

Press Release

ASCI PROCESSES COMPLAINTS AGAINST 208 ADVERTISEMENTS, 179 OF WHICH WERE REGARDING MISLEADING CLAIMS.

Mumbai, October 17, 2018: In June 2018, ASCI investigated complaints against 208 advertisements. For 63 advertisements, the advertisers promptly ensured corrective action as soon as the complaints were received. ASCI's Consumer Complaints Council (CCC) upheld complaints against 89 advertisements from a total of 145 advertisements evaluated by them.

Of the 89 advertisements wherein the complaints were upheld, 27 belonged to the **education sector**, 25 to the **healthcare sector**, 15 to the **food & beverages category**, five to **personal care** and 17 were from the **'others'** category.

The most common reason for upholding complaints was exaggeration of product efficacy and exploiting consumers' lack of knowledge. This was followed by violations of the **Drugs and Magic Remedies Act (DMR Act)** and the **Drugs and Cosmetics (D&C) Rules** and advertisements which contravened various ASCI guidelines. The other reasons comprised of providing facts which led to grave or widespread disappointment in the minds of consumers, claims that were not substantiated with any verifiable comparative data, claims which were misleading by ambiguity or by implication.

Amongst various advertisements that were examined, the CCC observed that, a popular chef was found endorsing an oats product from a popular foods & beverage company, stating it to have twice as much protein and fibre whereas this comparison was not versus other oats but was versus cornflakes as per disclaimers. The disclaimer in the advertisement was illegible and not as per the ASCI Guidelines on Disclaimers. Furthermore, a famous celebrity was seen endorsing a juice powder brand, claiming it to have natural fruit energy which was not substantiated and was misleading by ambiguity and implication about the fruit content in the product. In another advertisement a popular celebrity was shown driving a car without seat belt showing an unsafe practice. These advertisements violated ASCI's Guidelines for Celebrities in Advertising.

Department of Consumer Affairs (DoCA) has engaged with ASCI to process complaints against misleading advertisements. All complaints pertaining to misleading advertisements are reflected on DoCA's portal GAMA (gama.gov.in). DoCA's co-regulation model with ASCI is running its fourth consecutive year and has been successful to ensure a high compliance rate close to 90%. Non-compliances are escalated to the Sector Regulator for necessary action.

"ASCI's evolving self-regulatory framework continues to be responsible and responsive to the needs of the consumers, the advertising industry and the regulators. Our focussed efforts towards building awareness and establishing better compliance in the industry, will continue to make a positive contribution to the advertising ecosystem." said Mr. Shivakumar, Chairman, ASCI.



HEALTHCARE: - Total of 25 advertisements complained against

- [Direct Complaints](#) (Nine advertisements)
- [Suo Moto Surveillance by ASCI](#) (16 advertisements)

PERSONAL CARE: - Total of Five advertisements complained against

- [Direct Complaints](#) (Four advertisements)
- [Suo Moto Surveillance by ASCI](#) (One advertisement)

FOOD AND BEVERAGES: - Total of 15 advertisements complained against

- [Direct Complaints](#) (Nine advertisements)
- [Suo Moto Surveillance by ASCI](#) (Six advertisements)

EDUCATION: - Total of 27 advertisements complained against

- [Direct Complaints](#) (11 advertisements)
- [Suo Moto Surveillance by ASCI](#) (16 advertisements)

OTHERS: - Total of 17 advertisements complained against

- [Direct Complaints](#) (Seven advertisements)
- [Suo Moto Surveillance by ASCI](#) (10 advertisements)

DIRECT COMPLAINTS

The advertisements given below were complained against by the general public or by industry members. Of the 106 advertisements complained against by the general public or by industry members, 11 cases were informally resolved wherein the advertisements were voluntarily withdrawn and complaints against 40 advertisements were upheld by the CCC. Of the total of 40 advertisements, nine advertisements belonged to Healthcare sector, four to Personal care sector, 11 belonged to the Education category, nine from the Food & Beverages category and seven belonged to the 'Others' category.

