



**THE CODE FOR
SELF-REGULATION
OF ADVERTISING
CONTENT IN INDIA**

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ASCI'S RECOGNITIONS

Important provisions of the Acts of Government Of India & Recognition of ASCI Code by Key Stakeholders:

The ASCI Code is appended in the Cable Television Networks Rules, 1994, Programme and Advertising Codes prescribed under the Cable Television Network Rules, 1994

Rule: 7 - 'No advertisement which violates the Code for self-regulation in advertising, as adopted by the Advertising Standard Council of India (ASCI), Mumbai, for public exhibition in India, from time to time, shall be carried in the cable service.'



Codes of Advertising issued by Doordarshan acknowledge ASCI Codes. (Ref. Page 2, Item No.: 14)



The Department of Consumer Affairs (DoCA) had partnered with ASCI to address all complaints pertaining to misleading advertisements received on Grievances Against Misleading Advertisements (GAMA) portal. (Ref.gama.gov.in)



The ASCI Code is appended in the advertising guideline by All India Radio. (Ref. Item No.: 13)



ASCI'S RECOGNITIONS

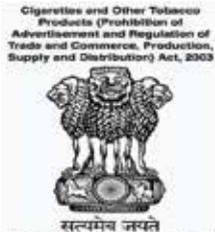
Important provisions of the Acts of Government Of India & Recognition of ASCI Code by Key Stakeholders:



The Food Safety and Standards Authority of India through an MoU had partnered with ASCI to address misleading advertisements in the Food & Beverages sector, April 2016. (Ref. fssai.gov.in)



Ministry of AYUSH through an MoU has partnered with ASCI to co-regulate misleading advertisements in the AYUSH sector, January 2017. (Ref. ayush.gov.in)



ASCI was a Member of the Steering Committee formed by the Central Government to look into violations of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (Ref. Ministry of Health and Family Welfare Notification dated, 9th June 2010, G.S.R. 489 (E))



The Drug Controller General of India (DCGI) recognized Self-Regulation in Advertising through ASCI's Code, 2006.



ASCI'S RECOGNITIONS

Important provisions of the Acts of Government Of India & Recognition of ASCI Code by Key Stakeholders:



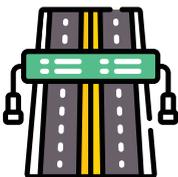
Insurance Regulatory and Development Authority Act mentions adherence for Insurance companies to ASCI Codes. Ref. Item No.: 12 - Adherence to advertisement code – Every insurer or intermediary shall follow recognised standards of professional conduct as prescribed by the Advertisement Standards Council of India (ASCI) and discharge its functions in the interest of the policyholders.



Appended in the Maharashtra Directorate of Technical Education (DTE) Act
Ref. Item 13 - Every Educational institution shall follow the self-imposed discipline required under the Advertising Standards Council of India Code for self-regulation in advertising.



Transport Department, Government of NCT, Delhi has recognized the ASCI Code.
Ref. Clause 2.3 - All advertisements must comply with the code of advertising practice issued by the Advertising Standards Council of India.



ASCI is a part of a committee constituted by NATIONAL HIGHWAYS AUTHORITY OF INDIA (NHA) along with NCERT, SCERT to regulate the content of automobile advertisements.



ASCI'S RECOGNITIONS

Important provisions of the Acts of Government Of India & Recognition of ASCI Code by Key Stakeholders:



The Supreme Court of India (SC), in its judgement dated, 12th January 2017, titled "Common Cause (A Regd. Society) vs. Union of India of India and ORS", affirmed and recognized the self-regulatory mechanism put in place for advertising content by ASCI. (Ref. Supreme Court of India order dated, 12th January 2017)

The Supreme Court Committee on Road Safety decided that ASCI and the Society of Indian Automobile Manufacturing (SIAM) will work out a mechanism to telecast only advertisements conforming to road safety. The Committee also complimented ASCI on the launch of their WhatsApp number for registration of complaints by consumers, and requested Director (Road Safety), Ministry of Road, Transport and Highway to publicize this number to increase awareness in the public.



ASCI's Code of Self-Regulation in Advertising is appended in the Press Council of India's Norms of Journalistic Conduct 2010 Edition. (Ref. Page 60, Appendix II)



The ASCI Code is appended in Indian Broadcasting Foundation's Self-Regulatory Guidelines for non-news & current affairs programme.

Ref. Page 19, Item No. 4 - As per the Cable TV Networks (Regulation) Act, all complaints related to advertisements shall be regulated by Advertising Standards Council of India (ASCI).



ASCI AS A KEY STAKEHOLDER FOR



Department Of Consumer Affairs
(Ministry of Consumer Affairs, Food & Public Distribution)
Government of India



सत्यमेव जयते
Ministry of Information and Broadcasting



Since 1st July, 2021



सत्यमेव जयते
Ministry of Health & Family Welfare
Government of India

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ASCI AS A KEY STAKEHOLDER FOR



सत्यमेव जयते

Ministry of Information and Broadcasting



सत्यमेव जयते

उपभोक्ता मामले विभाग
DEPARTMENT OF
CONSUMER AFFAIRS

Since 23rd August, 2019



सत्यमेव जयते

Ministry of women and child development

www.expertsbrain.com



सत्यमेव जयते

भारत सरकार
GOVERNMENT OF INDIA
विधि एवं न्याय मंत्रालय
MINISTRY OF LAW & JUSTICE



सत्यमेव जयते

Ministry of Health & Family Welfare
Government of India

Ministry of Home Affairs



सत्यमेव जयते



सत्यमेव जयते

भारत सरकार
GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
(MEA)





INTRODUCTION TO 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 interests 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 is a voluntary Self-Regulation council, registered as a not-for-profit company under Section 25 of the Indian Companies Act. The sponsors of ASCI, who are its principal members, are firms of considerable repute within the Industry in India, and comprise of Advertisers, Media, Advertising Agencies and other Professional/Ancillary services connected with advertising practices. ASCI is not a Government body, nor does it formulate rules for the public or the relevant industries.



THE CODE FOR SELF-REGULATION IN ADVERTISING



PURPOSE

The purpose of the Code is to control the content of advertisements, not to hamper the sale of products which may be found offensive, for whatever reason, by some people. Provided, therefore, that advertisements for such products are not themselves offensive, there will normally be no ground for objection to them in terms of this Code.

DECLARATION OF FUNDAMENTAL PRINCIPLES



This Code for Self-Regulation has been drawn up by people in professions and industries in or connected with advertising, in consultation with representatives of people affected by advertising, and has been accepted by individuals, corporate bodies and associations engaged in or otherwise concerned with the practice of advertising, with the following as basic guidelines, with a view to achieve the acceptance of fair advertising practices in the best interest of the ultimate consumer:



To ensure the truthfulness and honesty of representations and claims made by advertisements and to safeguard against misleading advertisements.



To ensure that advertisements are not offensive to generally accepted standards of public decency.



To safeguard against the indiscriminate use of advertising for the promotion of products which are regarded as hazardous to society or to individuals to a degree or of a type which is unacceptable to society at large.



To ensure that advertisements observe fairness in competition so that the consumer's need to be informed of choices in the marketplace and the canons of generally accepted competitive behavior in business is both served.

The Code's rules form the basis for judgement whenever there may be conflicting views about the acceptability of an advertisement, whether it is challenged from within or from outside the advertising business. Both the general public and an advertiser's competitors have an equal right to expect the content of advertisements to be presented fairly, intelligibly and responsibly. The Code applies to advertisers, advertising agencies and media.





RESPONSIBILITY FOR THE OBSERVANCE OF THIS CODE

The responsibility for the observance of this Code for Self-Regulation in Advertising lies with all who commission, create, place or publish any advertisement or assist in the creation or publishing of any advertisement. All advertisers, advertising agencies and media are expected not to commission, create, place or publish any advertisement which is in contravention of this Code. This is a self-imposed discipline required under this Code for Self-Regulation in Advertising from all involved in the commissioning, creation, placement or publishing of advertisements.

This Code applies to advertisements read, heard or viewed in India even if they originate or are published abroad as long as they are directed to consumers in India or are exposed to significant number of consumers in India.

THE CODE AND THE LAW

The Code's rules are not the only ones to affect advertising.

There are many provisions, both in the common law and in the statutes, which can determine the form or the content of an advertisement.

The Code is not in competition with law. Its rules, and the machinery through which they are enforced, are designed to complement legal controls, not to usurp or replace them.

“The Code for self-regulation in advertising has been recognized by the Ministry of Information and Broadcasting, Government of India by inserting Rule 7(9) in the Cable Television Networks Rules, 1994 framed under Cable Television Networks (Regulation) Act, 1995.”

Rule 7(9) substituted by G.S.R. 459(E), dated 2-8-2006 provides that ‘No advertisement which violates the Code for self-regulation in advertising, as adopted by the Advertising Standards Council of India (ASCI), Mumbai for public exhibition in India, from time to time, shall be carried in the cable service.’



For the purpose of this Code:

- An Advertisement is defined as a paid-for communication, addressed to the public or a section of it, the purpose of which is to promote, directly or indirectly, the sale or use of goods and services to whom it is addressed. Any communication which in the normal course may or may not be recognized as advertisement by the general public, but is paid for or owned or authorized by the Advertiser or their Advertising Agency would be included in the definition.
- A product is anything which forms the subject of an advertisement, and includes goods, services and facilities.
- A consumer is any person or corporate body who is likely to be reached by an advertisement whether as an ultimate consumer, in the way of trade or otherwise.
- An advertiser is anybody, including an individual or partnership or corporate body or association, on whose brief the advertisement is designed and on whose account the advertisement is released.
- An advertising agency includes all individuals, partnerships, corporate bodies or associations, who or which work for planning, research, creation or placement of advertisements or the creation of material for advertisements for advertisers or for other advertising agencies.
- Media owners are organizations or individuals in effective control of the management of media, or their agents. Media are any means used for the propagation of advertisements and include press, cinema, radio, television, hoardings, hard bills, direct mail, posters, internet, digital etc.
- Children are defined as persons who are below the age of 12 years
- Any written or graphic matter on packaging, whether unitary or bulk, or contained in it, is subject to this Code in the same manner as any advertisement in any other medium.
- To publish is to carry the advertisement in any media whether be it by printing, exhibiting, broadcasting, displaying, distributing, etc.



STANDARDS OF CONDUCT



Advertising is an important and legitimate means for the seller to awaken interest in his products. The success of advertising depends on public confidence. Hence, no practice should be permitted which tends to impair this confidence. The standards laid down here should be taken as minimum standards of acceptability which would be liable to be reviewed from time to time in relation to the prevailing norm of consumers' susceptibilities.





TRUTHFUL & HONEST REPRESENTATION

To ensure truthfulness and honesty of representations and claims made by advertisements and to safeguard against misleading advertisements

- 1.1. Advertisements must be truthful. All descriptions, claims and comparisons which relate to matters of objectively ascertainable fact should be capable of substantiation. Advertisers and advertising agencies are required to produce such substantiation as and when called upon to do so by The Advertising Standards Council of India.
- 1.2. Where advertising claims are expressly stated to be based on or supported by independent research or assessment, the source and date of this should be indicated in the advertisement.
- 1.3. Advertisements shall not, without permission from the person, firm or institution under reference, contain any reference to such person, firm or institution which confers an unjustified advantage on the product advertised or tends to bring the person, firm or institution into ridicule or disrepute. If and when required to do so by The Advertising Standards Council of India, the advertiser and the advertising agency shall produce explicit permission from the person, firm or institution to which reference is made in the advertisement.
- 1.4. Advertisements shall neither distort facts nor mislead the consumer by means of implications or omissions. Advertisements shall not contain statements or visual presentation which directly or by implication or by omission or by ambiguity or by exaggeration are likely to mislead the consumer about the product advertised or the advertiser or about any other product or advertiser.
- 1.5. Advertisements shall not be so framed as to abuse the trust of consumers or exploit their lack of experience or knowledge. No advertisement shall be permitted to contain any claim so exaggerated as to lead to grave or widespread disappointment in the minds of consumers.



For example:



- (a) Products shall not be described as 'free' where there is any direct cost to the consumer other than the actual cost of any delivery, freight, or postage. Where such costs are payable by the consumer, a clear statement that this is the case shall be made in the advertisement.
- (b) Where a claim is made that if one product is purchased, another product will be provided 'free', the advertiser is required to show, as and when called upon by The Advertising Standards Council of India, that the price paid by the consumer for the product which is offered for purchase with the advertised incentive is no more than the prevailing price of the product without the advertised incentive.
- (c) Claims which use expressions such as "up to five years' guarantee" or "Prices from as low as Rs. Y" are not acceptable if there is a likelihood of the consumer being misled either as to the extent of the availability or as to the applicability of the benefits offered.
- (d) Special care and restraint has to be exercised in advertisements addressed to those suffering from weakness, any real or perceived inadequacy of any physical attributes such as height or bust development, obesity, illness, impotence, infertility, baldness and the like, to ensure that claims or representations directly or by implication, do not exceed what is considered prudent by generally accepted standards of medical practice and the actual efficacy of the product.
- (e) Advertisements inviting the public to invest money shall not contain statements which may mislead the consumer in respect of the security offered, rates of return or terms of amortization; where any of the foregoing elements are contingent upon the continuance of or change in existing conditions, or any other assumptions, such conditions or assumptions must be clearly indicated in the advertisement.
- (f) Advertisements inviting the public to take part in lotteries or prize competitions permitted under law or which hold out the prospect of gifts shall state clearly all material conditions as to enable the consumer to obtain a true and fair view of their prospects in such activities. Further, such advertisers shall make adequate provisions for the judging of such competitions, announcement of the results and the fair distribution of prizes or gifts according to the advertised terms and conditions within a reasonable has taken prompt action to make good the deficiency to the consumer.





