

ASCI CCC Recommendations: May 2017

ASCI UPHELD COMPLAINTS AGAINST 117 OUT OF 154 ADVERTISEMENTS

Mumbai, July 31st, 2017: In May 2017, ASCI's Consumer Complaints Council (CCC) upheld complaints against 117 out of 154 advertisements. Out of 117 advertisements against which complaints were upheld, 39 belonged to the Healthcare category, 33 to the Education category, followed by 8 in the Personal Care category, 8 in Telecommunication sector, 6 in the Food & Beverages category, 5 in E-commerce category and 18 advertisements from other categories.

HEALTHCARE:-

The CCC found the following claims of 39 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 services advertisements also contravened provisions of the Drugs & Magic Remedies Act (DMR Act), Drugs and Cosmetics Rules (D&C Rules) and Chapter 1.1 and III.4 of the ASCI Code. Complaints against the following advertisements were UPHELD.

- 1. Fit N Slim Fitness Centre:** The advertisement's claims, "Instant Result (100% Result)", "Reduce two to three inches in one sitting", and "Five to seven kilograms in a month", were not substantiated and were hence misleading by exaggeration.
- 2. Fit N Fine Body Care Services Pvt. Ltd. (Fit N Fine):** The advertisement's claims, "Instant inch loss through non-surgical liposuction", "Guaranteed five kilograms weight loss", and "Immediate visible results - Lose six to eight centimetres* Results within 60 minutes", were not substantiated and are hence misleading by exaggeration. It was further opined that the efficacy sought to be depicted through an image purporting to be that of "after the treatment" was misleading by gross exaggeration.
- 3. The Medinova Retreat (MediSpa):** The advertisement's claims, "Now reducing weight is very easy" and "Reduce three inches from tummy within ten hours only*", were not substantiated and were misleading by gross exaggeration. Also it was concluded that the claims and efficacy being depicted in the image of "after the treatment" was misleading by gross exaggeration.

4. **VSS Health and Wellness Center:** The advertisement’s claims, “100% Guarantee of weight loss or money back”, “Reduce upto five kilograms weight and get more upto five kilogram free”, and “Reduce upto ten kilograms weight and get more upto ten kilogram free”, were not substantiated with supporting clinical evidence, and with treatment efficacy data among patients, and they were misleading by exaggeration. It was further noted that, the advertiser had not provided any supporting evidence of customers to whom the money was refunded.
5. **VLCC Health Care Ltd. (VLCC Center):** The advertisement’s claim, “Weight Loss Challenge! - Lose ten kilograms in seven days”, was not substantiated with supporting clinical evidence, and was misleading by exaggeration.
6. **Dr. Batra’s Positive Health Clinic (Dr. Batra’s Homeopathic Clinic):** The advertisement’s claim, “India’s Most Trusted Homeopathy Brand”, was not substantiated; nor was the source and date of research mentioned in the advertisement. The claim was therefore considered to be misleading by omission. Also the claim, “94% patient satisfaction” too, was not substantiated with any supporting evidence of patient satisfaction data, and was hence considered misleading.
7. **Complete Health Solutions Private Limited (You Stay Fit):** The advertisement’s claim, “Odisha's No.1 GYM & Slimming Centre”, was not substantiated with any verifiable comparative data pertaining to the advertiser and other similar gyms / centres, or any third party validation or research to prove this claim. In view of the above, the claim was considered to misleading by exaggeration.
8. **Mind Power Clinic:** The advertisement’s claims, “We prove 100 percent treatment for Alcohol addiction” and “Our treatment/medicine is so effective that the patient will be completely cured before he even realizes, what has been done to him”, were not substantiated and are misleading by gross exaggeration.
9. **RJR Siddha Ayur Unani Hospital:** The advertisement’s claims, “The cartilage is made to grow and the synovial fluid is made uniform. The knee pain heals through this and the knee strengthens within one or two months” and “In our treatment the knee pain is totally cured and is not repeating life long as

mentioned by our customers”, were not substantiated with any supporting clinical evidence, and were misleading by exaggeration. Also the claims, “The people who take treatment in our RJR hospital won't have knee pain in life again” and “Don't worry about knee pain, please come to RJR hospital and cured without surgery”, are misleading by implication.

- 10. Prem Hospital (IVF and Surrogacy Center):** The advertisement’s claim that now no one will remain childless implies a cure from infertility and is considered to be, prima facie, in violation of the DMR Act.
- 11. Shri Ram Murti Smarak Institute of Medical Sciences:** The advertisement’s claim, “First time in Uttar Pradesh and Uttarakhand successful treatment for varicose veins without incision, without operation through laser,” is considered to be, prima facie, in violation of the D&C Rules.
- 12. Care Point (Acupuncture, Physiotherapy, and Hair Weaving & Bonding Clinic):** The advertisement’s claims, “Freedom from Baldness”, “Get freedom from obesity” and “Increases Height,” were considered to be, prima facie, in violation of the DMR Act and D&C Rules. Also, the “before and after” visuals in the advertisement appear to be misleading.
- 13. Chahal Clinic:** The advertisement’s claim, “No Baldness,” is considered to be, prima facie, in violation of the D&C Rules.
- 14. Kashish Slimming Center:** The advertisement’s claims, “Reduce weight through modern Machine”, “Reduce six to ten kilograms weight in one month + Along with it reduce three to six inches figure” and “No Exercise”, were not substantiated and are misleading by exaggeration. The visual in the advertisement was also considered to be misleading by implication.
- 15. Fitness World:** The advertisement’s claims, “In one month five kilograms guaranteed weight loss or weight gain with no diet no medicine”, were not substantiated with supporting clinical evidence and with treatment efficacy data, and were therefore misleading by exaggeration.