Complaints against the following advertisements were upheld as the advertisements were in violation of ASCI's **Guidelines for Celebrities in Advertising:**



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1. PepsiCo India Holding P. Ltd (Quaker Oats): In the advertisement, a lady conveys that being a play school teacher is like doing sprints and sit ups whole day. Celebrity chef Vikas Khanna conveys that Alisha Merchant eats Quaker oats which consists of two times more protein and fibre, immunity supporting micronutrient and nutritious energy that keeps you going. Claim “Quaker Oats me hai 2x More Protein and Fibre” was qualified with a disclaimer “*Per serve comparison with cornflakes. Reference: Atlas of Indian Foods”, which was not legible and not as per ASCI Guidelines on Disclaimers (font size, contrast, hold duration). The TVC was considered to be misleading by ambiguity and omission of the direct reference of such comparison in the Voice Over itself. The advertisement’s claim “Two times more protein” was misleading by ambiguity and implication and the TVC under reference contravened ASCI’s Guidelines for Celebrities in Advertising.
2. PepsiCo India Holdings P. Ltd (Quaker Oats): In the advertisement, a doctor is seen operating a small kid at odd hours. Celebrity Chef Vikas Khanna then says that “Dr. Varun works a 24 hours shift. Dr Varun Nair is truly an ambassador of full fitness and is assisted by Quaker Oats”. Claim “Quaker Oats me hai 2x More Protein and Fibre*” was qualified with a disclaimer “*Per serve comparison with cornflakes. Reference: Atlas of Indian Foods”, which was not legible and not as per ASCI Guidelines on Disclaimers (font size, contrast, hold duration). The TVC was considered to be misleading by ambiguity and omission of the direct reference of such comparison in the Voice Over itself. The advertisement’s claim “Two times more protein” was misleading by ambiguity and implication and the TVC under reference contravened ASCI’s Guidelines for Celebrities in Advertising

The below two advertisements violated Chapter III (**Unsafe Practices**) of ASCI Code:

1. SpiceJet Ltd (SpiceJet): The visual of “a man inserting loose wires into a power socket and getting an electric shock, and also shown repeating this act again”, shows an unsafe and a dangerous practice, which manifests a disregard for safety and encourages negligence. It was also observed that dangerous act such as this is likely to encourage minors to emulate it in a manner which could cause harm or injury, and lead to them suffering shocks.
2. Malayala Manorama: In the advertisement, actor Dulquer Salman is playing the main lead of the driver who provides lift to different people without wearing a seat belt. It was concluded that the scene in the TVC of “a model in a car not wearing a seat belt while driving”, shows an unsafe practice. The TVC is likely to mislead consumers by implying that seat belt is not compulsory while driving.

EDUCATION:-

1. Koneru Lakshmaiah Charities (KL University): The advertisement’s claim, “Deemed to be University” was misleading as more prominence was given to the word “University” and there appeared to be a deliberate attempt to downplay the words “Deemed to be” in terms of font size, colour and weightage. The claim was misleading by ambiguity and implication.

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2. Sreedhar's CCE: The advertisement's claim, "225 Final Selections from Jan 2018 to Apr 2018", was inadequately substantiated with authentic evidence or with any independent audit or verification certificate and is misleading by exaggeration.
3. Narayana Group of Educational Institutions: The advertisement's claim, "B. Suraj Krishna, HT. No: 11720999 secured 1st rank in open category in 2018- Jee- Main results" being their student, was false and misleading by exaggeration.
4. National Institute of Event Management: The advertisement's claim, "Academic Collaboration" with the logo of Singhania University, was not substantiated with authentic supporting evidence. The claim is misleading and exploits the consumers' lack of knowledge and is likely to lead to grave or widespread disappointment in the minds of consumers, and is misleading by exaggeration.
5. Sharda University: The advertisement's claims, "India's only private university with unmatched distinctions" and "Recognized as the Best Private University in India for 8 years in a row", were not substantiated with any market survey data or with verifiable comparative data of the advertiser's institute and other similar private universities in India, or through an independent third party validation. These claims are misleading by exaggeration.
6. Think & Learn Pvt Ltd- (Byju's learning App): The advertisement's claim, "India's Largest Online Learning Platform for School Students" and "India's Best Teachers", were not substantiated with verifiable comparative data of the advertiser's institute and other similar institutes, or through an independent third party validation. The claims are misleading by exaggeration.
7. The Smart Test Prep: The advertisement's claim, "Highest Success Rate in Ahmedabad", was not substantiated with any verifiable comparative data of the advertiser's institute and other similar institutes in Ahmedabad to prove their student's success ratio being higher than others, or through an independent third party validation. Claims, "23 out of 33 students scored > 1400", and Students' pictures shown with their names and scored marks mentioned, were not substantiated with authentic supporting data such as detailed list of students who have scored more than 1400 with their enrolment details, photo ID and scored marks, contact details of students for verification, etc. The claims are misleading by exaggeration.
8. Harshad Shah Chemistry Coaching: The advertisement's claim, "100% money back guarantee", was not substantiated with any supporting evidence of the students who could not clear JEE/NEET and who were refunded with 100% paid fees and is misleading by exaggeration.
9. Alpine Convent School: The advertisement's claims, "World class facilities" and "Best Curriculum" were not substantiated. The claims are misleading by exaggeration.
10. Applect Learning Systems Pvt Ltd: The advertisement's claim, "IITian Teachers", was not substantiated with verifiable supporting data regarding the credentials of the faculty teaching at Applect Learning Systems. The claim is misleading by ambiguity and implication regarding the total number of faculty members being from IIT.