With regard to the announcement of results, it is clarified that the advertiser's responsibility under this section of the Code is discharged adequately if the advertiser and results in the media used to announce the competition as far as is practicable and advises the individual winners by post.

- 1.6. Obvious untruths or exaggerations intended to amuse or to catch the eye of the consumer are permissible provided that they are clearly to be seen as humorous or hyperbolic and not likely to be understood as making literal or misleading claims for the advertised product.
- 1.7. In mass manufacturing and distribution of goods and services it is possible that there may be an occasional, unintentional lapse in the fulfilment of an advertised promise or claim. Such occasional, unintentional lapses may not invalidate the advertisement in terms of this Code. In judging such issues, due regard shall be given to the following:
 - (a) Whether the claim or promise is capable of fulfillment by a typical specimen of the product advertised.
 - (b) Whether the proportion of product failures is within generally acceptable limits.
 - (c) Whether the advertiser has taken the prompt action to make good the deficiency to the consumer.



CHAPTER - II



NON-OFFENSIVE TO PUBLIC

To ensure that advertisements are not offensive to generally accepted standards of public decency.

Advertisements should contain nothing indecent, vulgar, especially in the depiction of women, or nothing repulsive which is likely, in the light of generally prevailing standards of decency and propriety, to cause grave and widespread offence.



AGAINST HARMFUL PRODUCTS / SITUATIONS

To safeguard against the indiscriminate use of advertising in situations or of the promotion of products which are regarded as hazardous or harmful to society or to individuals, particularly children, to a degree or of a type which is unacceptable to society at large.

3.1. No advertisement shall be permitted which:

- (a) Tends to incite people to crime or to promote disorder and violence or intolerance.
- (b) Derides any race, caste, color, creed, gender or nationality.
- (c) Presents criminality as desirable or directly or indirectly encourages people - particularly children - to emulate it or conveys the modus operandi of any crime.
- (d) Adversely affects friendly relations with a foreign State.

3.2. Advertisements addressed to children shall not contain anything, whether in illustration or otherwise, which might result in their physical, mental or moral harm or which exploits their vulnerability.

For example, advertisements:

- (a) Should not encourage children to enter strange places or to converse with strangers in an effort to collect coupons, wrappers, labels or the like.
- (b) Should not feature dangerous or hazardous acts which are likely to encourage children to emulate such acts in a manner which could cause harm or injury.
- (c) Should not show children using or playing with matches or any inflammable or explosive substance; or playing with or using sharp knives, guns or mechanical or electrical appliances, the careless use of which could lead to their suffering cuts, burns, shocks or other injury.



- (d) Should not feature children for tobacco or alcohol-based products.
- (e) Should not feature personalities from the field of sports and entertainment for products which, by law, require a health warning such as “..... is injurious to health” in their advertising or packaging.

- 3.3. Advertisements shall not, without justifiable reason, show or refer to dangerous practices or manifest a disregard for safety or encourage negligence.
- 3.4. Advertisements should contain nothing which is in breach of the law, nor omit anything which the law requires.
- 3.5. Advertisements shall not propagate products, the use of which is banned under the law.
- 3.6. Advertisements for products whose advertising is prohibited or restricted by law or by this Code must not circumvent such restrictions by purporting to be advertisements for other products the advertising of which is not prohibited or restricted by law or by this Code. In judging whether or not any particular advertisement is an indirect advertisement for a product whose Advertising is restricted or prohibited, due attention shall be paid to the following:
 - (a) Whether the unrestricted product which is purportedly sought to be promoted through the advertisement under the complaint is produced and distributed in reasonable quantities, having regard to the scale of the advertising in question, the media used and the markets targeted.
 - (b) Whether there exist in the advertisement under complaint any direct or indirect clues or cues which could suggest to consumers that it is a direct or indirect advertisement for the product whose Advertising is restricted or prohibited by law or by this Code.
 - (c) Where Advertising is necessary, the mere use of a brand name or company name that may also be applied to a product whose advertising is restricted or prohibited, is not a reason to find the advertisement objectionable provided the advertisement is not objectionable in terms of (a) and (b) above.



FAIR IN COMPETITION

To ensure that advertisements observe fairness in competition such that the consumer's need to be informed on choice in the marketplace and the canons of generally accepted competitive behavior in business are both served.

- 4.1.** Advertisements containing comparisons with other manufacturers or suppliers or with other products including those where a competitor is named, are permissible in the interests of vigorous competition and public enlightenment, provided:
 - (a)** It is clear what aspects of the advertiser's product are being compared with what aspects of the competitor's product.
 - (b)** The subject matter of comparison is not chosen in such a way as to confer an artificial advantage upon the advertiser or so as to suggest that a better bargain is offered than is truly the case.
 - (c)** The comparisons are factual, accurate and capable of substantiation.
 - (d)** There is no likelihood of the consumer being misled as a result of the comparison, whether about the product advertised or that with which it is compared.
 - (e)** The advertisement does not unfairly denigrate, attack or discredit other products, advertisers or advertisements directly or by implication.
- 4.2.** Advertisements shall not make unjustifiable use of the name or initials of any other firm, company or institution, nor take unfair advantage of the goodwill attached to the trademark or symbol of another firm or its product or the goodwill acquired by its advertising campaign.
- 4.3.** Advertisements shall not be similar to any other advertiser's earlier run advertisements in general layout, copy, slogans, visual presentations, music or sound effects, so as to suggest plagiarism.





4.4. As regards matters covered by sections 2 and 3 above, complaints of plagiarism of advertisements released earlier abroad will lie outside the scope of this Code except in the under-mentioned circumstances:

- (a)** The complaint is lodged within 12 months of the first general circulation of the advertisements/campaign complained against.
- (b)** The complainant provides substantiation regarding the claim of prior invention/usage abroad.

Chairman,

Board of Governors, ASCI

September 14th 2017



The background is a solid black color. It is decorated with several large, stylized, colorful shapes and lines. On the left side, there are two large, overlapping 'S' shapes, one in teal and one in pink. In the center, there is a large yellow 'C' shape. To the right of the 'C', there is a blue horizontal bar. Further right, there are two more 'C' shapes, one in pink and one in yellow. At the top, there are two teal diagonal lines forming a 'V' shape. On the far right, there is a yellow 'C' shape and a teal diagonal line.

GUIDELINES FOR SPECIFIC CATEGORY ADVERTISEMENTS

SELF-REGULATION GUIDELINES FOR ADVERTISEMENTS DEPICTING AUTOMOTIVE VEHICLES



Preamble

Advertisements have a significant influence on people's behavior. As such, Advertisers are encouraged to depict advertisements, in a manner which promotes safe practices, e.g. wearing of helmets and fastening of seat belts, not using mobiles/cell phones when driving, etc.

Guidelines

Specifically, Advertisements should not:

- a) Portray violation of the Traffic Rules,
- b) Show speed maneuverability in a manner which encourages unsafe or reckless driving, which could harm the driver, passengers and/or general public,
- c) Show stunts or actions, which require professional driving skills, in normal traffic conditions which in any case should carry a readable cautionary message drawing viewer attention to the depiction of stunts.

Chairman

Board of Governors, ASCI

April 1st 2008



GUIDELINES FOR QUALIFICATION OF BRAND EXTENSION-PRODUCT OR SERVICE



In order to evaluate the genuineness of an unrestricted product or service brand extension of a product (e.g. liquor and tobacco) whose advertising is prohibited by law, The Advertising Standards Council of India (ASCI) has decided the following objective criteria to be used to qualify a correct Brand Extension product or service (see Chapter III Clause 3.6 (a) of ASCI code):

1. Brand Extension Product or Service should be registered with appropriate Government authority, for example, GST/ FDA/ FSSAI/TM etc.
 - A) **For a brand that is present in the market for >2 years, the following criteria would apply:**
 - I. Sales Turnover of the product or service should exceed Rs. 5 crore per annum nationally or Rs 1 crore per annum per state where distribution has been established.
 - II. Valid certificate from an independent organization such as NielsenIQ or category specific industry association, or an independent and reputed CA firm would be required to prove the concerned criteria.
 - B) **Brand extensions which have been launched in the market, but haven't yet completed 2 years must meet any one of the following criteria:**
 - I. Achieve a net sales turnover of Rs. 20 lakhs per month from launch. Such sales should not be to a subsidiary or sister concern.
 - II. Demonstrate fixed asset investments which are exclusive to the advertised brand extension of not less than Rs. 10 crore. Such assets could be land, machines, factory, software, etc., in case the product is being manufactured/ developed by the advertiser. No advertising related expense should be part of such investments.
 - III. In case the manufacturing/procurement of such brand extensions is being outsourced, then evidence may include board resolutions and purchase orders for long term (> 1 year) contracts with service providers/manufacturing entities, stating their capacities, and contracted volumes/Rupee value, that clearly demonstrate the possibility of achieving the turnover as laid out in





criteria 2B (I).

- IV. Give evidence of turnover greater than 10% of the turnover of the same brand in the restricted category (including sub brands in the restricted category).

All the above evidence should be certified by a reputed and independent CA firm.

Irrespective of the length of time the brand has been in the market, date of launch would be considered as date of the first invoice for sale for the said brand extension.

If a brand extension cannot meet the qualification criteria, for the purpose of the ASCI code it would not be considered a genuine brand extension, but rather a surrogate created to advertise a restricted category.

Chairman,

Board of Governors, ASCI

July 15th 2021



SELF-REGULATION GUIDELINES ON ADVERTISING OF FOODS & BEVERAGES (F&B)



Preamble

Communication and Advertisements related to F&B can have significant impact on the lives of the public in general and their physical and material well-being in particular. It is therefore imperative that F&B advertisements fulfil their intended roles and Advertisers adopt strict principles of self-regulation and not mislead the general public in any manner detrimental to well-being. Caution and care should be observed in advertising of F&B especially ones containing relatively High Fat, Sugar and Salt (HFSS). Recognizing the need to promote high standards of business ethics to ensure commercial communication to consumers are responsible and the need to provide honest and truthful information about Food and Beverage products are met, the following guidelines are issued.

Guidelines

- 1) Advertisements should not be misleading or deceptive. Specifically, advertisements should not mislead consumers to believe that consumption of product advertised will result directly in personal changes in intelligence, physical ability or exceptional recognition. Such claims if made in advertisements should be supported and substantiated with evidence and with adequate scientific basis.
- 2) Advertisements that include what consumer, acting reasonably, might interpret as health or nutritional claims shall be supported by appropriate scientific evidence and meeting the requirement of basic Food Standards laid down under the Food Safety Standards Act and Rules, wherever applicable.
- 3) Advertisements should not disparage good dietary practice or the selection of options, such as fresh fruits and vegetables that accepted dietary opinion recommends should form part of the normal diet.
- 4) Advertisements should not encourage over or excessive consumption or show inappropriately large portions of any food or beverage. It should reflect moderation in consumption and show portion sizes appropriate to the occasion or situation.





- 5) Advertisements should also not undermine the importance of healthy lifestyles or mislead as to the nutritive value of the food or beverage.
- 6) Advertisement should not undermine the role of parental care and guidance in ensuring proper food choices are made by children.
- 7) Advertisements for food or beverages unless nutritionally designed as such should not be promoted or portrayed as a meal replacement.
- 8) Claims in advertisements should not be inconsistent with information on the label or packaging of the food or beverage.
- 9) Advertisement for food and beverages should not claim or imply endorsement by any Government Agency, professional body, and independent agency or individual in a particular profession in India unless there is a prior consent, the claim is current and endorsement verifiable and agency body named.

Chairman

Board of Governors ASCI

February 1st 2013



ASCI GUIDELINES FOR ADVERTISING OF EDUCATIONAL INSTITUTIONS AND PROGRAMS



Preamble

Educational Institutions such as Universities, Colleges, Schools, Coaching Classes etc., which offer programs of education and training play a vital role in building the intellectual capital of India. Parents place a very high value on the education of their children and are known to make great personal sacrifices to enable their children to get the right education. Unlike a tangible product where it is frequently possible to judge the value of what is being offered by inspection and demonstration, in the field of education and training the value of a program is judged mainly by means such as degrees, diplomas and other qualification nomenclatures, recognition, affiliations, testimonials, accreditations, admissions/job/compensation promises – of which the variety being advertised are many. A significant amount of advertising activity is currently happening reflecting the vast variety of educational programs which are being offered.

Guidelines

Further to complying with the general rules of ASCI's Code for Self - Regulation in advertising, the advertisements of Educational Institutions and Programs shall comply with the following Guidelines:

- 1.** The advertisement shall not state or lead the public to believe that an institution or course or program is official, recognized, authorized, accredited, approved, registered, affiliated, endorsed or has a legal defined situation, unless the advertiser is able to substantiate with evidence.
- 2.(a)** An advertisement offering a Degree or Diploma or Certificate which by law requires to be recognized or approved by an Authority shall have the name of that Authority specified for that particular field.
- 2.(b)** In case the advertised Institution or Program is not recognized or approved by any mandatory Authority, but is affiliated to another Institution, which is approved or recognized by a mandatory Authority, then the full name and location of the said Affiliating Institution shall also be stated in the advertisement.