- 16. Vimhans PrimaMed Super Speciality Hospital:** The advertisement’s claims, “Walk the same day”, “No Physio” and “Painless & Quick Recovery”, were inadequately substantiated and are misleading by exaggeration and implication.
- 17. FMS Dental Hospital:** The advertisement’s claim, “Ranked 5th in World and 1st in India by GCR Global Clinic Ranking”, was inadequately substantiated, and the claim is misleading.
- 18. Grover Eye Laser & E.N.T. Hospital (Grover Eye Laser Hospital):** The advertisement’s claim, “India’s only multifocal lasik laser with which you can get rid of both distance and near reading glasses”, was not substantiated with any justification, and the claim was misleading by exaggeration.
- 19. Navchetana Kendra:** The advertisement’s claim, “Quit Alcohol”, was not substantiated and is misleading by exaggeration.
- 20. NuAyurveda Clinic:** The advertisement’s claim, “I joined for the Weight loss programme and lost six kilograms and 12 inches.....” was not substantiated with supporting clinical evidence, and with treatment efficacy data. It was further concluded that, the claim was misleading by exaggeration.
- 21. Lida Biotech Pvt. Ltd. (Lida Herbal Slimming Capsules):** The visual shown in the advertisements of a slim model in the advertisement is misleading by implication that the product, when used, would result in slimming, which was not substantiated with proof of product-efficacy.
- 22. Medinn Belle Herbal Private Limited (Endura Mass weight Gainer):** The advertisement’s claim, “Endura Mass gave me the right weight to make me a winner. So if you are underweight start taking Endura Mass today”, was not substantiated with clinical evidence of product efficacy and was therefore misleading by exaggeration and implication.
- 23. Tropic Wellness Pvt. Ltd. (Nutrcharge Woman):** The advertisement’s claims, “Promote women’s health to help keep them youthful”, “Helps fulfil daily needs with 33 key vitamins, minerals, antioxidants and amino-acids to keep them healthy”, “Gives six specialty nutrients that may alleviate women’s specific

health problems at various stages of their life”, “Nutrcharge woman tablet is potentially beneficial for diabetics” and “May help correct dietary deficiencies to keep girls and women fit and may improve metabolism”, were all not substantiated with any evidence of product efficacy and are misleading by exaggeration.

- 24. Sablok Clinic:** The advertisement’s claims to treat sex related problems successfully and take pleasure of married life, are considered to be, prima facie, in violation of the D&C Rules.
- 25. Nidan Ayurveda India Pvt. Ltd. (Nidan Ayurveda India):** The advertisement’s claims, “Eat fully even but still reduce weight - Otherwise get money back”, “NIDAN AYURVEDA INDIA's new research from which without reducing diet you can reduce your weight without any side effects. Within 45 days if there is no result get your money back guarantee” are untruthful and misleading to the consumers.
- 26. Sameeksha Ayurveda Clinic (Sameeksha Clinic):** The advertisement’s claims, “Get Rid of Hypothyroidism Permanently & Safely”, are untruthful and misleading to the consumers.
- 27. Mankind Pharma Limited (Heal O Kind Nanofine Gel):** The advertisement’s claims, “FIRST.AID'S ALL-ROUNDER – INJURY, BURNS, BRUISES, CUTS, NICKS (emphasized with a tick mark)”, “NANO CRYSTALLINE SILVER IN HEALO -KIND has anti-bacterial action for wound healing, Reduces inflammation, Prevents scarring of wounds” were inadequately substantiated and is misleading by ambiguity and implication, in absence of efficacy data for the product / active ingredients at the levels used in the product.
- 28. SBF Healthcare and Research Centre Private Limited (SBF Healthcare):** The advertisement’s claim, “Since its inception a decade ago, about 7000 people have been treated successfully” was untruthful, and misleading, in the absence of any authentic scientific evidence to substantiate the claims made in the advertisement.
- 29. British Nutritions Pvt. Ltd. (D-Protein):** The advertisement’s claims, “The only company in India trusted for over 2 decades in diseases specific nutritional products.”, “Pioneers & leaders in Diabetic nutrition.”, “The only brand DPROTIN which is trusted by millions of doctors across the nation and in more than 30

countries.” and “Most awarded and highly prescribed” were without substantiation, and therefore misleading.