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11. Gurukul Management College: The advertisement's claim, "Job Guarantee", was not substantiated with authentic supporting data such as detailed list of students who have been placed through their institute, contact details of students for verification, enrolment forms and appointment letters received by the students, nor any independent audit or verification certificate. The claim is misleading by exaggeration.

HEALTHCARE:

The CCC found claims of nine advertisements in healthcare products or services to be either misleading or false or not adequately / scientifically substantiated; hence in violation of the ASCI Code. In several cases it was observed that the advertisements exploit consumers' lack of knowledge and are likely to lead to grave disappointment in the minds of consumers. Complaints against the following advertisements were upheld.

1. RJR Herbal Hospital: The advertisement's claim, (in Tamil) as translated in English, "Osteoarthritis, lumber spondylitis, spondylosis, disc compression, disc prolapse, disc bulge, can be cured completely within one or two months and this will be a lifelong cure", was not substantiated with supporting clinical evidence for treatment efficacy and is misleading by gross exaggeration.

2. RJR Herbal Hospital: The advertisement's claim, "Psoriasis can be cured completely, after this treatment psoriasis was cured for lifetime", was not substantiated with clinical evidence. The claim is misleading by exaggeration.

3. RJR Herbal Hospital: The advertisement's claim, as translated in English, "Asthma can be cured completely, after this treatment Asthma was cured for lifetime", was not substantiated with clinical evidence. Specific to the claims implying cure for Asthma, the advertisement is in breach of the law as it violated The Drugs & Magic Remedies Act.

4. Rathna Siddha Hospital and Herbal Research and Development Centre: The advertisement's claim, (in Tamil) as translated in English, advertiser claiming to have "invented medicine to cure vitiligo completely within 15 days, it will never relapse as this is a lifelong cure", was not substantiated with clinical evidence. Specific to the claims implying cure for Vitiligo (white spots), the advertisement is in breach of the law as it violated The Drugs & Magic Remedies Act. The claim is misleading by gross exaggeration.

5. Astha Clinic: The advertisement's claim (in Hindi), "Safed Daag? Vitiligo/Leukoderma, Safed Daag Chhipane ki ab aur jarurat nahin", and claims related to cure of Vitiligo / Leukoderma with Herbal and Homeopathic drug combination, were not substantiated with clinical evidence. Specific to the claims implying cure for Vitiligo (white spots), the advertisement is in breach of the law as it violated The Drugs & Magic Remedies Act. The claim and efficacy being depicted via images of before and after the treatment is misleading by gross exaggeration.

6. Medi Life Ayurveda Hospital (Dr. Sharda): The advertisement's claim, "Cure Knee Pain and Joint Pain in 15 days by showing the proof of X ray", was not substantiated with supporting clinical evidence. Visuals showing the X ray proof before and after the treatment are misleading by gross exaggeration. The testimonial claims made in the advertisements are misleading.

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7. Lord Dhanwantari Ayurvedic Hospital: The advertisements' claim, (in Hindi) related to cure of Rheumatoid Arthritis -“Ghatiye vah Ghutnoke dard ko kare jhard se khatm”, and “Ghatiye kitna bhi pura na ho 100% ilaaz karwa kar ghatiya rog bina operation 100% ayurvedic ilaaz se rog ko jhad se teek kare”, were not substantiated. Specific to the claims implying cure for rheumatoid arthritis, the advertisement is in breach of the law as it violated The Drugs & Magic Remedies Act. The claims are misleading by gross exaggeration.
8. Zydus Hospital: The advertisement's claim, “No. 1 in Neurological Emergencies” and “Gujarat's largest & advanced neuro science centre”, were not substantiated with any verifiable comparative data of the advertiser's hospital and other similar hospitals to prove that they are in leadership position (No.1) and larger than the rest or through a third party validation. The claims are misleading by exaggeration.
9. RMR Herb's: The advertisement's claim, (in Tamil) as translated in English, “Psoriasis can be cured completely within one or two months, after this treatment psoriasis was cured for lifetime”, was not substantiated with clinical evidence and is misleading by exaggeration. The claim exploits the consumers' lack of knowledge and is likely to lead to grave disappointment in the minds of consumers.