- 2.(c)** The name of the Affiliating Institution, as indicated in 2(b), shall not be less than 50% of the font size as that of the advertised Institution or Program in visual media such as print, internet, hoarding, leaflet, prospectus etc., including television. In audio media such as radio or TV the name of the Affiliating institution (if applicable), must be stated.
- 3.** Advertisement shall not state or lead the public to believe that enrolment in the institution or program or preparation course or coaching classes will provide the student a temporary or permanent job, admissions to institutions, job promotions, salary increase etc. unless the advertiser is able to submit substantiation to such effect. In addition the advertisement must carry a disclaimer stating 'past record is no guarantee of future job prospects.' The font size of the disclaimer should not be less than the size of the claim being made in the advertisements.
- 4.(a)** Advertisement shall not make claims regarding extent of the passing batch placed, highest or average compensation of the students placed, enrolment of students, admissions of students to renowned educational institutes, marks and ranking of students passed out, testimonial of topper students, institution's or its program's competitive ranking, size and qualification of its faculty, affiliation with a foreign institution, Institute's infrastructure, etc. unless they are of the latest completed academic year and substantiated with evidence.
- 4.(b)** Advertisement stating competitive rank of the institution or its program shall also provide full name and date of the publication or medium which released the rankings.
- 4.(c)** Visual of infrastructure of the Institution shown in advertisement shall be real and existing at the time of advertisement's release.
- 4.(d)** Testimonial of toppers in an advertisement shall be from students who have participated in the testimony program, exams or subject only from the advertising institute.
- 4.(e)** An advertisement stating the number of passing out students placed for jobs shall also state total number of students passing out from the placed class.

Chairman

Board of Governors
September 1st, 2013





ASCI GUIDELINES FOR DISCLAIMERS MADE IN SUPPORTING, LIMITING OR EXPLAINING CLAIMS MADE IN ADVERTISEMENTS

Preamble:

Chapter I (4) of the ASCI code states that “Advertisements shall neither distort facts nor mislead the consumer by means of implications or omissions...”

Therefore it is important that material claims, which could have a tendency to mislead consumers or which consumers would have difficulty in understanding, made in an advertisement are appropriately qualified or disclaimed to ensure that reasonable consumers with average intelligence are not misled or deceived by means of implications or omissions. These guidelines are meant to help Advertisers, Agencies and Media to interpret the rules in the ASCI Code for Self-Regulation in Advertising in so far as they relate to disclaimers used in Advertising.

Guidelines:

- 1) A Disclaimer can expand or clarify a claim, make qualifications, or resolve ambiguities, to explain the claim in further detail, 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.

For Example,

- If the claim is to offer a product or service for “free”, then the disclaimer cannot contradict the claim by seeking some payment for the product or service.
- If the claim is for giving “cash back”, the disclaimer cannot contradict the claim by giving payback only in kind. However, the disclaimer can explain that “cash back” can be construed to mean virtual wallet or any other mode of online payment.
- If the claim in the advertisement is for discount on all products, then the disclaimer cannot limit the offer to only select products.

- 2) A disclaimer should not attempt to hide material information with respect to the claim, the omission / absence of which is likely to make the advertisement deceptive or conceal its commercial intent.

For Example,

- A claim of “best food processing equipment in India” should not





be disclaimed by stating “for vegetable processing only” or “in major metros only”

- Disclaimer such as “T&C apply” should indicate where this information is available to consumer for further reference.

3) A disclaimer should not attempt to correct a misleading claim made in an Advertisement.

For Example,

- A claim of internet speed of “up to 10 mpbs” should not be limited to “between 12 am to 6 am only”.
- Disclaimer for a claim of “lose up to 2 kgs of weight” should not be “when calorie consumption is limited to xx per day”.

4) Requirements for the disclaimers also covers the following -

- I.** A disclaimer shall be in the same language as the claim of the Advertisement.
- II.** The font should be in the same font as the claim or sans serif and NOT in italics for better readability.
- III.** Placement position of disclaimers of a claim on packaging should be in a prominent and visible space and could be ideally on the same panel of the packaging as the claim made.
- IV.** The direction of disclaimers should be along the direction of the majority of the copy, such that no rotation of head or medium would be needed to read. Preferably, this should be along the natural reading direction of the medium. Exception could be for small packs with limited space (e.g. packaging less than 25 ml/gms).
- V.** For comparative claims, the basis of comparison must be stated in a font size that is at least 25% of the size of the claim which is being qualified and positioned in close proximity of the claim i.e. immediately next to or immediately below the claim.
- VI.** If the claim is presented as voice over (VO), then the disclaimer should be displayed in sync with the VO.
- VII.** A disclaimer should be clear, prominent enough and legible. Disclaimer should be clearly visible to a normally-sighted person reading the marketing communication once, from reasonable distance and at a reasonable speed.
 - i.** Text height of the disclaimers in television commercials or videos shall conform to the following:
 - 1.** For standard definition images, the height of the text lower case elements shall be NOT LESS THAN 14 pixels [14 lines] in a 576 line raster.





2. For high definition images, the height of the text lower case elements shall be NOT LESS THAN 26 pixels [26 lines] in a 1080 line raster.
 3. For 4K/UHD images/video, the height of the text shall be NOT LESS THAN 57 pixels [57 lines] in a 2160 line raster.
- ii. In print advertising, the font size of disclaimers shall be NOT LESS THAN 7 point for advertisements of 50 cc or less, NOT LESS THAN 9 point for advertisements of 100 cc or less and NOT LESS THAN 10 point for advertisements of more than 100 CC.
 - iii. In static medium like hoardings or point-of-sale advertising, disclaimers should have font sizes equivalent to 2.6% of the height of the medium and NOT LESS than 10 point font size. For large hoarding of 400 sq. feet or more, the font size should be NOT LESS than 100 points.
- VIII.** Visual presentation in terms of contrast and color: An advertiser shall ensure that all disclaimers:
- i. Be in a color that contrasts with the background, such that it allows the text to be clearly legible.
 - ii. Not be designed in a way such that the text keeps fading in and out of vision. In such cases, it will normally be necessary to place the text on an opaque single-colored block.
- IX.** Comprehension – Advertisers should avoid the use of abbreviations or words that may not be readily understood by a consumer while framing disclaimers.
- X.** Hold Duration for disclaimer - In television commercials or videos, a disclaimer shall remain in the screen for MORE THAN 4 seconds for every line, and additional 2 seconds for every additional line. If the claim is presented as a voice over (VO), then disclaimer should be displayed in sync with the VO.
- XI.** Speed for audio disclaimer - In advertisements in Radio / TV / Internet etc., the speed of spoken disclaimers should not exceed 6 syllables per second and its volume should be at the same level as the rest of the audio.

The above Guidelines shall not be in derogation of, or designed to derogate any other law in operation, or shall not include any information, which by law, shall be required to be communicated in a size of manner other than as prescribed above.

Chairman

Board of Governors

October 13th, 2016



VALIDITY & DURATION OF CLAIMING NEW/IMPROVED



	DEFINITION	PERIOD OVER WHICH CAN BE CLAIMED
New	The words New/Improved must specify what aspect of the product/service is new or improved- viz the product's utility, function, product design, package design etc.	The word "new", "improved" or an 'improvement' of a product may be used in advertisements only for a period of one (1) year from the time the new or improved product/service has been launched/introduced in the market.

Chairman

Board of Governors, ASCI
June 1st 2014



GUIDELINE FOR SAVING FOR LARGE PACK COMPARISON



Marketers may claim saving for larger pack provided the comparison is made without any ambiguity by highlighting number of smaller pack units Vs the larger promotional pack (viz. “Save INR XX for a 2 KG pack as compared to four 500 gm packs”). Words to be used “save” and not “off”.

Chairman

Board of Governors, ASCI

June 10th 2014



GUIDELINES FOR ADVERTISING OF SKIN LIGHTENING OR FAIRNESS IMPROVEMENT PRODUCTS



Preamble

While all Fairness products are licensed for manufacture and sale by relevant state Food & Drug Administrations (FDA) under the Drugs & Cosmetics Act, there is a strong concern in certain sections of society that advertising of fairness products tends to communicate and perpetuate the notion that dark skin is inferior and undesirable. ASCI code's Chapter III 1(b) already states that advertisements should not deride race, caste, color, creed or nationality. Yet given how widespread the advertising for fairness and skin lightening products is and the concerns of different stakeholders in society, ASCI, therefore, felt a need to frame specific guidelines for this product category.

Guidelines

The following guidelines are to be used when creating and assessing advertisements in this category.

- 1) Advertising should not communicate any discrimination as a result of skin color. These ads should not reinforce negative social stereotyping on the basis of skin color. Specifically, advertising should not directly or implicitly show people with darker skin, in a way which is widely seen as, unattractive, unhappy, depressed or concerned. These ads should not portray people with darker skin, in a way which is widely seen as, at a disadvantage of any kind, or inferior, or unsuccessful in any aspect of life, particularly in relation to being attractive to the opposite sex, matrimony, job placement, promotions and other prospects.
- 2) In the pre-usage depiction of product, special care should be taken to ensure that the expression of the models in the real and graphical representation should not be negative in a way which is widely seen as unattractive, unhappy, depressed or concerned.
- 3) Advertising should not associate darker or lighter color skin with any particular socioeconomic strata, caste, community, religion, profession or ethnicity.
- 4) Advertising should not perpetuate gender based discrimination because of skin color.

Chairman

Board of Governors, ASCI

August 14th 2014



GUIDELINES FOR CELEBRITIES IN ADVERTISING



Preamble

Celebrities have a strong following and hence high credibility among consumers. Therefore, advertisements featuring celebrities need to doubly ensure that claims made in it are not misleading, false or unsubstantiated; so as not to harm the interests of the consumers, especially for products or services which can cause serious financial loss and physical harm. These Guidelines are developed in order that Advertiser is guided to produce and release appropriate advertisements featuring celebrities in it. Advertisements featuring Celebrities or involving Celebrity Endorsements would be subject to the following

Guidelines:

- a) Celebrities, for the purpose of this guideline, are famous and well-known people who are from the field of Entertainment and Sports and would also include other famous and well known personalities like Doctors, Authors, Activists, Educationists, etc. who get compensated for appearing in advertising*.
- b) All advertisements featuring Celebrities should ensure that it does not violate any of the ASCI code in letter and spirit. Celebrities are expected to have adequate knowledge of these Codes and it is the duty of the Advertiser and the Agency to make sure that the Celebrity they wish to engage with is made aware of them.
- c) Testimonials, endorsements or representations of opinions or preference of Celebrities must reflect genuine, reasonably current opinion of the individual(s) making such representations, and must be based upon adequate information about or experience with the product or service being advertised.
- d) Celebrity should do due diligence to ensure that all description, claims and comparisons made in the advertisements they appear in or endorse are capable of being objectively ascertained and capable of substantiation and should not mislead or appear deceptive.
- e) Celebrities should not participate in any advertisement of a product or treatment or remedy that is prohibited for advertising under
 - i) The Drugs & Magic Remedies (Objectionable Advertisements) Act 1954





as updated from time to time (Link for preliminary guidance <http://lawmin.nic.in/ld/PACT/1954/A1954-21.pdf> and <http://drugs.kar.nic.in/node/136.html>) or

- ii) The Drugs & Cosmetic Act 1940 and Rules 1945: (Schedule J) as updated from time to time (Link for preliminary guidance [http://www.cdsc.nic.in/writereaddata/2016Drugs and Cosmetics Act 1940 & Rules 1945.pdf](http://www.cdsc.nic.in/writereaddata/2016Drugs%20and%20Cosmetics%20Act%201940%20&%20Rules%201945.pdf) and http://www.indianhealthservices.in/schedules/Schedule_J.pdf).

- f) Celebrities should not participate in any advertisements for products which, by law, require a health warning such as “..... is injurious to health” in their advertising or packaging.

- g) If the Celebrity either directly or through the concerned Advertiser/Agency chooses to seek Advertising Advice from ASCI on whether the advertisement potentially violates any provisions of the ASCI code or not and if the Advertisement is developed fully following the Advertising Advice provided by the ASCI, then the Celebrity would be considered as having completed due diligence. However, ASCI’s Advertising Advice will not be construed as pre-clearance of the Advertisement.

You may contact ASCI for seeking details regarding advertising advice procedure or refer www.ascionline.in

*Compensated Rs. 20 lakhs or above as per current limit for appearing in a single advertisement or a campaign or per year, whichever is more AND / OR is listed in top 100 celebrities as per any one of the current and immediate past list of Forbes or the Times or Celebrity track report of Hansa Research or any such list which is intended to be indicative and not exhaustive.

Chairman

Board of Governors
September 14th 2017



ASCI GUIDELINES FOR USAGE OF AWARDS/RANKINGS IN ADVERTISEMENTS



Preamble

Awards and rankings are increasingly being used by advertisers to make superiority claims for their products and services in advertising.

Consumers, owing to a lack of knowledge, may be led into believing that an award or ranking which is given to a brand, product, institute or service makes it superior and/or more authentic. Some of the awards and rankings are likely to mislead the consumer by communicating that the product or service is a recognized one, and raise its esteem in the mind of the consumer as evaluated by experts or by a large body of experts, whereas this actually may not be the case.

It is, therefore, accordingly necessary, that awards and rankings used in advertising should be sourced from credible, recognized, independent bodies which employ ethical processes, rigor and appropriate research so that superiority claims made by advertisers are substantiated and do not mislead consumers.

This is particularly important for claims made by educational institutions which affect children's education, career opportunities and future job prospects. In the healthcare services area, this can severely impact patients' health and wellbeing.

Key reference for applicable ASCI chapters

Chapter I - To ensure the Truthfulness and Honesty of representations and claims made by advertisers and to safeguard the consumer against misleading advertisements:

- 1.1 Advertisements must be truthful.
- 1.2 Where advertising claims are expressly stated to be based on or supported by independent research or assessment, the source and date of such independent research or assessment must be indicated in the advertisement.
- 1.3 Advertisements shall not, without the permission from the person, firm or institution under reference, contain any reference to such person, firm or institution which confers an unjustified advantage to the product advertised or which tends to bring the person, firm or institution into ridicule or disrepute.
- 1.4 Advertisements should disclose all material facts which if suppressed or distorted would mislead the consumer by implication or omission.