- 30. Rajnish Hot Deals Pvt. Ltd. (Play-Win F-Capsule):** The advertisement’s claims, “Power booster for females.” and “get rid of body weakness and gain enthusiasm & energy” are misleading by exaggeration.
- 31. DHI Global Medical Group:** The advertiser’s claim regarding the superiority of their products or services based on IMRB Customer Satisfaction survey ratings, in the absence of any substantiation through IMRB study design, questionnaire and reports, etc., was untruthful and misleading.
- 32. ReeAge:** The advertisement’s claim, “Latest PRP Stem Cell Technology for Hair regrowth”, was not substantiated with supporting clinical evidence, and with treatment efficacy data among patients. Further it was opined that the efficacy of the above claim depicted via images of “before and after the treatment” is misleading by gross exaggeration.
- 33. Hair Doc Hair Clinic (Hair Doc Trichology Hair Clinic):** The advertisement’s claim, “Stop Baldness on time!” was not substantiated with supporting clinical evidence as well as with treatment efficacy data among patients; and was therefore misleading by exaggeration. Further the claim, “Honoured by 'Keshratna' Award” was not substantiated with details, references of the award received such as the year, source, etc.; so the claim was misleading. Lastly, it was opined that the efficacy of the advertised treatment, depicted through images of “before and after the treatment”, was misleading by gross exaggeration.
- 34. Dr. Adityan Skin and Hair Laser Centre:** The advertisement’s claims, “Permanent Treatment for Pimples” and “Permanent Cure for Pimples”, are absolute claims which were inadequately substantiated with clinical evidence, and are misleading by exaggeration. It was also opined that the claims of efficacy depicted through images of “before and after” the treatment were misleading by gross exaggeration.
- 35. Oliva Advanced Hair and Skin Clinic:** The advertisement’s claims, “Treatment of Hair Loss and Hair Fall by using Platelet cells”, “Treatment without side effects” and “New permanent solution can be got from

baldness”, were not substantiated with supporting clinical evidence, and with treatment efficacy data among patients, and are misleading by exaggeration.

36. Pushpa Clinic (P) Ltd.: The advertisement’s claims, “Guaranteed Treatment for Baldness” and “Pushpa Clinic Ayurvedic Treatment is Incredible for removing all types of Baldness”, were not substantiated with supporting clinical evidence and with treatment efficacy data among patients. Further it was concluded that the claim, “100% Success”, was not substantiated with any supporting data. Also the claim, “100% Money Back Guarantee if no result within 15-60 days”, was not substantiated with supporting evidence of the customers who were refunded with the money back. It was thus opined that the claims were misleading by exaggeration.

37. Athena Life Sciences Pvt. Ltd. (Hair for Sure): The advertisement’s claim, “Supercharged with breakthrough Rutexil Growth Complex and Caffeine”, was not substantiated, and misleading by exaggeration. Further regarding the claims, “Clinically tested to help control hair fall and accelerate hair growth” and “Clinically proven to help accelerate hair growth and control hair loss”, were inadequately substantiated and are misleading by ambiguity and implication.

38. Hair Doc Trichology Hair Clinic (Hair Doc Trichology Expert): The advertisement’s claim, “Baldness” made therein, and the “before treatment” and “after treatment” visuals, it was concluded that the claim made in the advertisement was without substantiation and misleading by implication.

39. Dr. Batras Positive Health Clinic (Dr. Batras Homeopathic Clinic): The advertisement’s claims “First time in India” followed by “Grow your hair back in just 10 weeks by French technology” and “Introducing a Nobel Prize winning technology which is an innovative hair treatment that results in hair growth in 10 weeks.” were not substantiated adequately and are misleading.

EDUCATION:-

The CCC found following claims in the advertisements by 33 different advertisers were not substantiated and, thus, violated ASCI Guidelines for Advertising of Educational Institutions. Hence complaints against these advertisements were UPHELD.



- 1. Lovely Professional University:** The advertisement's claim, "packages in excess of Rs. One Crore are the norm" clearly conveyed the idea that an overwhelming majority of the students of the advertiser's University are able to obtain placements with Rs. One crore per annum remuneration, immediately after passing out of the University. It was however seen that the advertiser could not provide any evidence or proof for the claim. It was opined that the advertiser's further statement in justification, that the above advertisement "was only information", could also not be accepted. In view of the above, it was concluded that the advertisement was misleading by ambiguity and implication.
- 2. Indeed.com:** The advertisement's claim, "The World's #1 job site", was inadequately substantiated, and is misleading by ambiguity and omission.
- 3. ALS Satellite Education Private Limited - ALS Satellite Education:** The advertisement's claims, "India's Largest IAS Coaching Institution" and "All India 1st Rank for 3 times", were not substantiated were not substantiated with any verifiable, authentic, and comparative data vis-a-vis other similar institutes in the same category, or, reports of any third party validation or research to prove these claims. Also the claims, "2208+ Selections in last 15 years" and "180+ Selections in 2016 Exam", were not substantiated with verifiable claim support data, and are misleading by exaggeration and implication.
- 4. IT Champs Software Pvt. Ltd.:** The advertisement's claims, "Free Internships provided with Assured Placements" and "Assured Placements for Candidates enrolling in SAP S4 HANA Certification", were not substantiated with verifiable claim support data and were therefore misleading by exaggeration.
- 5. British Fort Foundation:** The advertisement's claims, "The Most Awarded CBSE School" and "The Most Awarded International CBSE School", were not substantiated with any supporting evidence and were misleading by exaggeration.
- 6. Motion Education Pvt. Ltd. (Rao Classes):** The advertisement's claim, "The Most Trusted Institute for Pre Engineering, Medical, and Foundations" was not substantiated with any verifiable, authentic comparative

data for this institute vis-à-vis other similar institutes in the same category, or through any third party validation; and was therefore misleading by exaggeration.