PERSONAL CARE:-

1. Hindustan Unilever Ltd (Lifebuoy Soap): The television advertisement when seen in totality creates an impression that Lifebuoy is recommended by doctors. This is emphasized by the celebrity posing as a doctor wherein she states “doctor se suno” and in the last frame of the TVC showing four persons in white coat giving an impression that doctors have endorsed this product. In view of the Code of Medical Ethics prohibiting doctors from endorsing any product and in absence of any market research data indicating that medical professionals in general recommend the advertised product, such visual presentation was considered to be misleading by ambiguity and implication.
2. RSPL Limited (Venus Crème Bar): The advertisement's claim, Venus crème bar made of natural cream that goes to the depth of the skin”, was not substantiated and is misleading by ambiguity and implication.
3. IncNut Digital Pvt Ltd. (Royal Indulgence Keshvi Intensive Ayurvedic Hair Oil): The advertisement's claim of being “India's First” in the claim “India's First Ayurvedic Hair Fall Solution for Body, Mind and Soul”, was unlikely. The claim is misleading by exaggeration. Claim, “Treats infection of the scalp”, was not substantiated with any data or scientific rationale.
4. Prince Pharma (2 Much Herbal Capsule): The advertisement's claims, “Found to be very effective in increasing libido/stamina in females” and “This combination of ancient aphrodisiac herbs is thought to increase the desire for sex by acting on progesterone receptors in women” were considered to be, prima facie, in violation of The Drugs & Magic Remedies Act.

FOOD AND BEVERAGES:-

1. Kraft Heinz India Private Ltd - Complan: The advertisement's claim, "ONLY one cup of Complan has protein equivalent to one egg" and "Other Health drinks provide protein equivalent to half egg only." were not substantiated. "Only Complan" is hyperbolic and the word 'Only' pertains to a comparison with similar products i.e. health food drinks catering to healthy growing children aged between 5 -15 years which are in competition with 'Core Range' of Complan. The claims were considered to be misleading by ambiguity and exaggeration as well as in contravention of the ASCI Guidelines on Disclaimers.
2. PepsiCo India Holding P. Ltd (New Tropicana Essentials-Fruits and Veggies): The advertisement's claim, "New Tropicana Essentials" did not provide any supporting evidence to show that Tropicana Essentials was a "New" product at the time of publishing the advertisement. The claim was misleading. Moreover, the claim "Why would I eat something which has hair?" read in conjunction with a picture showing "drawing of a carrot" and reference to "all goodness, no excuses", disparaged good dietary practice and selection of options, such as fresh vegetables that accepted dietary opinion recommends should form part of the normal diet. The advertisement contravened ASCI Guidelines on Advertising of Foods & Beverages.
3. Belteck Canadian Water Ltd (Wild Vitamin Water): The advertisement's claim, "No Nasties", is misleading by ambiguity and implication. The claim "Full of Vitamins" is misleading by exaggeration as the product only contains vitamins in line with recommended daily allowance. Furthermore, the claim "Stay Fit, Drink Wild", was inadequately substantiated and was misleading by implication.
4. Faosos Food Services Pvt Ltd (Faosos App): The advertisement's claim, "Buy two get two free, Order lunch box, Signature wraps and more, 30% cashback on Amazon Pay, Code: GET4 Order", is misleading by omission that the offer is only on select products and that the offer is subject to terms and conditions.
5. Bhaskar Venkatesh Products Pvt Ltd (Bhaskar Salt): The advertisement's claim, "Now New", was not substantiated with supporting evidence to show that Bhaskar Salt was a recently launched product that is less than one year old. The claim is misleading.
6. Britannia Industries Ltd (Britannia Whole Wheat Bread): The advertisement's claim of the product being "New" was not adequately substantiated and is misleading by ambiguity and implication. Claim, "100% Whole Wheat Bread" on front of pack is misleading by ambiguity and omission.
7. Frimline Pvt. Ltd (Palmiges): The advertisement's claim, "helps maintain nerve health" was inadequately substantiated and was misleading by ambiguity regarding product action.

