claim that they provide '100% placement assistance/AND/OR they claim to be the No.1 in their respective fields'

Sapphire Global School, IMS Polytechnic, Akhil Institute Of Hotel Management, BBN ITI and New Rays Academy

FOOD AND BEVERAGES:-

- 1. Kamla Kant & Company LLP Pan (Rajshree Masala):** The TV promos displaying advertisement of Rajshree Pan Masala which stated "Rajshree Pan Masala – India ka favourite pan masala" and "Rajshree Pan Masala, achha khaiye nischinth rahiye", were misleading by omission of the statutory warning, by ambiguity and implication regarding its ingredients, and also encouraged negligence by not highlighting the product's hazardous effect on health.
- 2. Singhal Brothers (Saadar Supari):** The advertisement's claim, "Easy solution to quit gutkha", was not substantiated with product efficacy data and is misleading by gross exaggeration.
- 3. Sheelpe Enterprise (Aava Mineral Water):** The advertisement's claim, "India's Highest Selling Natural Mineral Water" was inadequately substantiated and is misleading by exaggeration.

OTHERS:-

- 1. Blue Star Ltd (Blue Star Air purifier):** The advertisement's claim, "Air in your house is 10 times more polluted than air outside" did not provide any technical report in support of its quantitative claim of indoor air being 10x polluted. This claim was not substantiated and is misleading by exaggeration. The



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claims “Over time, the air becomes a deadly cocktail of trillions of dust mites, bacteria and viruses, smoke, cleaning agent fumes and many other pollutants. Its SensAir technology removes 99.7% of these pollutants” cannot be extended to pollutants less than this size, nor for non-particulate pollutants like fumes as has been implied in the claim. No substantiation was provided for removal of virus and hence these claims were misleading by ambiguity and implication. It was concluded that the claim, regardless of the disclaimer, was misleading by ambiguity and implication.

2. **Kimberly Clark Lever Pvt Ltd (Huggies):** The advertisement’s claim, “Rated India’s No.1 Soft pants...” with the visual showing full range of Huggies diapers, with a disclaimer in small font referring to Huggies Ultra Soft pants is misleading by ambiguity and implication.
3. **Dishnet Wireless Ltd:** The advertisement’s claim, (in Assamese), as translated in English, "Largest Network in Assam with best quality of data and voice service", was not substantiated with verifiable comparative data of the advertiser’s network and other network operators or through any third party validation. The claim is also misleading by exaggeration.
4. **Magicbricks Realty Services Ltd:** The advertisement’s claims, “Get a Mercedes on every booking, “Get Flat Rs.35 lac discount and many more such deals” and “500+ exclusive deals”, were not substantiated with evidence of the offer being officially offered and / or details regarding genuine customers who have availed of this offer. These claims are misleading by gross exaggeration.
5. **M/s Salebhai Internet Private Limited:** The advertisement’s claims, “Flat 100% unlimited cash back on dry fruits”, “ No minimum purchase, no cap on cashback”, “Starting at Rs 114. Up to 33% off”, were not substantiated. The claim, “Best Namkeen from across India”, was not substantiated with any market / consumer survey data, or with any verifiable comparative data of the advertiser’s product and other similar products. The claims are misleading by exaggeration.
6. **Apollo Paints Pvt Ltd (Apollo Paints Aqua):** The advertisement’s claim, “No more Asthma, No allergies”, was not substantiated and is misleading by exaggeration.
7. **Apollo Paints Pvt Ltd (Apollo Paints Eco Plus):** The advertisement’s claim, “No more Asthma, No allergies”, was not substantiated and is misleading by exaggeration.
8. **Corvi LED Pvt Ltd (Corvi Led Lights):** The advertisement’s claims, “Brightest, lightest, and slimmest” and “lowest energy consumption” were not substantiated with technical tests/trial reports and are misleading by exaggeration.

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About The Advertising Standards Council of India (ASCI)

The Advertising Standards Council of India (ASCI), established in 1985, is committed to the cause of self-regulation in advertising ensuring the protection of the interest of consumers. ASCI seeks to ensure that advertisements conform to its Code for Self-Regulation, which requires advertisements to be legal, decent, honest and truthful and not hazardous or harmful while observing fairness in competition. ASCI looks into complaints across ALL MEDIA such as Print, TV, Radio, hoardings, SMS, Emailers, Internet / web-site, product packaging, brochures, promotional material and point of sale material etc. ASCI's role has been acclaimed by various Government bodies including The Department of Consumer Affairs (DoCA), Food Safety and Standards Authority of India (FSSAI), Ministry of AYUSH as well as the Ministry of Information and Broadcasting. The association with these Government bodies is to co-regulate and curb misleading and objectionable advertisements in the respective sectors. In January 2017, the Supreme Court of India in its judgement has also affirmed and recognized the self-regulatory mechanism as an effective pre-emptive step to statutory provisions in the sphere of advertising content regulation for TV and Radio in India. ASCI is a part of the Executive Committee of International Council on Ad Self-Regulation (ICAS). Among several awards bestowed by the European Advertising Standards Alliance (EASA), ASCI bagged two Gold Global Best Practice Awards for the Mobile App "ASCIonline" (2016) and for reducing the time taken to process complaints (2013).

(Source: www.ascionline.org)

For further information, please contact:

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