7. **Vijayam Educational Institutions (Vijayam Coaching Centre):** The advertisement's claim, "No.1 Institution in Chittor since 16 years", was not substantiated with any verifiable, authentic comparative data of the advertiser's institute vis-à-vis other similar institutes in that area, or with any third party validation. Also the claim, "Pay one time fees, coaching up to acquiring job", was also not substantiated with supporting evidence of any students who had availed of such facility, for verification. The claims were hence considered to be misleading by exaggeration and implication.
8. **ICAI:** The advertisement's claim, "Author of India's No-1 Selling book of NEET 2017", was not substantiated with supporting data and is misleading.
9. **Subhas Bose Institute of Hotel Management:** The advertisement's claims, "Asia's Education Excellence Award, Singapore Best Educational Institute in Health Care", were not substantiated. Also the claim, "Confirmed placement in the health care industry", was not substantiated with any verifiable claim support data, and was therefore misleading by exaggeration.
10. **Ramappa Academy Police:** The advertisement's claim, "Fees return batch available if job not acquired", was not substantiated with any supporting evidence of the customers whose fees were refunded and hence the claim is misleading by exaggeration.
11. **Rankers Educare:** The advertisement's claim, "Guaranteed Selection Batch Start For: - Entrance Exam 2017", was not substantiated with verifiable claim support data, was misleading by exaggeration.
12. **Resonance Eduventures Limited:** The advertisement's claim, "The Most Trusted Institute for Pre-Engineering / Pre-Medical / Pre-Foundation in India", was not substantiated with verifiable comparative data of the advertiser and other similar institutes in the same category, or any through a third party validation; and that the claim was misleading by exaggeration.

- 13. Base Education Services Pvt Ltd- Base Education:** The advertisement’s claim, “The Most trusted Institute for student training in Karnataka”, was not substantiated with any verifiable comparative data of the advertiser’s institution and other similar institutes, or through any third party validation or research to prove the claim, and is misleading by exaggeration.
- 14. Roorkee College of Pharmacy:** The advertiser’s claim in respect of the placements in MNCs such as Astellas, Boehringer- Ingelheim which are claimed to have happened in the college was not truthful, and was therefore misleading consumers.
- 15. Akhil Bharat Siksha Kendra Computer:** The advertisement’s claim, “Akhil Bharat Computer Siksha Kendra” - “Department of Labour, NCT, MHRD (CR) Approved”, or affiliated to the Government of India were not supported by any authentic evidence. The advertisement was untruthful and misleading.
- 16. Chitkara University:** The advertisement’s claim, “Most Trusted University in North India”, was without any substantiation or qualifiers, and was untruthful and misleading.
- 17. SICE Institute Shivaji:** The advertisement’s claims, “Job guaranteed intensive coaching”, and “Puppala Shivaji who is state no.1 faculty”, were without any substantiation of any kind, and were untruthful and misleading.
- 18. St. Bonnie White College of Nursing:** The advertisement’s claim, “100% Scholarship”, was not substantiated with authentic supporting data such as evidence of 100% scholarships availed by any of their students; and that the claim was misleading by exaggeration and ambiguity regarding the amount of scholarship and the total number of scholarships offered.
- 19. Medical Super 50:** The advertisement’s claim, “Upto 100% Scholarship”, was not substantiated with any authentic supporting data such as evidence of 100% scholarships availed by any of their students; and that the claim was misleading by exaggeration and ambiguity regarding the amount of scholarship and the total number of scholarships being offered.

20. First Guide Academy: The advertisement's claim, "Upto 100% Scholarship", was not substantiated with any authentic supporting data such as evidence of 100% scholarships availed by any of their students. Further, the claim was considered to be misleading by exaggeration and ambiguity regarding the amount of scholarship and the total number of scholarships being offered.

21. ICON Education Career: The advertisement's claim, "100% Scholarship", was not substantiated with authentic supporting data such as evidence of 100% scholarships availed by any of their students and was misleading by implication and ambiguity regarding the amount of scholarship and the total number of scholarships being offered.

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

Picasso International Animation College, V Rahul Coaching, Institute of Rural Management, Cokonet Technologies Pvt Ltd, V. Institute of Internet Marketing, Subhas Bose Institute of Hotel Management, Expert Institute of Advance Technology Pvt. Ltd., Career Point, Anil Nair Classes, Industrial Training Department - Dept of Industrial Train (Ker)-OT, Yaduvanshi Shiksha Niketan and Birsa Inst of Tech (Trust) - BITT Polytechnic.

FOOD & BEVERAGES:-

- 1. Aqua Pure Life water purifiers:** The advertisement's claim, ""Sabse Shudh Pani"" was considered as entirely unsubstantiated and misleading by exaggeration.
- 2. Organic India Private Limited (Tulsi Green Tea):** The advertisement's claim, "100% Certified Organic", was not substantiated and is misleading.
- 3. Narang Group (Ocean Fruit Wave):** The advertisement's claim, "You can squeeze those bottles instead of me", suggested that the consumer should have this drink instead of having fresh fruit. This aspect, in the context of the advertisement recommending what a child should drink, it was opined, that the

advertisement was in violation of the ASCI Guidelines on Advertising of Food and Beverages Clause 5 (“mislead as to the nutritive value of the beverage”). Further, the claim that contained illustration of a fruit, saying “It’s all me”, was considered misleading by implication.