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1. Reliance JioInfocomm Ltd: The advertisement's claims "Best Network and World's largest mobile data network" are misleading by ambiguity and implication as they refers to only "consumption of data" and not the extent and infrastructure of network. The claim "Best Entertainment" was not substantiated with the superlative claim of being the best was misleading by ambiguity. Furthermore, the claim "Best post-paid offers" was not clear in terms of which aspect of the advertiser's product is being compared with which aspects of the competitor's product. The advertisement is misleading by omission.
2. Myntra.com: The advertisement's claim, "Here's Rs. 300 on us", is misleading by ambiguity and omission that the offer is only on select products, and that the offer is subject to terms and conditions. The advertiser did not provide the terms and conditions of the offer nor a link showing the same which would have informed the customer about the conditions.
3. Yatra Online Private Limited (Yatra.com): In the advertisement, the claim offer related to the Fare Type "refundable" was misleading by ambiguity regarding the extent and conditions of the refund, and by omission of a qualifier to mention that it is subject to terms and conditions.
4. Borosil Limited Glass Works (Borosil): The advertisement's claim, (in Hindi) in the TVC, "Borosil ka glass lunch box, yeh khaane mein chemicals nahin chodtha" was not adequately substantiated. The claim is misleading by ambiguity and gross exaggeration and exploits consumer's lack of knowledge. The words referred to in the TVC, "Plastic paratha", "Gobi Plastic Pasanda", and "Plastic ka Halwa", are misleading by implication that the food has become like plastic by being carried in a plastic container and is harmful for health (as they leach chemicals into food), was inadequately substantiated for food grade plastic material, and unfairly denigrated the entire class/category of containers made of food grade plastics.
5. Suzuki Motorcycle India Pvt Ltd. (Suzuki Access 125): The advertisement's claim, (in Marathi), "Uttam Mileage Saha" and "Kumi Peete", were inadequately substantiated. The claims are misleading by omission of the basis of comparison and implication that the vehicle gives better mileage than other two wheeler brands available in the market. The seat length data provided was a simple measurement given only in comparison with Honda Activa. The seat storage data provided were snapshots taken from web page of Suzuki and Honda, respectively. No data was provided to justify comparison with just one competing brand. The claims, "Zaasth Lambh seat", "Motay storage" are misleading by omission of the basis of comparison and implication that the vehicle has better features than other two wheeler brands available in the market.

SUO MOTO Surveillance by ASCI

The advertisements given below were picked up through ASCI's Suo Moto surveillance of Print and TV media via the National Advertisement Monitoring Services (NAMS) project. Out of 102 advertisements that were picked up, **49 advertisements were considered to be misleading**. Of the total of 49 advertisements, **16 advertisements belonged**



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The Advertising Standards Council Of India

to the Healthcare category, 16 belonged to the Education category, six belonged to the Food & Beverages category, one to Personal care category, and ten belonged to the 'Others' category.

The below advertisement violated ASCI's Guidelines for Celebrities in Advertising:

1. Rasna Private Limited (Rasna): The advertisements claim, "Natural Fruit Energy", was inadequately substantiated and is misleading by ambiguity and implication about the fruit content in the product. The visual of celebrity Kareena Kapoor when seen in conjunction with the claim is likely to mislead consumers regarding the nature of product benefit and contravened the Guidelines for Celebrities in Advertising.

HEALTHCARE:

1. Fortis Healthcare Ltd: The advertisement's claim, "The most trusted destination for Cancer treatment", was not substantiated with any market survey data or any verifiable comparative data of the advertiser's hospital and other similar hospitals for cancer treatment, or through a third party validation. The claim is misleading by exaggeration and implication. The claim, "Successful cancer treatment with 10000+ successful cases", was not substantiated with supporting evidence of the cancer patients treated by the advertiser's hospital, or through a third party validation. The claim is misleading by exaggeration and exploits the consumers' lack of knowledge.

2. Fortis Healthcare Ltd: The advertisement's claim, "The most trusted destination for all types of brain and spine disorders", was not substantiated with any market survey data, or any verifiable comparative data of the advertiser's hospital and other similar hospitals providing treatment for brain and spine disorders" or through a third party validation. The claim is misleading by exaggeration and implication.

3. VLCC Healthcare Pvt Ltd (VLCC Sun Care Range): The advertisement's claims, "SPF 30" and "SPF 40", were not substantiated with technical report showing that the product is having the SPF values of 30 and 40 as claimed. The claim, "Complete Sun Protection and not just tanning", was not substantiated with product efficacy data. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers.

4. VLCC Health Care Pvt Ltd (VLCC Fitness): The advertisements' claim, "Drop one size in one session only", was not substantiated with supporting evidence and with treatment efficacy data and is misleading by exaggeration. The visual in the advertisement implies a significant weight loss around waist, which is also grossly misleading and is likely to lead to grave or widespread disappointment in the minds of consumers.

5. Samson Slim Care: The advertisement's claim, "Ultimate treatment for obesity", "Reduce 10 kilograms within 30 days", "No need for exercise, medicine, supplements", and "No side effects", were not substantiated with supporting clinical evidence and with treatment efficacy data. The claims are misleading by exaggeration and are likely to lead to grave or widespread disappointment in the minds of consumers.