- 1.5** Advertisements should be framed in such manner as to gain consumer trust and not exploit his/her lack of understanding or knowledge.

Guidelines

These guidelines are developed to guide Advertisers for appropriate reference to award/s or ranking/s claim/s in advertising and will assist the advertiser to understand why ASCI's Consumer Complaints Council (CCC) may accept or reject, the mention of a certain award or ranking.

- 1.** Awards/Rankings should not be used as an alternative for consumer or scientific research or testing which is required to substantiate a superiority claim about the effective use or performance of products or services.
- 2.** Advertisements that refer to awards/rankings should indicate clearly the name of the organization that has provided the award/ranking and the month and year in which the award/ranking was pronounced.
- 3.** The validity of the award/ranking so used to substantiate a claim should be of a period preceding the advertisement by not more than 12 months. In some cases if the year of the award period is self-explanatory then such reference to the award being current is not applicable.
- 4.** The permission or consent of the person, institution or organization conferring the award/ranking should be obtained in writing before being used in the advertisement.
- 5.** Photographs of the award/certificate/the awards function or the list of invitees to the award function, is by itself not sufficient evidence to support the award. Additionally, details on the protocol/process followed by the awarding/ranking organization is required to substantiate the claim.
- 6.** Awards/rankings based on surveys done in one area (say, a city or state) cannot be extrapolated to include a larger territory (say, India, Asia, World). Institutions cannot extrapolate data to substantiate their claim. Additionally, awards/rankings given in one category cannot be used to promote an institution in another category. For example -
 - If a university ranked 25th on a national level, cannot claim that it is in the top-5 in say the North zone, unless the awarding organization publishes a zonal ranking as well.
 - If the award is given to a particular department of a college or to a college under a university then the same cannot be attributed to the college or university respectively.
- 7.** To substantiate the award/ranking claim, the Advertiser needs to give an undertaking that there is no commercial relationship or conflict of interest between the awarding organization/the research agency/jury members and the advertiser and that they are two independent entities. To be specific, there should be no direct or indirect payment made by the advertiser to the





Institution or organization granting such award.

8. For a complaint lodged at ASCI against an advertisement claiming award/ranking, the concerned Advertiser would be required to provide details on the protocol/process followed by the awarding/ranking organization for conferring the award/ranking on the product/service. This would mean and include but shall not be limited to :
 - i. The criteria for granting award/ranking, which should be published and available in the public domain.
 - ii. The process followed, i.e. either via Market research or by a Panel decision.
 - iii. If it is by means of a market research then its authenticity needs to be supported:
 - iii (i). Is the market research agency a member of a recognized Market Research Association such as Market Research Society of India (MRSI) or ESOMAR. The sample size and methodology adopted. ii. If there has been no market research but award granted is based on a panel/jury decision, then in such case:
 - iii (ii). The credentials and qualifications of the panel/jury judging the subject of the claim made for the brand.
 - iii (iii). The detailed process followed by the panel in arriving at the decision.
 - iii (iv). How many brands/products were assessed? What was the criteria used and what was the methodology deployed by the panel in arriving at its decision?
9. For a complaint lodged at ASCI against an advertisement claiming award/ranking for a school/college/university/educational enterprise, then the concerned Advertiser would be required to provide details on the protocol/process followed by the awarding/ranking organization for conferring the award/ranking on the institution. This should include:
 - i. The evaluation parameters which must be clearly specified and the respective scores obtained by the educational institutions on each parameter so specified.
 - ii. The parameters should cover various aspects, such as, infrastructure, students per class, faculty strength and profile, outcomes (academic results/ awards/ higher studies), teaching methodology, sports education, co-curricular activities, leadership and life-skills, etc.
 - iii. Only when a multi-faceted evaluation is done can there be a fair evaluation of the quality of education provide institution.
 - iv. Where multiple parameters are used, the weightages between the various parameters need to be indicated.





- 10.** For a complaint lodged at ASCI against an advertisement claiming award/ranking for a healthcare enterprise/hospital/treatment, then the concerned Advertiser would be required to provide details on the protocol/process followed for conferring the award/ranking on the product/service. This should include:
- i.** Evaluation parameters which are clearly specified and the scores obtained by leading healthcare providers on each parameter is published.
 - ii.** The parameters should cover various aspects, such as, infrastructure, number and profile of doctors, their experience and qualifications, patient care outcomes, innovation in treatment/protocols and impact on business operations or patient care outcomes and medical KPIs.
 - iii.** Where multiple parameters are used, the weightages between various parameters needs to be indicated.
 - iv.** Where doctor, patient or general public perception is incorporated in the evaluation process, the study should be collected by an independent reputable agency, the sample size and spread, target group definition, sampling method and the field control procedures should be clearly specified.
 - v.** The questionnaire and data collection records should be available to ASCI for review.

Chairman

Board of Governors, ASCI
January 9th 2020



ASCI GUIDELINES FOR ONLINE GAMING FOR REAL MONEY WINNINGS



Preamble:

Online gaming, where consumers are required to put up money for a possibility of cash or equivalent winnings, has become immensely popular. Such games are called “ONLINE GAMING FOR REAL MONEY WINNINGS”. Vast amounts of resources are being spent to establish new brands and new formats in this category. Such games fall under state jurisdictions, and from time to time, they may be allowed or disallowed through notifications or enactment of laws. It is not within ASCI’s jurisdiction to decide the legality of such games, and objections related to the legality of such games, and the appearance of their advertisements in specific media are outside of ASCI purview, and must be taken up with the concerned sector regulators within the government. ASCI can process complaints regarding the advertising content of “Online Gaming for Real Money Winnings”, when such advertisements potentially violate the ASCI code. Such games entail an element of risk through financial losses. Such games may also be addictive in nature. Some advertisers have proactively put disclaimers to warn the public on both issues. However, there is a need to standardize the same as well as ensure that all advertisements in the category carry the required warnings.

For advertisements of “Online gaming for real money winnings” the following specific guidelines have been developed to guide advertisers to so that their advertisements do not violate the ASCI code pertaining to misleading advertisements (Chapter I), or of being harmful to society or individuals (Chapter III). These guidelines would be applicable to the content of all advertisements of “Online gaming for real money winnings”.

Guidelines:

1. No gaming advertisement may depict any person under the age of 18 years, or who appears to be under the age of 18, engaged in playing a game of ONLINE GAMING FOR REAL MONEY WINNINGS, or suggest that such persons can play these games.
2. Every such gaming advertisement must carry the following disclaimer:
 - a. Print/ static: This game involves an element of financial risk, and may be addictive. Please play responsibly and at your own risk.
 - i. Such a disclaimer should occupy no less than 20% of the space in the advertisement.
 - ii. It should also SPECIFICALLY meet disclaimer guidelines 4 (i) (ii) (iv) (viii) laid out in the ASCI code.



GUIDELINES FOR INFLUENCER ADVERTISING IN DIGITAL MEDIA



DEFINITIONS

Influencer

An Influencer is someone who has access to an audience and the power to affect their audiences' purchasing decisions or opinions about a product, service, brand or experience, because of the influencer's authority, knowledge, position, or relationship with their audience.

Virtual Influencer

Virtual influencers, are fictional computer generated 'people' or avatars who have the realistic characteristics, features and personalities of humans, and behave in a similar manner as influencers.

Material connection

A material connection is any connection between an advertiser and influencer that may affect the weight or credibility of the representation made by the influencer. Material connection could include but is not limited to benefits and incentives, such as monetary or other compensation, free products with or without any conditions attached including those received unsolicited, discounts, gifts, contest and sweepstakes entries, trips or hotel stays, media barter, coverage, awards or any family or employment relationship, etc.

Digital media

"Digital Media is defined as a means of communication that can be transmitted over the internet or digital networks and includes communication received, stored, transmitted, edited or processed by a digital media platform. Digital Media includes but not limited to:

- 1) Internet (advergaming, sponsored posts, branded content, promotional blogs, paid-for links, gamification, in-game advertising, teasers, viral advertising, augmented reality, native advertising, connected devices, influencers, etc.)
- 2) On-demand across platforms including near video on demand, subscription video on demand, near movie on demand, free video. On-demand, transactional video on demand, advertising video on demand, Video on demand, pay per view etc.
- 3) Mobile broadcast, mobile, communications content, websites, blogs, apps, etc. / Digital TV (including digital video broadcasting handheld and terrestrial) etc.





- 4) NSTV (non-standard television)
- 5) DDHE (digital delivery home entertainment)
- 6) DTT (digital terrestrial television)

Preamble:

As digital media becomes increasingly pervasive and more consumers start to consume advertising on various digital platforms, it has become important to understand the peculiarities of these advertisements and the way consumers view them. With lines between content and advertisements becoming blurry, it is critical that consumers must be able to distinguish when something is being promoted with an intention to influence their opinion or behaviour for an immediate or eventual commercial gain. Consumers may view such messages without realising the commercial intent of these, and that becomes inherently misleading, and in violation of clause 1.4 (misleading by omission) and 1.5 (abuse trust of consumers or exploit their lack of experience or knowledge).

Guidelines:

1. Disclosure

All advertisements published by social media influencers or their representatives, on such influencers' accounts must carry a disclosure label that clearly identifies it as an advertisement.

1.1 The following criteria must be used to determine if disclosure is required:

- a. Disclosure is required if there is any material connection between the advertiser and the influencer.
- b. Material connection isn't limited to monetary compensation. Disclosure is required if there is anything of value given to mention or talk about the Advertiser's product or service. For example: If the Advertiser or its Agents gives free or discounted products or service or other perks and then the influencer mentions one of its products or services, a disclosure is needed even if they weren't specifically asked to talk about that product or service.
- c. Disclosures are required even if the evaluations are unbiased or fully originated by Influencer, so long as there is a material connection between Advertiser and Influencer.
- d. If there is no material connection and the influencer is telling people about a product or service they bought and happen to like, that is not considered to be an advertisement and no disclosure is required on such posts.

1.2 Disclosure must be upfront and prominent so that it is not missed by an average consumer.

- a. It should be placed in a manner that is hard to miss.



- b.** Disclosures are likely to be missed if they appear only on an ABOUT ME or profile page, or bios, at the end of posts or videos, or anywhere that requires a person to click MORE.
- c.** Disclosure should not be buried in a group of hashtags or links.
- d.** Using a platform's disclosure tool should be considered in addition to an influencer's own disclosure.
- e.** If the advertisement is only a picture or video post without accompanying text (such as Instagram stories or Snapchat), the discloser label needs to be superimposed over the picture/video and it should be ensured that the average consumer is able to see it clearly.
 - I.** For videos that last 15 seconds or lesser, the disclosure label must stay for a minimum of 3 seconds.
 - II.** For videos longer than 15 seconds, but less than 2 minutes, the disclosure label should stay for 1/3rd the length of the video.
 - III.** For videos which are 2 minutes or longer, the disclosure label must stay for the entire duration of the section in which the promoted brand or its features, benefits etc. are mentioned.
- f.** In live streams, the disclosure label should be announced at the beginning and the end of the broadcast. If the post continues to be visible after the live stream is over, appropriate disclosure must be added to the text / caption.
- g.** In the case of audio media, the disclosure must be clearly announced at the beginning and at the end of the audio, and before and after every break that is taken in between.

1.3 The disclosure must be made in a manner that is well understood by an average consumer.

- a.** Following is the list of disclosure labels permitted. Any one or more can be used:
 - Advertisement
 - Ad
 - Sponsored
 - Collaboration
 - Partnership
 - Employee
 - Free gift
- b.** The disclosure should be in English OR in the language as the advertisement itself in a way that is easy for an average consumer to understand.

1.4 A virtual influencer must additionally disclose to consumers that they are not interacting with a real human being. This disclosure must be upfront



and prominent.

- 1.5** Responsibility of disclosure of material connection and also of the content of Advertisement is upon the Advertiser for whose product or service the advertisement is, and also upon the Influencer. For clarity, where Advertiser has a material connection with the Influencer, Advertiser's responsibility will be to ensure that the posted Influencer advertisement is in line with the ASCI code and its Guidelines. While the Influencer shall be responsible for making disclosures required under the Guidelines. The Advertiser, shall, where needed, call upon the Influencer to delete or edit an advertisement or the disclosure label to adhere to the ASCI Code and Guidelines.

2. Due Diligence

The influencers are advised to review and satisfy themselves that the advertiser is in a position to substantiate the claims made in the advertisement.

*Note - If an influencer/ advertiser disputes that the piece of communication in question is not an advertisement as there is no material connection, the following evidence will be required to be submitted to ASCI:

Addendum (Date 15.07.2021)

If an influencer/ advertiser disputes that the piece of communication in question is not an advertisement as there is no material connection, the following evidence will be required to be submitted to ASCI:

- 3.** A declaration from the advertiser stating that there is no material connection between them and the influencer as on the date of the post. This declaration needs to be signed by a senior member of the advertiser's organization such as the Marketing head, Legal/ Compliance head, and Digital marketing head or similar.
- 4.** In the event that the advertiser of the brand featured is difficult to trace in spite of reasonable efforts, or if the piece of communication features brands of multiple advertisers, then proof of purchase of featured products and brands, provided by the influencer, would be considered adequate evidence to refute material connection.