4. Modi Naturals Ltd. (Oleev Active): The advertisement’s claim was that the product “helps in reducing serum cholesterol, preventing lifestyle diseases, and has anti-ageing properties etc.” The advertiser stated that nowhere on the packaging was it claimed that ‘Oleev Active’ helps in reducing serum cholesterol, preventing lifestyle diseases, etc. The advertiser positions these benefits as Oryzanol properties, the claim was not substantiated for the Oryzanol content in the product or the specific oil blend and was misleading by ambiguity and implication. Further for the claim, “Stable while frying”, the advertiser submitted report to support claim. However, there was no mention of the advertised product in the report and a comparison was done with Saffola Gold. In absence of a detailed study under different frying tests for the specific product, this claim was considered to be inadequately substantiated. Also, for the claim “a light oil that gets absorbed upto 20% less”, the report did not cover frying results for different foods. Therefore, the data was considered to be inadequate and the claim was misleading by ambiguity and omission. Furthermore, while the advertisement is in Hindi, the disclaimers in the advertisement are in English which violates ASCI’s Guidelines for Disclaimers.

5. Modi Naturals Ltd. (Oleev Smart): It was viewed that the word “Oleev” in the advertiser’s brand name, “Oleev Smart”, is likely to cause, in spite of all clarifications to the contrary, a belief in the consumers at large, in a broad manner that it may contain olive oil especially given that the mother-brand that is advertised in mass media has Olive oil. In view of the above discussion, the product name in packaging / advertisement was considered to be misleading. The product below the product title on its packaging, which says “Smarter choice for a healthy lifestyle” for which it was unclear as to how such consumption of the product alone would lead to better health than the current oil being consumed by consumers, and there are no comparative studies cited for this claim. Further it was concluded that while the advertiser is portraying the benefit of an oil blend versus single oil, in absence of any comparative data or qualifier, the claim “Smarter” is misleading by ambiguity and omission of the comparison being referred to. Also the claim, “Super enriched formula of Vitamin A, D, E & K, Oryzanol and Omega fatty acids. An anti-oxidant property of Vitamin A and E keep tissues in healthy state and prevents cellular damage, while Vitamin D

helps in bone and muscle strength, Vitamin K aids in healing process. Oryzanol improves blood circulation and lowers overall bad cholesterol levels. Also Omega 3, Omega 6 and Omega 9 fatty acids along with other good lipids support and promote heart health” the advertiser stated that these claims are made for oil’s constituents such as Oryzanol. It was noted that while the advertiser positions these benefits as Oryzanol properties, the claim was not substantiated for the oil constituents / Oryzanol content in the product or the specific oil blend and was misleading by ambiguity and implication. For the term in the advertisements, “VitaFit+”, when seen in conjunction with declaration of Vitamin A, D, E and K, was not found to be objectionable, but in absence of evidence of the RDA levels for these vitamins, the term was considered to be misleading. Further, for the claim, “Stable while frying”, the advertiser submitted report to support claim. However, there was no mention of the advertised product in the report and a comparison was done with Saffola Gold. In absence of a detailed study under different frying tests for the specific product, this claim was considered to be inadequately substantiated. For the claims, “low absorption” and “a light oil that gets absorbed upto 20% less”, was not substantiated by lab trial reports to prove that reduction in absorption of oil is to a significant level is achieved due to the addition of DMPS. Therefore the data was considered to be inadequate and the claim was misleading by ambiguity.

6. **Modi Naturals Ltd. (Oleev Health):** It was viewed that the word “Oleev” in advertiser’s brand name, “Oleev Health”, is likely to cause, in spite of all clarifications to the contrary, a belief in the consumers at large, in a broad manner that it may contain olive oil especially given that the motherbrand that is advertised in mass media has Olive oil. In this view, the product name in packaging / advertisement was considered to be misleading. Further for the term ‘Cardizymes’, it’s presentation in conjunction with a heart / heart beat symbol, in absence of evidence of the effective Oryzanol level for heart related benefits, was considered to be misleading by implication. Also the claim “Contains Oryzanol that lowers bad cholesterol and keeps your heart young and healthy. Oryzanol also promotes blood circulation thereby promoting overall physical health. Also Omega 3, Omega 6 and Omega 9 fatty acids along with other good lipids support and promote heart health”, was not substantiated for the oil constituents / Oryzanol content in the product or the specific oil blend and was misleading by ambiguity and implication. For the claim “Stable while frying”, the data presented by the advertiser was not considered to be adequate. Further for the claims, “low absorption” and “a light oil that gets absorbed upto 20% less”, there was no substantiation by lab trial reports to prove that reduction in absorption of oil is to a significant level is

achieved due to the addition of DMPS. Therefore the data was considered to be inadequate and the claim was misleading by ambiguity.