6. Cancer Healer Centre: The advertisement's claim, "The centre uses immunotherapy as the lasting remedy for cancer, which has proved to be successful with many patients", was not substantiated with supporting clinical evidence. The name of the centre - Cancer Healer Centre, implies cure for cancer which is also misleading by gross



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exaggeration and exploits the consumers' lack of knowledge and is likely to lead to grave or widespread disappointment in the minds of consumers. Specific to the name of the centre implying cure of cancer, the advertisement is in breach of the law as it violated The Drugs & Magic Remedies Act.

7. ABP Corp Ltd (Cleo County): The advertisement's claims, "Awarded as - Asia's best theme based project, and India's best residential project (North)", were not substantiated with copy of the award certificates, details of the criteria for granting the award, references of the awards received such as the year, source and category. The claims are misleading by ambiguity and omission of disclaimer to qualify these claims.

8. Dr. A's Clinic: The advertisement's claim, "Award winning hair transplants", was not substantiated with copy of the award certificate, details of the criteria for granting the award, references of the awards received such as the year, source and category. The claim is misleading by ambiguity and exaggeration.

9. Lokmanya Medical Foundation (Lokmanya Hospital): The advertisement's claim, "The best technology in the world for the first time in India", was not substantiated. The claim, "It avoids 95% chances of surgery", was not substantiated with supporting evidence and with treatment efficacy data for the diseases claimed in the advertisement. These claims are misleading by gross exaggeration and exploit the consumers' lack of knowledge and are likely to lead to grave or widespread disappointment in the minds of consumers.

10. Shape in Slimming Centre: The advertisement's claims, "Weight Loss without medicine", and "Lose 1 to 4 inches in just one session", were not substantiated with supporting clinical evidence, and with treatment efficacy data, and are misleading by exaggeration. The visual in the advertisement implies a significant weight loss around tummy would be feasible, which is also misleading. The claim "100% Result Oriented" is misleading by implication. These claims exploit the consumers' lack of knowledge and are likely to lead to grave or widespread disappointment in the minds of consumers.

11. Slim In Style: The advertisement's claims, "For the first time in India, first in Pune", "Non-surgical Lipoburst and Sonic Bubble Technology - The most advanced solution for successful fat loss", were not substantiated with supporting evidence and are misleading by exaggeration. Furthermore, the extent of weight loss being depicted via images of before and after the treatment testimonial claim were not substantiated and are misleading by implication that such weight loss is representative of the results achievable to all customers. The claims exploit the consumers' lack of knowledge and are likely to lead to grave or widespread disappointment in the minds of consumers.

12. Apple Hospital & Test Tube Baby Centre: The advertisement's claim, "Institution giving best results for impotency and childlessness", was not substantiated with any verifiable comparative data of the advertiser's hospital and other similar hospitals, to prove that their treatment gives better results than all the rest. The claim is misleading by exaggeration and implication.

13. Perfect Point: The advertisement's claims, "No side effects" and "Lose five centimetres & half kilograms in one hour, were neither substantiated with supporting evidence nor with treatment efficacy data and are misleading. The visual in the advertisement implies a significant weight loss which is grossly misleading and is likely to lead to grave or widespread disappointment in the minds of consumers.

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14. Perfect Point: The advertisement's claims, "Reduce weight, which will not increase again", and "Get unlimited fat loss", were not substantiated with supporting evidence and with treatment efficacy data. The claims are misleading by gross exaggeration and are likely to lead to grave or widespread disappointment in the minds of consumers. The visual in the advertisement is grossly misleading implying that unlimited weight loss would be feasible among obese people.

15. OPTM HealthCare Private Limited: The advertisement's claim, "One Lakh Knee & Back Surgery Prevented", was not substantiated with supporting evidence of the patients suffering from knee and back problems who were advised knee and back surgery, successfully treated by the advertiser's hospital so as to avoid surgery. The claim is misleading by exaggeration and exploits the consumers' lack of knowledge. The claim, "More scientific & effective than traditional therapy", was not substantiated with scientific rationale or clinical evidence of treatment efficacy over traditional therapy. Claim, "Best medical practice by European Medical Association", with the logo of European Medical Association, was not substantiated with supporting evidence of EMA's certification for the claimed treatment. The claims in the advertisement are misleading by gross exaggeration and are likely to lead to grave or widespread disappointment in the minds of consumers.