Chairman

Board of Governors, ASCI
July 15th 2021



ASCI'S POLICY ON COMPLAINTS AGAINST POLITICAL AND GOVERNMENT ADVERTISEMENTS



ASCI does not accept and process complaints against political and non-commercial government advertising for the following reasons:

- 1)** ASCI's self-regulation system is established as an industry initiative with the objective of regulating commercial communication i.e. advertising which, directly or indirectly, solicits exchange of money for goods and services. ASCI's code specifically states that "The code for self-regulation has been accepted by individuals, corporate bodies and associations engaged in or otherwise concerned with the practice of advertising in the best interest of the ultimate consumer." Therefore, political, and non-commercial government advertising attempting to influence voters does not come under the ambit of ASCI.
- 2)** It is important to ASCI's integrity that it is seen as an impartial adjudicator free from the perception of political bias. It is not possible to make decisions about whether a political or non-commercial government advertisement breaches the Code without the potential for being seen as taking a political viewpoint.
- 3)** ASCI has mandates from industry associations such as ISA, AAI, INS, IBF, etc. representing India's advertisers, advertising agencies and media to self-regulate advertising content. ASCI currently has no mandate to regulate government or political advertising. Complainants need to be aware that the ASCI is an industry funded body. It is inappropriate for ASCI to assume jurisdiction over the content of political or government advertising in the absence of political parties' or government's support for such advertising to be regulated by ASCI.

ASCI recommends that anyone who has complaints against any political advertisements should write to the Election Commission of India. And send complaints against non-commercial government-released TV advertisements to Ministry of Information and Broadcasting, New Delhi which is the regulator for TV content and for press advertisements to the Press Council of India, New Delhi which is the regulator for print content.

Chairman

Board of Governors, ASCI
October 24th 2013



The background is a solid black color. It is decorated with several abstract, colorful geometric shapes and lines. There are teal-colored lines, some straight and some curved. There are pink-colored curved shapes, resembling stylized 'C' or 'S' characters. There are yellow-colored curved shapes, also resembling stylized 'C' or 'S' characters. There is a single blue horizontal line. The overall aesthetic is modern and graphic.

COMPLAINTS PROCEDURE



- A.** The ASCI Code and Guidelines for Self-Regulation in advertising content (hereinafter referred to as the Code) is well publicized and is available on ASCI's website (<https://ascionline.in>). It is recognized by Practitioners in advertising as the universally relevant / applicable Code for Self-Regulation in respect of advertising content in India. It is broad based and relates to the entire gamut of media vehicles – Print, TV, Digital Media / Social Media / Websites, Audio-Visual, Radio, Outdoor, Internet, e-mail, SMS, Promotion / Merchandising vehicles, etc. and even packaging / label as a vehicle of mass communication.
- B.** The CONSUMER COMPLAINTS COUNCIL (CCC) of ASCI functions as its examining body which considers complaints raised as well as the response of the advertiser, whether such advertiser is a member or a non-member of ASCI, before giving its recommendations as to whether the advertisement in question violates the provisions of the Code. All recommendations of CCC / Fast Track Complaint Panel (FTCP) / CCC Review (CCCR) / Independent Review Process (IRP) are published on ASCI's website and in ASCI's Annual Report.
- C.** ASCI and the CCC / CCCR/ FTCP / IRP are not clearing houses or voluntary censor bodies and hence advertisements are not pre-cleared or approved by them. Modifications in advertisements, even though carried out in response to CCC / CCCR /FTCP / IRP recommendations as advised are not cleared or approved by the CCC / CCCR / FTCP / IRP. It is implicit that such modifications are in observance of the Code and have been motivated by the spirit of the Code, not just the letter itself. Such modified advertisements could therefore again be subject to the forces / conventions in the market place and to the perceptions of the public.
- D.** The CCC / CCCR / FTCP/ IRP do not entertain complaints relating to advertisements which are found to be identical to the subject matter of a proceeding which is sub-judice or has already been decided by a Court of law or before any Regulatory Authority in India. The onus of disclosing such information to ASCI lies on the complainant at the time of filing the complaint. However, when advertisers object to proceeding with a complaint on the grounds that the subject matter is sub-judice or has already been decided by a Court of law or before any Regulatory Authority in India, the CCC / FTCP/ CCCR/ IRP shall proceed to first test the preliminary issue as to whether the complaint made to ASCI is subject matter of a proceeding which sub-judice or has already been decided before any Court of law or Regulatory Authority in India before proceeding on the complaint. The decision of CCC/





FTCP/ CCCR/ IRP, as the case may be, in this regard shall be binding on the parties' subject to the review options available to the parties within the ASCI framework. ASCI shall refuse to proceed further with the complaint when it is determined by CCC / FTCP/ CCCR/ IRP that the complaint made to ASCI is the subject matter of a proceeding which is presently sub-judice or has already been decided before any Court of law or Regulatory Authority in India.

- E.** There are four types of Complaints against advertising content which are received by ASCI:
- a.** Complaints from the General Public / Consumers
 - b.** Complaints from Non-public, such as Government Regulators, Consumer Groups and Industry Bodies
 - c.** Intra Industry complaints
 - d.** Suo Motu complaints

1. SUBMITTING A COMPLAINT

1A. COMPLAINT FROM THE GENERAL PUBLIC / CONSUMER / NON-PUBLIC

- i.** Complaints may be submitted via a text on WhatsApp, an online form, by way of mobile app, email or telephone. Letters may be sent to the postal address provided on the website. ASCI also responds to complaints made on social media such as Twitter, Facebook and Instagram wherein the complainant is re-directed to lodge an online complaint or via WhatsApp so that all the information is captured correctly.
- ii.** No fee is required to be paid by any complainant for submitting a complaint to ASCI.
- iii.** When submitting a complaint through any of the above-mentioned modes, a complainant is required to give his/her name, information about his/ her profession / organization (if the complainant is not an individual) and his/her contact details such as mobile number and email address.
- iv.** Anonymous or pseudonymous complaints will not be entertained.
- v.** Complainants must provide particulars about the objected advertisement in question including exactly what content of the advertisement is being complained against, details of the product / service, publication / broadcast details as well as a clipping / copy of the advertisement, if possible. If locating / identifying the advertisement is not possible, ASCI may not be able to take further steps in the matter.
- vi.** In case of a print advertisement, a clipping of the advertisement and the name and the date of the newspaper / documents in which it appeared needs to be provided. In case of Online advertisements a screen shot of the page as well as the URL link should be provided, for TV advertisements,



telecast details with date, time and name of channel/s, a video clipping or a corresponding YouTube/digital advertisement should be provided.

- vii.** If objections are raised against multiple claims in an advertisement then three main objections / claims as per the Complainant will be considered per advertisement to make the process efficient.
- viii.** If the advertisement complained against is in a language other than Hindi or English, it is preferred that a translation of the advertisement in Hindi or English be provided.
- ix.** The identity / particulars of the individual complainant are not disclosed to the advertiser except when the complainant is non-public i.e. an industry member, regulator, consumer group or an industry body or when the nature of complaint is such that the complainant's identity is required to be disclosed.
- x.** Complaints will be processed by an Officer of the ASCI Secretariat designated for that purpose. The Designated Officer/s will be the point of contact in ASCI for the parties involved and the name, contact details of such Designated Officer shall be clearly communicated to the parties involved for further communication with respect to the complaint.
- xi.** The Complainant is required to provide specific grounds for objection as the basis of the complaint. The specific objections raised in the complaint need to be substantiated, where necessary, with support data / information with the relevant portions highlighted.
- xii.** Upon a request from the ASCI Secretariat, if the complainant fails to confirm the advertisement objected to and/or does not furnish the requested details within five business days from such request, the complaint will be considered incomplete and closed.
- xiii.** The complaint may be closed if the complainant withdraws his/her complaint in writing.
- xiv.** No documents submitted after the prescribed time will be considered unless - (a) there are extenuating circumstances for the same; and (b) the ASCI Secretariat allows the reasonably delayed submission upon a written request by the complainant with reasons for delay explained and at the discretion of the Secretariat.

1B. INTRA-INDUSTRY COMPLAINTS

- i.** When an advertiser lodges a complaint against another advertiser, it is considered to be an intra-industry complaint. Intra-industry complainants have the option of taking recourse to the general press mentioned herein (free of cost) or may apply for the Fast Track Complaints (FTC) procurement of prescribed fees) only when both the parties are members of ASCI.



- ii.** The Complainant is required to give his/her name, information about his/her designation / organization and his/her official contact details. Complainants must provide particulars about the objected advertisement in question including exactly what the content of the advertisement being complained against is by means of framing of issues, details of the product / service, publication / broadcast details as well as a clipping / copy of the advertisement. A copy of the advertisement must be provided by the complainant.
- iii.** If objections are raised against multiple claims in an advertisement then three main objections / claims as per the Complainant will be considered per advertisement to make the process efficient.
- iv.** If the advertisement complained against is in a language other than Hindi or English, the complainant will provide a translation of the advertisement in English.
- v.** The Complainant is required to provide grounds for objection as the basis of the complaint on the issues framed. The objections raised in the complaint need to be substantiated, where necessary, with support data / information with the relevant portions highlighted. This data will be shared by ASCI with the advertiser complained against as part of the complaint.
- vi.** In cases of intra-industry complaints, the identity of the complainant will be disclosed to the advertiser.
- vii.** Complaints will be processed by an Officer of the ASCI Secretariat designated for that purpose. The Designated Officer/s will be the point of contact in ASCI for the parties involved and the name, contact details of such Designated Officer shall be clearly communicated to the parties involved for further communication with respect to the complaint.
- viii.** A hard copy of the complaint as well as the supporting documents must be submitted so that the same may be forwarded to the advertiser.

1C. SUO MOTU COMPLAINTS

- i.** When a member of the ASCI Board, CCC or the Secretariat makes a complaint, then it is treated as a suo motu complaint. The Board member, CCC member or the Secretariat is required to register a complaint in writing. Moreover, when a complaint is deliberated upon by the CCC / CCCCR / FTCP / IRP, it can raise a suo motu complaint on any other matter in the originally complained advertisement, which was not raised by the complainant. Such may however be subject matter of fresh complaint and the Advertiser shall be given adequate opportunity to provide its substantiation after issues are framed and shared with the Advertiser.
- ii.** ASCI monitors media for advertisements publishing misleading, false or unsubstantiated claims by way of TV, print, etc. Pursuant to such monitoring,





if ASCI finds any advertisement from such monitoring as potentially violating the Code, then the same will be processed as a suo motu complaint.

- iii. The suo motu complaint goes through the same process as the other complaints.

2. THE PROCEDURE FOR PROCESSING COMPLAINTS IS SET OUT BELOW, EXCEPT FOR FAST TRACK COMPLAINTS WHICH IS EXPLAINED IN A SEPARATE SECTION.

- i. On receipt of a complaint, an acknowledgement by email / hardcopy will be sent to the complainant by the Designated Officer within three business days. A verification process to ascertain the genuineness of a Complaint will be undertaken by the Designated Officer to prevent fake and vexatious complaints.
- ii. If objections are raised against multiple claims in an advertisement, three main objections / claims as per the Complainant will be considered per advertisement to make the process efficient. If multiple complaints have been made against a particular advertisement, it will be within the discretion of the Designated Officer to proceed with one complaint, which will be treated as the parent complaint. In such a situation, all the complainants involved and the Advertiser will be notified.

3. EXAMINATION OF A COMPLAINT

- i. After the complaint has been verified for completeness, it will be evaluated for the objections raised therein.
- ii. To decide the most appropriate course of action in dealing with a complaint, the following criteria will be considered by the Designated Officer:
 - a. Whether any action is required on the complaint.
 - b. Whether the advertiser can be advised to consider the complainant's feedback for possible amendment(s).
 - c. Whether to seek the advertiser's response on the complaint received.
- iii. The Designated Officer will attempt to resolve the complaints in the most efficient manner.
- iv. Not all complaints require a formal investigation as in some cases, there is no consumer detriment envisaged or the objection is not likely to cause grave and widespread offence (e.g. personal/individual opinions of complainants). In such cases, the complaints will be deemed to be



resolved by appropriate communication from ASCI to the complainant and / or advertiser.

- v. In case the complainant has been unable to provide ASCI with a copy of the advertisement in question, steps will be taken by the Designated Officer to procure it from the advertiser concerned. At this stage, while a copy of the complaint may be sent to the advertiser, no written response would be sought. The advertiser is asked to provide a copy of the advertisement in question within a period of two business days from receipt of the complaint copy.
- vi. The complaint is processed only if the advertisement continues to be published / telecast within a period of three months prior to the date of the complaint. For digital media, the Designated Officer may evaluate whether to take up such complaints for the period prior to three months of the complaint depending on the nature of the objections raised and/or consumer exposure envisaged.
- vii. If upon examination, the complaint appears frivolous or without any basis, the Designated Officer will put up the complaint before the CCC at their next meeting for recommendations on whether to proceed further with the complaint or not. In case the CCC recommends that no action is to be taken, the complainant and the advertiser will be informed within three business days from the date of the issuance of the CCC meeting minutes.
- viii. If however the objections raised in the complaint indicate a possible violation of the Code, the Designated Officer will send a copy of the complaint to the advertiser concerned and / or to the concerned media, if its details are known, pointing out the provisions of the Code that the advertisement is likely to be in violation of, and request a written response.
- ix. The Designated Officer may also suo-motu mention other concerns with the advertisement not taken up in the complaint in case any obvious violation of the Code is not articulated by the complainant.