PERSONAL CARE:-

- 1. OJB Herbals Pvt. Ltd. (Oshea Sun Block SPF 40):** The advertisement's claims, "Five in One Solution SPF 40", "Skin lightening", "Prevents tanning & ageing" and SPF values for their product range stating - Other SPF Range:- "UVSHIELD SPF- 50 - SUN BLOCK FORMULA - Broad Spectrum Protection (HEVL) All skin type", "UVSHIELD SPF-30 -SUN BLOCK CREAM - Enriched with Almond All skin type", "UVSHIELD SPF-25 - SUNSCREEN - Fairness Lotion - All skin type" and "UVSHIELD SPF-20 - SUNBLOCK GEL - Enriched with Alovera Normal to Oily skin", were not substantiated with evidence of technical evaluation for measurement of SPF factor in each product and proof of product efficacy, and were therefore misleading.
- 2. SBS Biotech Ayurvedic Division (Roop Mantra Skin Care Products):** The advertisement showcases celebrity, Preity Zinta, who states, "I'm very happy to be associated with Roop Mantra why because manthra is a best ayurvedic product. It got many national and international awards also", and further that Preity Zinta had said before endorsing roop manthra she studied and tried roop manthra to herself and said that you also try it, then you will understand yourself that why I have done this endorsement. It was opined that in accordance with the celebrity guidelines of ASCI, the advertiser was required to show that the celebrity was adequately informed about the product, or had personal experience with the product, which they had not conclusively established. In view of the above, it was concluded that the said claim has not been adequately substantiated and is misleading by implication. The advertisement also claims that it was "helpful in protecting from dark complexion, scars, wrinkles, pimples and dull skin" which was not substantiated with relevant and authentic scientific evidence or independent studies conducted on the efficacy of the product. Therefore it was concluded that this part of the advertisement was misleading.
- 3. Win – Medicare Pvt. Ltd. (Mederma Intense Gel):** The advertisement's claim, "Flawless" in the statement "Now get the flawless skin in just 8 weeks from Acne Scars", was inadequately substantiated and was misleading by exaggeration.

4. **Lotus Herbals Limited (Lotus Whiteglow Range of Products):** The advertisement’s claims, “LOTUS WHITEGLOW - it comes enriched with saxifrage extracts and milk enzymes that help Lighten, Whiten your skin in 7 days”, “Visible results in 7 days - WHITEGLOW is the only natural fairness range that can deliver visible results in 7 days of regular use”, “Clinical Trials show that the following ingredients lighten, whiten & brighten the skin in 7 days* of regular use: SAXIFRAGA EXTRACTS - Act as antioxidants & prevent damage from UV radiation, claim of SPF value of WHITEGLOW HAND & BODY LOTION i.e. SPF 25 - PA+++ , whitening claim for WHITEGLOW FACIAL FOAM - 3 in 1 DEEP CLEANSING i.e. Whitens - Blocks Melanin Production, WHITEGLOW SERUM + MOISTURISER - UPTO 2X SKIN WHITENING & BRIGHTENING POWER”, claim of SPF value of “WHITEGLOW Skin Whitening and Brightening Gel crème - i.e. SPF 25 - PA+++”, were not substantiated with evidence of product efficacy, and are misleading by exaggeration.

5. **Ratan Ayurvedic Santhan Private Limited (Herbal Facia Facial Bar):** The advertisement’s claims, “Facial bar with kesar and chandan”, “Brings fairness and removes pimples”, “Has kesar, chandan, aloe vera and camphor”, “In only two minutes gives the feeling of facial”, were not substantiated with technical and efficacy data for the product, and is misleading by exaggeration.

6. **Ratan Ayurvedic Sansthan Private Limited (Ratan Beuton Herbal Kala Shampoo):** The advertisement’s claims, “Get beautiful black hair easily” and “Enriched with Natural elements - Herbal shampoo”, are untruthful and misleading to the consumers by ambiguity and implication.

7. **Zee Laboratories Limited (My Fair Cream):** The advertisement’s claims, “Fairness cream”, “Tried and tested by crores of people” and “President Award Winner”, are untruthful and misleading to the consumers.

8. **Emami Limited (Fair and Handsome Fairness Cream):** The statement in the advertisement, “Mardo ki sakt tawacha per pink fairness cream beaasar!” (...Pink Fairness Cream is of no use on Men’s tough skin...) was not adequately substantiated. The endorsement by the Celebrity in the advertisement was further examined and it is seen that the advertisement contains portions of the celebrity expressing opinions such

as “Mardo ki sakt tawacha per pink fairness cream beaasar!” which have not been substantiated. Therefore this part of the advertisement contravenes Clause (d) of the Guidelines for Celebrities in Advertising. Further the claim, “Long Last Fairness: Visible Fairness in 3 weeks” which appears on the product packaging implies that the product provides the claimed effect “fairness” for some extended time after its use has stopped or for some extended duration after the last application of the product, which was not substantiated adequately over a reasonable time period by the advertiser by objective measurements and the claim is misleading by ambiguity and implication.

TELECOMMUNICATION:-

- 1. Reliance Jio Infocomm Ltd. (3 months unlimited at Rs.309/-):** The advertisement’s claim, “3 months unlimited at Rs.309”, is misleading by ambiguity and omission of a disclaimer qualifying the offer that it is subject to terms and conditions. Further for the claim, “Unlimited” contravened Chapter I.4 of the ASCI Code as well as Clauses 1 and 2 of ASCI Guidelines for Disclaimers. (“A disclaimer can expand or clarify a claim, make qualifications, or resolve ambiguities, to explain the claim in further details, but should not contradict the material claim made or contradict the main message conveyed by the advertiser or change the dictionary meaning of the words used in the claim as received or perceived by a consumer” and “Disclaimer such as ‘T&C apply’ should indicate where this information is available to consumer for further reference.”).
- 2. Reliance Jio Infocomm Ltd. (Reliance Jio):** For the advertisement’s claim, “All unlimited three months at Rs.309”, the complaint made was that the offer is valid for only 84 days which is not completely three months. It was concluded that the advertiser’s explanation in respect to this complaint, that “it was a standard industry practice to consider one month as 28 days to bring about consistency in the billing cycle” was not considered acceptable, given the fact that in common parlance, a month was always understood as a calendar month. Further, in respect of the claim, “Unlimited maza continue hoyega” that was made in the advertisement ought to have carried a mention that such claim was subject to certain terms and conditions. The advertisement did not have any mention of the speed throttling after 1 GB. In the absence of such mention of terms and conditions, it was opined that the claim was vague and misleading by omission and ambiguity.