16. Rajnish Hot Deals Pvt. Ltd (Play-Win Capsule and Spray): The advertisement's claim, "Use Play Win Spray on the External tip of the hardened organs" was considered to be, prima facie, in violation of The Drugs & Magic Remedies Act.

EDUCATION:-

The CCC found claims in the advertisements by 16 advertisers that were not substantiated and thus, in violation of ASCI Guidelines for Advertising for Educational Institutions.

1. The Evolving Minds – The Evolving Minds Preschool: The advertisement's claim, "The biggest, safest and most advanced Pre School in Marathwada", was not substantiated. The superlative claim is misleading by exaggeration and implication that other preschools in Marathwada are inferior.

2. Rect Polytechnic College: The advertisement's claim, "Best Educational Institution in South Tamil Nadu", was not substantiated with any verifiable comparative data of the advertiser's institute and similar institutes in South Tamil Nadu to prove that it is better than the rest, or through an independent third party validation. The claim is misleading by exaggeration and implication. While the advertiser may be providing job opportunities to their students, the use of 100% numerical is not relevant for "job opportunities" claim. The use of "100%" as a descriptor in the claim is misleading by implication and exploits the consumers' lack of knowledge and is likely to lead to grave or widespread disappointment in the minds of consumers.

3. Lovely Professional University: The advertisement's claim, "University with unbeatable placements", was not substantiated with verifiable comparative data of the advertiser's institute and other similar institutes, and is misleading by exaggeration. The claim, "Packages of over Rs one crore", was not substantiated with evidence to prove that students immediately after passing out from the Lovely Professional University were offered the claimed

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package. The claims are misleading by exaggeration and exploit the consumers' lack of knowledge and are likely to lead to grave or widespread disappointment in the minds of consumers.

4. Shemrock Group of Schools – Shemrock Moms Touch: The advertisement's claim, "Shemrock is the Oldest Playschool chain in India", was not substantiated with supporting evidence or through a third party validation that the advertiser's institute was the oldest playschool chain than other similar Playschools in India, and is misleading by exaggeration. The claims, "India's first Playschool chain with over 525 branches across India, Nepal and Bangladesh", and "Delhi's No.1 Preschool with 70+ branches in Delhi and NCR", were not substantiated with any verifiable comparative data of the advertiser's institute and other similar institutes, or through a third party validation and are misleading by exaggeration.

5. NeoStencil India Private Limited: The advertisement's claim, "India's 1st live online platform for government jobs", was not substantiated with any third party validation or with verifiable comparative data of the advertiser's institute and other similar institutes to prove that it is in leadership position (No.1) than the rest in providing government jobs through their online services. The claim, "500+ selections in IAS 2017", was not substantiated with verifiable supporting data. The claims are misleading by exaggeration and are likely to lead to grave or widespread disappointment in the minds of consumers.

6. Pallavi Model School: The advertisement's claims, "Best High school", "Guinness World Record Holder", and "Awarded with School Excellence Awards 2017", were not substantiated with copy of the award certificates, details of the criteria for granting the award, references of the awards received such as the year, source and category. The claims are misleading by omission of disclaimer to qualify these claims. The claim, "1st Emerging School", was not substantiated with any verifiable comparative data of the advertiser's institute and other similar institutes, or through a third party validation. The claims are misleading by exaggeration and are likely to lead to grave or widespread disappointment in the minds of consumers.

7. Vidyamandir Classes: The advertisement's claim, "Delhi's best for IIT JEE Preparation since 1986", was not substantiated with any market survey data or with verifiable comparative data of the advertiser's institute and similar institutes in Delhi to prove that it is better than the rest, or through an independent third party validation. The claim is misleading by exaggeration and implication. Claim, "Best Selection Ratio in IIT JEE for Last 30 years", was not substantiated with verifiable comparative data or any independent audit or verification certificate, and is misleading by exaggeration.

8. New Gurukul Science Coaching: The advertisement's claim, "100% scholarship", was not substantiated with supporting evidence of 100% scholarships availed by any of their students, financial provision made by the institute to grant such scholarship and was misleading by ambiguity and omission of information regarding the amount of scholarship and the total number of scholarships being offered and the criteria used for the same. The claim is likely to lead to grave or widespread disappointment in the minds of consumers.