4. COMMUNICATION WITH THE ADVERTISER

The following procedure provides a detailed mechanism for the resolution of complaints and ensures that parties are given a fair opportunity to state their case and deal with any objections against them, thereby meeting the ends of natural justice: -



- 
- i.** The advertiser is required to submit a written response on the objections raised within a period of five business days from receipt of the complaint (extend to seven business days in case of the need to support claims technically) along with necessary documentation to substantiate and explain their claims, where necessary. This exhaustive written response on the objections raised will suffice for deliberation by the CCC. However, the advertiser may seek a meeting with the ASCI Secretariat if they wish to seek any clarification / guidance regarding the complaint.
 - ii.** The Designated Officer may, on receipt of the written response on the objections raised, seek further clarification from the advertiser to be submitted within five business days, if necessary. In case there is a failure on the part of the advertiser to submit any response within the prescribed time, the Designated Officer will proceed with the complaint on the basis of the material available.
 - iii.** No documents submitted after the prescribed time period including the extension granted, will be considered by the Designated Officer unless there are extenuating circumstances for the delay. No further extension of the prescribed time period will be granted, unless a written request is submitted for such extension along with the reasons therefore within two business days from the receipt of the complaint by the advertiser.
 - iv.** Post submission of the advertiser's response, where the opinion of an Independent Technical Expert/s is required to be taken, the Designated Officer will select an appropriate person from the panel of Independent Technical Experts associated with ASCI after checking for conflict of interest, if any. Technical Experts are neutral and independent persons selected by the ASCI Board of Governors based on their specialization in a particular technical field. A copy of the Technical Expert's Report will be provided to the advertiser and if requested by the complainant. The report shall also carry a statement confirming no conflict of interest of the expert in relation to the relevant complaint.
 - v.** The Designated Officer may consider arranging a telecon / meeting with the Technical Expert (either face to face with the employees representing the advertiser / complainant or via telecon) as deemed appropriate but within the time period provided for the response to the Technical Expert's opinion and prior to the CCC meeting.
 - vi.** The parties may submit a brief response to the said Report within three business days of receipt of the same. The technical expert would be granted two business days to review the brief response.



- vii.** Post the telecon / meeting with the Technical Expert and the brief written response, the Designated Officer may seek further clarification from the advertiser within three business days if necessary. In case there is a failure on the part of the advertiser to submit any response within the prescribed time, the Designated Officer will proceed with the complaint on the basis of the material available on record.
- viii.** The complaint, with all supporting information provided by the complainant and the response / data provided by the advertiser complained against, along with the Technical Expert's opinion and response of the parties to the said opinion, if any, will be placed on the agenda of the next CCC meeting. The Technical Expert's views on the parties' response to the technical opinion will also be taken into consideration by the CCC.

5. INFORMAL RESOLUTION OF COMPLAINTS

- i.** ASCI provides for informal resolution of a complaint in case the advertiser, on receipt of a complaint, readily volunteers to address the objections raised against the claims or visuals in the advertisement by either withdrawing or modifying the advertisement within ten business days of the receipt of the complaint from ASCI in line with the letter and the spirit of the Code. The advertiser, where agrees to modify the advertisement, may share the modified advertisement with ASCI, if advertiser so desires. In such cases, the complaint will be considered to be resolved informally.
- ii.** In case of pack claims, the compliance period for packaging material to be modified or replaced in the market place will be a maximum of four months.
- iii.** No product should be packed with old packaging material beyond four months from the date of confirmation of compliance. However, the modified or replaced pack visual depicting such claims in advertisements in other media should be complied with within ten business days of receipt of the complaint from ASCI. In such cases, the complaint will be considered to be resolved informally.
- iv.** It is not necessary to take the informally resolved complaint through the formal CCC evaluation process. However, if the advertiser does not implement the changes within ten business days, the complaint will be placed for the CCC examination. If post modification of the advertisement, a complaint against such advertisement comes in, then it will be processed as per the normal CCC evaluation process.



PROCEDURE FOR HANDLING BREACH OF ASCI GUIDELINES FOR INFLUENCER IN DIGITAL MEDIA

The following procedure provides a detailed mechanism for the resolution of complaints, which are found to be in contravention of **ASCI GUIDELINES FOR INFLUENCER ADVERTISING IN DIGITAL MEDIA**.

1. If an advertisement indicates a possible violation of the ASCI Guidelines for Influencer Advertising in Digital Media, the designated Officer will send a copy of the advertisement to the Influencer and the advertiser (owner of the brand featured) concerned pointing out the provisions of the Guidelines that the advertisement is likely to be in violation of, and request for the advertisement to be withdrawn or modified for the complaint to be resolved under the Informal Resolution procedure within five business days of receipt of the communication.
2. In case, the Influencer or advertiser (owner of the brand featured) challenges the complaint on the basis that 'no material relation exists between the brand and influencer', then the complaint along with submissions made, shall be deliberated at the forthcoming Consumer Complaints Council (CCC) meeting.
3. In case the complaint is Upheld by the CCC, then the Influencer and advertiser (owner of the brand featured) will be given three business days to implement the recommendations by withdrawing the offending advertisement or modifying it prior to the due date mentioned in the recommendation letter/email to avoid continued violation of the code.
4. In the event that no response is received from the influencer or the advertiser (owner of the brand featured) within the prescribed due date i.e. five business days, such cases shall be treated as 'Ex-parte'. All such complaints will be considered as 'Upheld by Secretariat'. These complaints will not be taken to the Consumer Complaints Council. Nevertheless, a separate report (records) of such complaints, and the ASCI recommendation detailing the violation observed in the advertisement, the clauses violated, shall be issued on a weekly basis by the Secretariat.
5. Post the weekly report being issued the Influencer and advertiser (owner of the brand featured) will be informed of the recommendations within two business days. The Influencer and advertiser will be given three business days to implement the recommendations by withdrawing the offending advertisement or modifying it prior to the due date mentioned in the recommendation letter/email to avoid continued violation of the code.

6. In the event that the influencer and advertiser (owner of the brand featured) is aggrieved by the Secretariat recommendations, there is a provision for a free re-examination only if the influencer and advertiser responds within three business days of receiving the recommendation, with a response containing evidence or justifying that 'no material relation exists between the brand and the influencer'. This will then be deliberated at the following CCC meeting. However, if the influencer and/or advertiser (owner of the brand featured) responds after the prescribed due date, then such re-examination would need to be accompanied by an application in writing and a non-refundable prescribed fee plus applicable taxes.
7. In the event that any of the parties are aggrieved by the Re-examination/CC recommendations, a review of the same may be sought under the CCC-Review / Independent Review Process.
8. If confirmation of compliance with CCC/Secretariat recommendations is not received or implementation of CCC/Secretariat recommendations is not ensured by the influencer within three business days as above, a communication (letter/email) from the Vice-Chairman, ASCI, will be dispatched to the influencer and advertiser (owner of the brand featured). This communication will request implementation of the recommendations within two business days from the date of receipt of the communication. Simultaneously, the concerned agency and the concerned media vehicle if named in the complaint will be informed that the advertisement contravenes the Code. This communication will also be sent to ASCI Media Members, as applicable.
9. Thereafter, in the absence of confirmation of compliance or in case of non-compliance by the advertiser with the CCC recommendations, ASCI will provide a copy of the said recommendations to the concerned Regulatory Authority or Government Department for appropriate action.

EXPERTE UPHELD BY SECRETARIAT

A. Exparte under the National Advertising Monitoring Services (NAMS)

Advertisers whose advertisements are selected for potential violations through the National Advertising Monitoring Service (NAMS) upon receipt of ASCI's first communication of complaint are expected to respond within seven business days along with necessary documentation to substantiate and explain their claims, where necessary (as elaborated in '4.i' in the complaints procedure of the ASCI code). This requirement is the same as advertisers against whose advertisements complaints are received from end consumers or other sources.

ASCI will not consider general acknowledgement emails, casual requests for extension or any other queries as valid responses towards claim substantiation. In the event that the advertiser does not respond within the prescribed due date mentioned in the first letter or the letter of extension where applicable, such cases shall be treated as 'Experte'.

All such complaints taken up as per complaints procedure 1C.ii (ASCI's Suo-Moto Surveillance) under its National Advertising Monitoring Service (NAMS) will be considered as Upheld by Secretariat.

These complaints will not be taken to the Consumer Complaints Council. Nevertheless, a separate report (records) of such complaints, and the ASCI recommendation detailing the violation observed in the advertisement, the clauses violated, shall be issued on a weekly basis by the Secretariat.

Post the weekly report being issued the advertiser will be informed of the recommendations within three business days. The advertiser will be given ten business days to implement the recommendations by withdrawing the offending advertisement or modifying it prior to the due date to avoid continued violation of the code.

In the event that an advertiser is aggrieved by the recommendations, there is a provision for a free re-examination only if the advertiser comes back within seven business days of receiving the recommendation, with a response containing evidence or justification towards the claims made, which time lines will be the same as mentioned in the Post CCC Meeting Procedure of the ASCI code.

A quarterly audit of such complaints shall be carried out by the Chair man/Vice- Chairman to ensure that this procedure has been fairly and appropriately implemented, and a quarterly report on timely completion of the process shall also be placed before the Board of Governors from time to time.

B. Experte under violation of the ASCI GUIDELINES FOR INFLUENCER ADVERTISING IN DIGITAL MEDIA

In the event that no response is received from the influencer or the advertiser (owner of the brand featured) within the prescribed due date i.e. five business days, such cases shall be treated as 'Ex-parte'. All such complaints will be considered as 'Upheld by Secretariat'. These complaints will not be taken to the Consumer Complaints Council. Nevertheless, a separate report

(records) of such complaints, and the ASCI recommendation detailing the violation observed in the advertisement, the clauses violated, shall be issued on a weekly basis by the Secretariat.

Post the weekly report being issued the Influencer and advertiser (owner of the brand featured) will be informed of the recommendations within two business days.

The Influencer and advertiser (owner of the brand featured) will be given three business days to implement the recommendations by withdrawing the offending advertisement or modifying it prior to the due date mentioned in the recommendation letter/email to avoid continued violation of the code.

In the event that the influencer and advertiser (owner of the brand featured) is aggrieved by the Secretariat recommendations, there is a provision for a free re-examination only if the influencer and advertiser (owner of the brand featured) responds within three business days of receiving the recommendation, with a response containing evidence or justifying that 'no material relation exists between the brand and the influencer'. This will then be deliberated at the following CCC meeting. However, if the influencer and/or advertiser (owner of the brand featured) responds after the prescribed due date, then such re-examination would need to be accompanied by an application in writing and a non-refundable prescribed fee plus applicable taxes.

In the event that any of the parties are aggrieved by the Re-examination/CCC recommendations, a review of the same may be sought under the CCC-Review / Independent Review Process.

If confirmation of compliance with CCC/Secretariat recommendations is not received or implementation of CCC/Secretariat recommendations is not ensured by the advertiser within three business days as above, a communication (letter/email) from the Vice-Chairman, ASCI, will be dispatched to the influencer and advertiser. This communication will request implementation of the recommendations within two business days from the date of receipt of the communication. Simultaneously, the concerned agency and the concerned media vehicle if named in the complaint will be informed that the advertisement contravenes the Code. This communication will also be sent to ASCI Media Members, as applicable.

Thereafter, in the absence of confirmation of compliance or in case of

non-compliance by the advertiser with the CCC recommendations, ASCI will provide a copy of the said recommendations to the concerned Regulatory Authority or Government Department for appropriate action.

A quarterly audit of such complaints shall be carried out by the Chairman/Vice- Chairman to ensure that this procedure has been fairly and appropriately implemented, and a quarterly report on timely completion of the process shall also be placed before the Board of Governors from time to time.

7. CCC MEETING PROCEDURE

- i.** To ensure efficient and effective functioning, the deliberations of the CCC are to be conducted in the following structured manner given below:-
 - a.** The ASCI Board constitutes a panel of 28 members, which comprise two CCC groups of 14 members each. Each CCC has eight members from civil society and six are ASCI members.
 - b.** The Quorum for the CCC meeting shall be five. The regular presence of a Board designated ASCI member in the CCC meeting is appreciated.
 - c.** From amongst the CCC members present, selection of the Chairperson and Vice-Chairperson of the meeting will be made on a lot basis.
 - d.** Copies of the complaints to be deliberated upon will be sent one business day prior to the meeting by email to the CCC members who have confirmed their attendance, so that the members can examine the material in advance.
 - e.** At the meeting, the Designated Officer shall read out the complaint number, the complaint, objections raised and shall read out the advertiser's response(s) and opinion of the Independent Technical Expert before the members present.
 - f.** The Chairperson shall ensure that each CCC member present gets an opportunity to express his/her opinion. After each CCC member has given his/her views, the Chairperson shall give his/her views and then seek a consensus on the recommendations. If a consensus is not forthcoming, the recommendations will be voted by a show of hands. The Designated Officer shall record the overall vote only and not the specific vote of any individual CCC member.
 - g.** The Technical Expert who has provided technical evaluation for a complaint will not be part of the decision making of that specific complaint.



- h.** The CCC meeting protocol does not provide for personal representations by the complainant / advertiser as their exhaustive written responses will suffice for deliberation by the CCC and is in accordance with the principles of natural justice.
- i.** In the event that the advertiser does not respond, the CCC is free to arrive at its recommendations based on information available with it.

8. POST CCC MEETING PROCEDURE

- i.** The CCC will provide to the Designated Officer, in brief, its recommendations laying down the basis on which the complaint is either upheld or not upheld.
- ii.** In the event the complaint is upheld, the CCC's recommendations will lay down the precise breach of the Code or of any other legislation concerning advertising content.
- iii.** Post the CCC minutes being issued, the advertiser and the complainant will be informed of the CCC recommendations, within three business days. The complainant and the advertiser will be informed simultaneously by means of the automated system of online statuschange / and an email / letter.
- iv.** If the complaint is upheld, then the advertiser and its agency as well as media (if it was referred to in the complaint) will be informed of the CCC recommendations. The advertiser will be given ten business days to implement the CCC recommendations by withdrawing the offending advertisement or modifying it prior to the due-date to avoid continued violation of the Code.
- v.** Compliance period for modification of packaging material will be for a maximum of four months. No product should be packed with old packaging material beyond four months from the date of confirmation of compliance. However, the modified or replaced pack visual depicting such claims in advertisements in other media should be complied with within ten business days from the date of the CCC recommendations being conveyed.
- vi.** The advertiser and the complainant are advised not to publish the CCC recommendations in any news medium including newspaper, media coverage, website, digital media, social media and others.
- vii.** In the event that an advertiser is aggrieved by the recommendations of the CCC in matters of ex-parte complaints, a re-examination of the CCC recommendations may be sought under the Re-examination procedure.