3. **Reliance Communications Ltd.:** The advertisement’s claims, “unlimited local STD call for 28 days at Rs 199” and “unlimited local STD call for all networks”, were without any substantiation and the claim stating “unlimited” is misleading in view of the capping.
4. **Bharti Airtel Ltd. (Airtel 29 INR for 1 month):** The advertisement’s claim, “Enjoy internet for the full month at just Rs.29”, is misleading by ambiguity and omission as 75 MB being given at that cost may not last for a month.
5. **Bharti Airtel Ltd (Airtel Rs 348 and Rs 299 Unlimited plan):** The offers in the advertisement, “Airtel Rs. 348 and Rs. 299 Unlimited plans”, were misleading by ambiguity and omission of disclaimer qualifying the offers that they were subject to terms and conditions.
6. **Bharti Airtel Ltd. (Airtel Broadband):** The advertisement’s claim, “Speed up to 100 Mbps available with this plan” was not substantiated and was misleading by ambiguity and omission the “terms and conditions” were not mentioned anywhere in the advertisement.
7. **Idea Cellular:** For the advertisement’s claim, “unlimited calls for 28 days”, the advertiser could not substantiate the claim “unlimited” as mentioned in the advertisement and the claim is misleading in view of the capping of 300 minutes in a day.
8. **ACT Fibre (ACT Fibre):** The advertisement’s claim, “ACT-Fibernet - Bangalore’s No. 1 High Speed Internet Provider” is not adequately substantiated and is misleading.

E-COMMERCE:-

1. **BusinessEx.com:** The advertisement’s claim, “India's # 1 Business Broking Company”, was not substantiated with any verifiable, authentic comparative data with other similar companies; or any third party validation or research to prove this claim, and was misleading by exaggeration.

2. **Amazon Seller Services Pvt. Ltd. (Amazon.com, Inc.):** The visual of “a man and a woman riding two wheeler without a helmet” as depicted in the advertisement shows a violation of traffic rules, as well as an unsafe practice.
3. **Amazon.com, Inc. (American style cream and onion flavor – party pack):** The advertisement’s claim, “The price offer “MRP ~~230~~ Price 63.00 Save 167.00 (73% off)” of “American style cream and onion flavor – party pack”, was false and misleading as the actual MRP of the product is Rs. 65.
4. **Amazon.com, Inc. (Redmi 3S/ 3S Prime):** An advertisement regarding a flash sale for Redmi 3S / 3S Prime on Amazon states the sale will be at 12pm every Friday. In spite of all their assertions, the advertiser had not provided any evidence of successful sale of the advertised product through flash sale, in the period mentioned in the advertisement. Hence it was considered that the advertisement had violated the ASCI Code, in so much as the claims therein have not been objectively substantiated and the offer was misleading.
5. **Amazon.com, Inc:** The advertiser’s claim regarding the prices at which specific products were being offered on their webpage, was untruthful and misleading to the consumers.

OTHERS:-

1. **Aerobok Shoes Pvt. Ltd. (Aqualite):** The advertisement’s claims, “India’s Most Trusted Brand - Consumer Validated 2016”, “Asia’s Most Promising Brand”, “World’s Greatest Brand Asia & Gcc”, and “India’s Selected No.1 Brand - India 2016”, were inadequately substantiated and are misleading.
2. **Asian Paints Ltd. (Asian Paints Royale Atmos):** The advertisement’s claims, “Air purifying paint” and “It destroys harmful pollutants, making the air inside your home purer than ever before”, were inadequately substantiated and are misleading by exaggeration.
3. **HDFC Standard Life Insurance Company Ltd (HDFC life Cancer care):** The advertisement’s claim, “One in eight Indian men are likely to contract cancer at some point in their life”, was not substantiated with

authentic supporting evidence, and is misleading by exaggeration exploiting consumers' lack of knowledge.

- 4. LG Electronics India Pvt. Ltd. (LG Dual Cool Air Conditioners):** The visual in an advertisement showing a minor on multiple occasions leaving her home, crossing the road and entering a Mall without the consent of her parents, depicts a dangerous act which is likely to encourage minors to emulate such acts in a manner which could cause harm or injury to such minors.
- 5. Grey Matters:** The advertisement's claim, "You Bring the Passport, We'll get you the Visa" was not substantiated with supporting evidence such as detailed list of candidates who had been given visas by the competent authorities, and is therefore misleading by ambiguity and implication.
- 6. Metro Shoes Ltd. (Davinci Cooling & Energising Socks):** The advertisement's claims, "Made from Organic Cotton" and "Soft cotton socks infused with cooling and energising blend of peppermint and other mint oils", were not substantiated with supporting data of product performance, and were hence misleading by exaggeration.
- 7. Metro Shoes Ltd. (Davinci Aloe Vera Health Socks):** The advertisement's claims, "help in anti-aging and reverse degenerative skin changes", "improves ability of skin to rehydrate and aid in removal of dead skin cells", "removes swelling from injuries and promotes recovery from infections", "reduces arthritis, joint and muscle pain" and "has soothing and healing effects on burns and wounds," were not substantiated with authentic scientific or clinical evidence for the advertised product and are misleading by implication.
- 8. Aryamaan Developers Pvt. Ltd. (Crystal Xrbia):** The advertisement's claim, "international airport 20 minutes away", was false and misleading.
- 9. Prameya News7 (News 7 Odisha):** The advertisement's claim, "No. One news channel in Odisha" is unsubstantiated.