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

Koneru Lakshmaiah Education Foundation, Samrat College, Sojatia Classes, Shree Dev Bhoomi Institute of Education Science & Technology, The Vision Education Group – Vision PU College, ITM Group of Institutions- ITM Institute of Hotel Management, Little Wonders International, Haryana College of Fire & Safety Management

FOOD & BEVERAGE:-

1. Organic India Pvt Ltd (Organic Honey and Organic Ghee): The advertisement's claim, "Organic Ghee", was not substantiated for its organic claim for marketing status and is misleading by ambiguity and implication. The claim, "Organic Honey Wild Forest - Boosts immunity and is a source of good bacteria", was not substantiated and is misleading by ambiguity and implication.
2. Jhandewalas Food Limited (Polki Refined Groundnut Oil): The advertisement's claim, "Improves memory", "Lowers cholesterol", " Fights depression", was not substantiated with any data; as the advertiser did not respond to the request for substantiation in terms of technical data, scientific rationale or clinical evidence of product efficacy, to prove the product's ability to provide the health benefits claimed in the advertisement. The advertisement promoting a food product claiming benefits of therapeutic nature, was misleading and exploit's consumers' lack of knowledge.
3. Aishwarya Tea Industries – (Aishwarya Tea Range): The advertisement's claim, "A product by Karnataka's Most Adorable No 1 Brand", was not substantiated with any verifiable comparative data of the advertiser's brand and other leading tea brands in Karnataka, to prove that it is in leadership position (No.1) brand than the rest or through a third party validation. The source for the claim was not indicated in the advertisement. The claim is misleading by exaggeration and implication.
4. Premium Foods India (Premium Foods Range): The advertisement's claim, "No.1 brand of Kerala", was not substantiated with any verifiable comparative data of the advertiser's product and other brands of instant food products, to prove that it is in leadership position,(No.1 Brand) in Kerala, or through a third party validation. The claim is misleading by exaggeration and implication.
5. MBS Beverage Pvt Ltd (MBS Cola): The advertisement's claim, "Odisha's No.1 Beverage Company", was not substantiated with any verifiable comparative data of the advertiser's firm and other beverage companies, to prove that it is in leadership position (No.1) in Odisha or through a third party validation. The claim is misleading by exaggeration and implication.

PERSONAL CARE:-



Press Release

1. Lotus Herbals Pvt. Ltd (Lotus Professional PhytoRx Sun Protection Range): The advertisement's claim, "Nature's most effective shield against the sun", was a superlative claim which not substantiated with evidence of product efficacy and with technical tests/trial reports and is misleading by gross exaggeration. The product packaging claims in the advertisement - "SPF 70 PA+++ PhytoRx Ultra Protect Sunblock", "SPF 50 PA+++ PhytoRx Sunblock Mist", and "SPF 30 PA++ PhytoRx UV Screen Gel", were not substantiated with evidence of the claimed SPF/ PA values. The claims are misleading by exaggeration and likely to lead to grave or widespread disappointment in the minds of consumers.

OTHERS:-

For six different advertisements of the following Jewellery brands, the claim, "India's Most Preferred Jeweller", was not substantiated with verifiable comparative data / market survey data of the advertiser's product and other competitor diamond jewellers or through a third party validation. The source and date of the claim was not mentioned and the claim is misleading by ambiguity and omission.

1. Nirvana Diamond Jewellery

2. Asmi Diamond Jewellery

3. Nakshatra Diamonds

4. Gitanjali Jewels

5. Gili

6. Sangini Diamond Jewellers

7. ARG Outlier Media Asianet News P. Ltd (Republic TV): In the advertisement's claim, the disclaimer put by the advertiser for the claim "India's No. 1 Channel" is based on one day data (Period: Week 21 - 2018) and not four consecutive weeks of data and also the data was for week days excluding weekend (Day: Week days) and not for entire week as per Broadcast Audience Research Council (BARC). Therefore, it violates BARC Principles. The subject matter of comparison is chosen in such a way so as to confer an artificial advantage upon the advertiser so as to suggest that a better bargain is offered than is truly the case. Hence, the claim "India's No. 1 Channel" disclaimers in the ad were too small which contravened ASCI's Guidelines on disclaimers

8. Doms Industries Pvt Ltd: The advertisement's claim, "India's No.1 Brand - 2017", and "India's No.1 Stationery Brand", were inadequately substantiated and are misleading by exaggeration.

9. Sahara India Commercial Corporation Ltd – RML Sahara Ganj: The advertisement's claim, "The nationally awarded mall", was not substantiated with details of the criteria for granting the award, references of the award received such as the year, source and category. Also the claim is misleading by ambiguity and exaggeration.

Press Release

10. Action Footwear – (Action Plus): The advertisement’s claim, “Awarded as leading power brand of India”, was not substantiated with copy of the award certificate, details of the criteria for granting the award, references of the awards received such as the year, source and category. The claim is misleading by omission of disclaimer to qualify this claim. Troubling

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:

The Advertising Standards Council of India

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