- viii.** In the event that any of the parties are aggrieved by the CCC / Re-examination recommendations, a review of the same may be sought under the CCC-Review / Independent Review Process.
- ix.** If confirmation of compliance with CCC recommendations is not received or implementation of CCC recommendations is not ensured by the advertiser within ten business days as above, a communication (letter/email) from the Vice-Chairman, ASCI, will be dispatched to the advertiser. This communication will request implementation of the recommendations within five business days from the date of receipt of the letter. Simultaneously, the concerned agency and the concerned media vehicle if named in the complaint will be informed that the advertisement contravenes the Code. This communication will also be sent to all ASCI Media Members, as applicable.
- x.** Thereafter, in the absence of confirmation of compliance or in case of non-compliance by the advertiser with the CCC recommendations, ASCI will provide a copy of the said recommendations to the concerned Regulatory Authority or Government Department for appropriate action.
- xi.** A quarterly status report on timely completion of the process shall also be placed before the Board of Governors from time to time.

ASCI MEMBER INTRA INDUSTRY, INTER ADVERTISER FAST TRACK COMPLAINTS HANDLING PROCEDURE (FTC)



1. In addition to the regular procedure that ASCI follows in addressing intra industry complaints, a fast track procedure has been put in place for expeditious resolution of intra industry, inter member complaints.

2. SUBMITTING A COMPLAINT

- i. The complainant is required to notify ASCI via e-mail that they wish to make use of the FTC procedure.
- ii. Fast Track Complaint will be processed on payment of a non-refundable prescribed fee plus applicable taxes and the fee will be required to be deposited along with the complaint by way of a pay order, cheque or direct credit in favour of The Advertising Standards Council of India.
- iii. To be eligible for the fast track procedure, the following is mandated:
 - a. The complainant and the party complained against must both be ASCI members;
 - b. The complainant should not have any membership subscription dues pending towards ASCI beyond October 1 of the relevant fiscal year;
 - c. There should not be any litigation proceedings pending between the parties having a subject matter / issue which might come under the consideration of FTCP while examining the complaint. ASCI does not look into complaints which are found to be the subject matter of a proceeding which is sub-judice or has already been decided by a Court of law in India. The onus of disclosing such information to ASCI lies on the complainant at the time of filing the complaint. However, Consumer Complaints Council (CCC) / Re-examination / CCCR / FTCP / Independent Review Process (IRP) are not precluded from testing the preliminary issue as to whether the complaint made to ASCI is the subject matter of a proceeding which is presently sub-judice or has already been decided before any Court of law or Regulatory Authority in India, when objected by the advertiser, and then proceed further. The decision of CCC / Re-examination / CCCR / FTCP / IRP, as the case may be, in this regard shall be binding on the parties subject to the review options available to the parties.





ASCI shall refuse to proceed further with the FTC when it is determined that the complaint made to ASCI is the subject matter of a proceeding which is presently sub-judice or has already before any Court of law or Regulatory Authority in India and then proceed further; and

- d.** The complainant should not be in non-compliance of a CCC / Re-examination / CCCR / FTCP / IRP upheld complaint recommendations or currently have any Court proceedings against any CCC / Re-examination / CCCR / FTCP / IRP recommendations.
- iv.** As in the case of the intra-industry complaints procedure, complainant must provide particulars about the objected advertisement in question including exactly what the content of the advertisement being complained against is, details of the product / service, publication / broadcast details as well as a clipping / copy of the advertisement. A copy of the advertisement must be provided by the complainant.
- v.** If the advertisement complained against is in a language other than Hindi or English, the complainant will provide a translation of the advertisement in English.
- vi.** If objections are raised against multiple claims in an advertisement, three main objections / claims will be considered to make the process efficient.
- vii.** The Complainant is required to provide grounds for objection as the basis of the complaint. The objections raised in the complaint need to be substantiated, where necessary, with support data / information with the relevant portions highlighted. This data will be shared by ASCI with the advertiser complained against as part of the complaint.
- viii.** The identity of the complainant will be disclosed to the advertiser.
- ix.** A hard copy of the complaint as well as the supporting documents/material must be submitted so that the same may be forwarded to the advertiser.



3. THE PROCEDURE FOR PROCESSING FTC IS SET OUT BELOW.

On receipt of a complaint, an acknowledgement by email will be sent to the complainant by the Designated Officer within one business day. A verification process to ascertain whether the complaint meets the FTC criteria will be undertaken by the Designated Officer.

4. EXAMINATION OF A COMPLAINT

- i. After the complaint has been verified for completeness, it will be evaluated for the objections raised therein.
- ii. To decide the most appropriate course of action in dealing with a complaint, the following criteria will be considered by the Designated Officer:
 - a. Whether any action is required on the complaint;
 - b. Whether the advertiser may be advised to consider the complainant's feedback for possible amendment(s);
 - c. Whether to seek the advertiser's response on the complaint received.
- iii. The Designated Officer will attempt to resolve the complaints in the most efficient manner.
- iv. Not all complaints require a formal investigation.
- v. The complaint is processed only if the advertisement is being published / telecast within a period of three months prior to the date of the complaint. For digital media, the Designated Officer may evaluate whether to take up such complaints for the period prior to three months of the complaint depending on the nature of the objections raised and/or consumer exposure envisaged.
- vi. The Designated Officer may also suo-motu mention other concerns with the advertisement not taken up in the complaint in case any obvious violation of the Code is not articulated by the complainant.

5. COMMUNICATION WITH THE ADVERTISER

The following procedure provides a detailed mechanism for the resolution of complaints and ensures that parties are given a fair opportunity to state their





case and deal with any objections against them, thereby meeting the ends of natural justice.

- i.** ASCI will send a verbatim copy of the complaint to the advertiser along with the claims/ objections raised and supporting documents, if any. Such communication to the advertiser may be sent via letter or e-mail or any other suitable form of digital communication.
- ii.** Within one business day of the receipt of a FTC, which is complete in all aspects described above, the Designated Officer shall inform vide e-mail, the advertiser against whom the complaint is received to provide a written response along with necessary documentation to substantiate and explain their claims. This exhaustive written response will suffice for deliberation by the FTCP. The Advertiser will be given the complete set of documents along with the complaint as well as the name of the complainant. The advertiser is required to submit their response within four business days from receiving the complaint (excluding the day of receipt of the complaint if the complaint e-mail has been received post noon).
- iii.** No documents submitted after the prescribed time period will be considered by the Designated Officer unless there are extenuating circumstances for the delay. No extension of the prescribed time period will be granted. In the event that the advertiser requires some more time to prepare their defense or would like a postponement of the meeting, they will be required to suspend their advertisement from the fourth business day of having received the FTC complaint.
- iv.** If the response is technical in nature, then the Designated Officer will take the opinion of a Technical Expert within two business days of receipt of the Advertiser's response from the panel of Independent Technical Experts associated with ASCI. The Technical Expert is a neutral and independent person who is selected by the ASCI Board of Governors based on his / her specialization in that technical field. A copy of the Technical Expert's Report will be provided to the advertiser and the complainant. The parties may submit a brief response to the said Report within one business day of receipt of the same. The technical expert would be granted one business day to review the brief response.
- v.** An FTC Panel meeting will be conducted on the following business day after the Technical Expert's review of the brief response (subject to the availability of the Technical Expert).





- vi. The complaint, with all supporting information provided by the complainant and the response / data provided by the advertiser complained against, along with the Technical Expert's opinion and response of the parties to the said opinion, if any, will be tabled at the FTCP meeting. The Technical Expert's views will be taken into consideration by the FTCP.

6. INFORMAL RESOLUTION OF FAST TRACK COMPLAINTS

- i. ASCI provides for informal resolution of a complaint in case the advertiser, on receipt of a complaint, readily volunteers to address the objections raised against the claims or visuals in the advertisement by either withdrawing or modifying the advertisement in line with the letter and the spirit of the Code and subject to the verification of the modified advertisement by the Designated Officer within seven business days of receipt of the complaint from ASCI.
- ii. In case of pack claims, the compliance period for packaging material to be modified or replaced in the market place will be a maximum of four months.
- iii. No product should be packed with old packaging material beyond four months from the date of confirmation of compliance. However, the modified or replaced pack visual in advertisements in other media should be complied with within seven business days. In such cases, the complaint will be considered to be resolved informally.
- iv. It is not necessary to take the informally resolved complaint through the formal FTCP evaluation process. However, if post modification of the advertisement, a new complaint against the modified advertisement comes in, then it will be processed as per normal CCC / FTCP evaluation process.

7. FTCP MEETING PROCEDURE

To ensure efficient and effective functioning, the deliberations of the FTCP are to be conducted in the following structured manner given below:-

- i. The ASCI Board constitutes a panel of 28 members, which comprise two CCC groups of 14 members each. Each CCC has eight members from civil society and six are ASCI members.





- ii.** An attempt would be made for the fast track complaint to be addressed by a FTCP of any seven from the 28 member panel. The Quorum for the FTCP meeting will be five members. Where necessary, ASCI may invite the Independent Technical Expert for the FTCP meeting.
- ii.** From amongst the FTCP members present, selection of the Chairperson and Vice-Chairperson of the meeting will be made on a lot basis.
- iv.** Copies of the complaint, the advertiser's response and technical expert's response, if any, to be deliberated will be sent one business day prior to the meeting by email to the FTCP members who have confirmed their attendance, so that the FTCP members can examine the material in advance.
- v.** Prior to the FTCP meeting, independent personal representations will be offered with the FTCP of not more than 30 minutes per party and of not more than two employees of the complainant and advertiser. This may also be availed via telecom.
- vi.** Post personal representations, at the FTCP meeting, the Designated Officer shall read out the complaint and the issues framed therein. He / She shall also summarize the advertiser's response(s) and opinion of the Independent Technical Expert before the members present.
- vii.** The Chairperson shall ensure that each member present gets an opportunity to express his/her opinion. After each person has given his/her views, the Chairperson shall give his/her views and then seek a consensus on the recommendations. If a consensus is not forthcoming, the recommendations shall be voted by a show of hands. The Designated Officer shall record the overall vote only and not the specific vote of any individual FTCP Member. The Technical Expert who has provided technical evaluation for a complaint will not be part of the voting for that specific complaint.
- viii.** In the event that the advertiser does not respond or abstains from making a personal appearance, the FTCP is free to arrive at its recommendations based on information available with it.





8. POST FTCP MEETING PROCEDURE

- i.** The FTCP will provide to the Designated Officer, in brief, its recommendations laying down the basis on which the complaint is either upheld or not upheld within one business day of the conclusion of its meeting.
- ii.** In the event the complaint is upheld, the panel's recommendations will lay down the precise breach of the Code or of any other legislation concerning advertising content. The Designated Officer shall, on the basis of the view of the Panel, communicate the recommendations of the Panel to the advertiser and the complainant within one business day of the receipt of the FTCP recommendations.
- iii.** If the complaint is upheld, then the advertiser will have to inform the media concerned within two business days to withdraw the advertisement and ensure its implementation within seven business days of notification of FTCP recommendations.
- iv.** Compliance period for packaging material to be modified or replaced in the market place will be a maximum of four months. No product should be packed with old packaging material beyond four months from the date of the receipt of FTCP recommendations. However, the modified or replaced pack visual in advertisements in other media should be complied with within ten business days from the date of the receipt of FTCP recommendations
- v.** The advertiser is required to confirm compliance to ASCI and implement FTCP recommendations within seven business days of receiving the FTCP recommendations.
- vi.** The advertiser and the complainant are advised not to publish the FTCP recommendations in any news medium including newspaper, media coverage, website, digital media, social media and others.
- vii.** In the event of any of the parties are aggrieved with the recommendations of the FTCP, a review of the same may be sought under the CCC-Review / Independent Review Process.





- viii.** If confirmation of compliance with FTCP recommendations is not received or implementation of FTCP recommendations is not ensured by the advertiser within seven business days as above, a communication (letter/email) from the Vice-Chairman, ASCI, will be dispatched to the advertiser. This communication will request implementation of the recommendations within five business days from the date of receipt of the letter. Simultaneously, the concerned agency and the concerned media vehicle if named in the complaint will be informed that the advertisement contravenes the Code. This communication will also be sent to all ASCI Media Members, as applicable.
- ix.** Thereafter, in the absence of confirmation of compliance or in case of non-compliance by the advertiser with the FTCP recommendations, ASCI will provide a copy of the said recommendations to the concerned Regulatory Authority or Government Department for appropriate action within two business days.
- x.** The FTCP shall be completed and disposed of on the basis of available information / material within 12 business days from the date of filing the complaint. The reasons for non-completion of the same within the said period shall be duly communicated by ASCI Secretariat in writing to the parties involved. A quarterly status report on timely completion of the process shall also be placed before the Board of Governors from time to time.