- 10. GM Global Technies Tower (GM Infinite Towers):** The advertisement's claim in respect of the advertised housing project being located opposite to a particular mall was untruthful and was therefore misleading consumers.
- 11. Arogya Retail:** The advertisement's claim, "provision of 20% to 75% discount" was untruthful and was therefore misleading consumers.
- 12. Mankind Pharma Limited (Manforce Condoms):** The advertisement that was available on YouTube, which was a longer version than the one on TV with additional scenes, ought to have been appropriately age-gated, so as to act as a caution to under-aged viewers. It was concluded that, in view of the fact that minors could view the said YouTube advertisement without any cautionary age-gating, the advertisement violated the provisions of the ASCI Codes.
- 13. TV Today Ltd. (Aaj Tak) Network:** The advertisement relates to a particular day (8th November 2016 4 hours of demonetization announcement), stating Source: BARC, 08 Nov 16, TG 15+ NCCS AB, Time Band 2000-2400, Share%. The data released is basis market share% which is against BARC guidelines. It was concluded that the percentage share has been used instead of impressions in 000s or coverage in 000s which is not permissible as per BARC guidelines. Hence the advertisement is considered to be misleading.
- 14. Balaji Telefilms Ltd. (ALTBalaji):** The advertisement's claim, to watch the show "Karle tu bhi mohabbat" for free, was untruthful, and misleading, too, to the consumers in the absence of any mention of the terms and conditions (that one would have to pay a nominal subscription fees after a given number of free episodes) to which the claim was subject to.
- 15. Kalyan Jewellers:** The advertisement's claim, "Gold coin free with every purchase above 25000" has been inadequately substantiated in as much as they had not provided any evidence of gold coins having been actually given to customers, or that of a comparative sales receipt of another customer to show that the customer in the complaint in question had in fact been given a discount and the claim was misleading.
- 16. Polycab Wires Pvt. Ltd. (Polycab Cables & Wires):** It was noted that one of the characters' action and dialogues in the advertisement strongly suggested that the electric consumption meter had stopped



running fast after the change in the cables. This, considered together with the other claim of the advertiser in the advertisement that use of Polycab cables results in substantially reduced power consumption, invariably leads to the conclusion that the advertisement suggested slow movement of the electric consumption meter. Therefore it was concluded that this part of the advertisement was misleading. Further, in respect of the complaint that the advertisement claimed energy savings to a substantial extent so that the consumer felt relief from blood pressure etc., the advertiser stated that they had not shown the actor's blood pressure going down; and that they had made no claim about the extent of energy saving as stated by the complainant. However, it was noted that the characters in the advertisement act in such a dramatic manner that an ordinary person, on viewing the advertisement, would come to the reasonable opinion that the savings in power consumption due to the use of the product cables promoted in the advertisement would be quite substantial. It was noted that such savings would depend only on the total wattage of electricity consumption in a given premises covered by one electricity consumption measurement meter, and the total length of electric cabling used in such premises. In the absence of mention of any of these factors by the advertiser in the advertisement, and in view of the lack of clarity for the expression "ordinary wires" used in the advertisement, it was concluded that the advertisement was misleading by implication. It was further concluded that the claim of the advertiser, "*Polycab wire lagao aur bijli bachao*" and comparison to "ordinary cable" was misleading by omission and implication.

17. Xiaomi Technology India Private Limited (Xiaomi Redmi 4A and Redmi Note 4): The advertisement's claim, "Pre-order Now!" was not substantiated and the "pre-order announcement" advertisement is misleading as the advertiser did not provide any third party certificate or any audited report to substantiate that the advertised product was available for sale or was sold to any customer.

18. LG Electronics India Pvt Ltd (LG Air Conditioner): The advertisement's claim, "India's 1st ac with mosquito away technology" is without substantiation, and misleading.



About The Advertising Standards Council of India (ASCI)

ASCI is a self-regulatory organization for the advertising industry to promote, maintain, monitor and uphold fair, sound, ethical and healthy principles and practices of advertising for the protection of interest of consumers and the general public. Established in 1985, ASCI's role has been acclaimed by various Government agencies. The Govt. bodies including The Department of Consumer Affairs (DoCA), Food Safety and Standards Authority of India (FSSAI) and Ministry of AYUSH have partnered with ASCI to address all misleading advertisements in their respective sectors. The Supreme Court of India in its recent judgement has also affirmed and recognized the self-regulatory mechanism put in place for advertising content by ASCI. On the global platform, ASCI is a part of the Executive Committee of International Council on Ad Self-Regulation (ICAS). ASCI has also bagged six awards at the European Advertising Standards Alliance (EASA) Global Best Practice Awards. ASCI & its Consumer Complaints Council (CCC) deal with Complaints received from Consumers and Industry against Advertisements which are considered as False, Misleading, Indecent, Illegal, leading to Unsafe practices, or Unfair to competition, and in contravention of the ASCI Code for Self-Regulation in Advertising. Under its National Advertisement Monitoring Service (NAMS), ASCI proactively monitors over 80% of new print and all new TV advertisements released in the country every month, for contravention of Chapter I of the ASCI code. (Source: www.ascionline.org)



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