RE-EXAMINATION OF CCC/FTCP RECOMMENDATIONS

- i.** In the event that an advertiser is aggrieved by CCC / FTCP recommendations which are made ex-parte, a re-examination of such CCC / FTCP recommendations may be sought by the advertiser under the re-examination procedure.
- ii.** Re-examination of such recommendations will be undertaken by the CCC on payment of a non-refundable prescribed fee plus applicable taxes (which at the sole discretion of ASCI maybe reduced/waived off in deserving cases) and adhering to the conditions below:
 - a.** A written application, in the prescribed form (available on our website <https://ascionline.in>), is submitted within ten business days of receipt of the CCC / FTCP recommendations.
 - b.** The advertiser seeking re-examination confirms suspension of the offending advertisement or modification of the advertisement by removing all claim/s objected to by the CCC / FTCP across all media including but not limited to print, television, digital media - YouTube, websites, etc., pending the re-examination recommendations. However, upon a request made by the advertiser, where it appears to the Chairperson / Vice-Chairperson of the CCC / FTCP that its continued transmission on / through / by any medium does not cause public harm or its continuation is not against public interest or fair competition, then the advertiser may continue to display the advertisement pending completion of re-examination.
 - c.** After giving an assurance for suspension / modification of the advertisement, if the said advertisement with objected claim/s appears in any media prior to the re-examination being held or prior to the release of the re-examination recommendation, ASCI may decline to conduct that particular re-examination and all further Re-examination / CCCR / FTCP/ IRP requests from the advertiser for a period of three months and also withhold the re-examination recommendation, as applicable.
 - d.** In case of modification in the advertisement, the Designated Officer shall verify if the modification is in line with the letter and the spirit of the Code.
 - e.** The advertiser seeking a re-examination should not be in non-compliance of CCC / Re-examination / CCCR / FTCP/ IRP upheld complaint recommendations or currently have any court proceedings pending against any CCC / CCCR / FTCP/ IRP recommendations.
 - f.** By submitting an application for re-examination, the advertiser undertakes to accept and comply with the recommendations made by the CCC.
- iii.** The advertiser and the complainant are advised not to publish the re-examination recommendations in any news medium including newspaper, media coverage, website, digital media, social media and others.





1. Under the CCC-Review (“CCCR”) procedure, ASCI provides for a review of the recommendations of CCC / FTCP in the event that an aggrieved party wishes to rely upon additional material which had not been submitted before the CCC / FTCP when the complaint was being considered.
2. CCCR will be undertaken by the CCC on payment of a non-refundable prescribed fee plus applicable taxes and upon adhering to the conditions below:
 - i. The advertiser seeking CCCR confirms suspension of the objected advertisement or modification of the advertisement by removing all claim/s objected to by the CCC / FTCP across all media including but not limited to print, television, digital media - YouTube, websites, etc., pending the CCCR recommendations. However, upon a request made by the advertiser, where it appears to the Chairperson / Vice-Chairperson of the CCC / FTCP (that decided upon the original complaint) that its continued transmission on / through / by any medium does not cause public harm or its continuation is not against public interest or fair competition, then the advertiser may continue to display the advertisement pending completion of CCCR.
 - ii. After giving an assurance for suspension / modification of the advertisement, if the said advertisement with objected claim/s appears in any media prior to the CCCR being held or prior to the release of the CCCR recommendation, ASCI may decline to conduct that particular CCCR and all further Re-examination / CCCR / FTCP/ IRP requests from the advertiser for a period of three months and also withhold the CCCR recommendation, as applicable.
 - iii. In case of modification in the advertisement, the Designated Officer shall verify if the modification is in line with the letter and the spirit of the Code.
 - iv. The party seeking a CCCR should not be in non-compliance of CCC / Re-examination / FTCP/ CCCR / IRP upheld complaint recommendations or currently have any court proceedings pending against any CCC / Re-examination / FTCP/ CCCR /IRP recommendations.
3. The CCC-Review Procedure is as follows:
 - i. A written application, in the prescribed form (available on our website <https://ascionline.in>), is submitted within ten business days of receipt of the CCC / FTCP recommendations.





- ii** The CCCR applicant (Advertiser or Complainant) will submit any additional information / relevant material to the ASCI Secretariat within ten business days of submitting the CCCR application.
 - iii** Such additional information / relevant material submitted by the party seeking review, will be sent to the other party who shall send his / her response to the ASCI secretariat within five business days from the date of receipt of such additional information / relevant material.
 - iv** The rest of the CCCR procedure will be the same as the regular CCC procedure.
- 4.** By submitting an application for CCCR, the advertiser undertakes to accept and comply with the recommendations made by the CCC.
 - 5.** The advertiser and the complainant are advised not to publish the CCCR recommendations in any news medium including newspaper, media coverage, website, digital media, social media and others.
 - 6.** In the event that any of the parties are aggrieved by the CCCR recommendations, a review of the same can be sought under the Independent Review Process.



INDEPENDENT REVIEW PROCESS (IRP)



1. The ASCI provides the Advertiser and the Complainant with the option of an Independent Review Process. IRP is conducted by the Chairperson who is a retired Judge of the Supreme Court/High Court. The IRP ensures that parties are given a fair opportunity to state their case and deal with objections against them, thereby meeting the ends of natural justice.
2. IRP is available where a party is aggrieved by the recommendations of the Consumer Complaint Council (CCC) / Re-examination / Fast Track Complaint Panel (FTCP) / CCC-Review (CCCR), on any of the following grounds:-
 - i Where it is alleged that the “preliminary issue” as to whether the subject matter in a proceeding which is sub-judice or has already been decided by a Court of Law in India is identical to the subject matter of the Complaint made to ASCI;
 - ii Where it is alleged that there is a substantial flaw in the recommendations of the CCC / Re-examination / FTCP / CCCR;
 - iii Where it is alleged that there has been a substantial flaw in adhering to the prescribed procedure under the Code.
3. In the event that the applicant relies / produces additional material which had not been submitted before the CCC / Re-examination / FTCP, the application will be referred back to the CCC for “CCC-Review” of such additional material as per the procedure set out therein.
4. IRP shall not be applicable in case of ex-parte CCC / ex-parte FTCP recommendations.
5. IRP shall be taken up on fulfilling the following conditions by the applicant :-
 - i. A written application, in the prescribed form (available on our website <https://ascionline.in>), must be submitted within ten business days of receipt of CCC / Re-examination / CCCR / FTCP recommendations.
 - ii. The application must be accompanied by a non-refundable prescribed fee plus applicable taxes. However, if the applicant seeking review is a recognized NGO working for furthering the interest of individual consumers or a government institution, the applicable fee may be waived or reduced at the sole discretion of ASCI.
 - iii. The advertiser seeking review confirms implementation of the recommendations of CCC / Re-examination / CCCR / FTCP by suspending / modifying the objected advertisement / by removing all claim/s

objected to by the CCC / Re-examination / CCCR / FTCP across all media including but not limited to print, television, digital media - YouTube, websites, etc., pending the IRP recommendations. In case of modification in the advertisement, the Designated Officer shall verify if the modification is in line with the letter and the spirit of the Code.

- iv. Upon a request made by the advertiser, where it appears to the Chairperson / Vice-Chairperson of the CCC / Re-examination / CCCR / FTCP that its continued transmission on / through / by any medium does not cause public harm or its continuation is not against public interest or fair competition, then the advertiser may continue to display the advertisement pending completion of the IRP.
 - v. A party seeking an IRP should not be in non-compliance of recommendations of CCC / Re-examination / CCCR / FTCP / IRP or have any court proceedings pending against any CCC / Re-examination / CCCR / FTCP / IRP recommendations.
 - vi. By submitting an application for IRP, the advertiser undertakes to accept and comply with the recommendations made by the IRP.
6. After confirming suspension / modification of the advertisement by the due date, if the said advertisement with objected claim/s appears in any media prior to the IRP being held or prior to the release of the IRP recommendation, ASCI may decline to conduct that particular IRP and all further IRP / CCCR / FTCP requests from the advertiser for a period of three months and may also withhold the IRP recommendation, as applicable.
 7. IRP meeting will be convened once in a fortnight / month. Both the complainant and the advertiser will be intimated as to the date, time and venue of the meeting at least five business days prior to the date of the meeting.
 8. No party will be allowed to produce additional material that requires further examination on the date of hearing, without the permission of the Hon'ble Chairperson and on the conditions that may be imposed by the Hon'ble Chairperson.
 9. In the event that the Chairperson seeks the opinion of a new technical copy of the written opinion will be sent to both the parties and the IRP Chairperson three business days prior to the IRP meeting. Technical opinions will be referred to in the IRP recommendations.
 10. The IRP Chairperson will be assisted by the Designated Officer who is



familiar with the proceedings and the independent technical expert/s, where necessary.

11. Proceedings under the IRP are not adversarial or adjudicatory in nature and hence parties may be represented in the meeting by their company officials only. A maximum of three employees of each party should be available at the meeting and each party will be allotted 30 minutes to present their oral arguments or as per the duration decided by the Chairperson of the IRP. The identity of a consumer complainant will be protected and his/her physical presence / participation via telecom at the IRP for simultaneous personal hearing is subject to his/her consent.
12. In case additional information or clarifications are required from either party or the technical expert, the Chairperson may, as per his/her discretion, continue the hearing on another convenient date.
13. In the event that either of the parties do not wish to personally attend the meeting, the IRP Chairperson may complete the review based on the available information.
14. The IRP Chairperson, after finally hearing both parties, will forward the recommendations to the ASCI Secretariat within five business days, who shall communicate the same to the parties within two business days.
15. The IRP shall be completed and disposed of by the Hon'ble Chairperson on the basis of available information / material within 20 business days from the date of the IRP application regardless of whether the parties remain present or not. The reasons for non-completion of the same within the said period shall be duly communicated by ASCI Secretariat in writing to the parties involved. A quarterly status report on timely completion of the process shall also be placed before the Board of Governors from time to time.
16. The advertiser will implement compliance of the IRP recommendation within twenty business of the IRP application. In case of non-compliance by the advertiser to the IRP recommendations, ASCI will provide a copy of the said recommendations to the concerned Regulatory Authority or Government Department for appropriate action within two business days.
17. The advertiser and the complainant are advised not to publish the IRP recommendations in any news medium including newspaper, media coverage, website, digital media, social media and others.



RECUSAL & CONFIDENTIALITY POLICY OF CCC / FTCP AND TECHNICAL EXPERT(S)



- i. A CCC / FTCP Member / Technical Expert must disclose on appointment to ASCI his / her affiliations, whether personal/commercial with any advertisers and update the ASCI Secretariat on a regular basis.
- ii. Soon after his/her appointment and thereafter by 30th April each year, all the members of CCC must disclose his / her 'interest', if any, with various stakeholders in the advertising industry by submitting a written declaration.
- iii. A CCC / FTCP Member / Technical Expert must disclose his/her "interest", if any, in relation to a complaint before it is taken up for discussion at the CCC / FTCP / IRP.
- iv. A CCC / FTCP Member / Technical Expert who has an "interest" in the complaint is defined as:
 - a. Being associated with the complainant, complainant advertiser or the advertising agency of the complainant brand, OR
 - b. Being associated with the advertiser or the advertising agency of the concerned brand complained against, OR
 - c. A member who has lodged the complaint or is otherwise currently involved in a commercial or legal dispute with the advertiser or is currently a consultant to the complainant or the advertiser, OR
 - d. Being involved in or associated with the same industry/type of industry in relation to which the complaint has been made, whether as a direct competitor or not, OR
 - e. A CCC / FTCP Member / Technical Expert who has raised the Suo Moto complaint (not applicable in the case where the Suo Moto complaint is raised by more than one member during a CCC / FTC meeting).
- v. The key factor in determining whether a CCC / FTCP Member / Technical Expert is "associated with" either party is, if the person or his / her immediate family member or organization has received any monetary compensation and/or any other benefit from either the complainant or the advertiser.
- vi. In addition, any CCC / FTCP Member / Technical Expert who has any other reason to believe that he / she is an interested person must not participate in



the CCC / FTCP / IRP proceedings when the complaint is being discussed.



- vii.** The interested person is required to adhere to a six-month cooling-off period after the completion of the assignment/tenure by which the person was considered to be an interested party.

- viii.** Such interested person/s will not participate in the CCC / FTCP / IRP proceedings when the complaint is being discussed.

- ix.** The Technical Expert who has provided technical opinion for a complaint will not be part of the decision making of that specific complaint / re-examination / CCCR / IRP.

- x.** The information provided to the CCC / FTCP Member / Technical Expert, deliberations at the CCC / CCCR / FTCP/ IRP, and the decision / recommendations on the complaint are confidential. A CCC / FTCP Member / Technical Expert must not disclose or use this information or decision / recommendations in any manner whatsoever.

- xi.** For any breach of the above stated recusal or confidentiality policy, the Board may take appropriate action which may include termination of the appointed member from the CCC / FTCP/ Panel of Technical Experts after getting an explanation from the concerned member, which is considered unsatisfactory.





PREAMBLE

ASCI's Advertising Advice Service helps advertisers identify any potential issues relating to violation of the ASCI code before they spend time and resources on production/ media. ASCI's Advertising Advice team can provide pre-publication advice on a piece of communication, or campaigns, at any stage of campaign development process.

Sometimes, claims made in the advertisements may not meet the standard of evidence required by ASCI, and when such complaints are upheld, it would cause a disruption in the publishing of the campaign. This service would help mitigate that risk.

This service would help advertisers find solutions that will allow their advertising to remain honest, truthful, non-offensive, fair and devoid of dangerous or harmful depictions.

THE SERVICE

ASCI offers such an "ADVERTISING ADVICE" (AA) service with its long established expertise in the area of advertising depictions, claims and representations, through its extensive panel of advertising and technical experts. ASCI's AA panel comprises advertising experts, as well as technical experts who are well qualified and experienced specialists from several disciplines such as Ayurveda, Formulations, Microbiology, Electronics, Market Research, Nutrition, Financial services and so on.

Advertisers who can avail of ASCI's AA service may include members or non-members of ASCI.

Advertising Advice Service Framework

A separate and independent panel called the AA Panel of experienced persons has been formed within ASCI who collectively have:

1. Technical knowledge of claim support required for advertising claims across sectors.
2. Experience in working at the ASCI Board and/or its Consumer Complaints Council (CCC).
3. Close knowledge of the ASCI Code.

The AA service shall have the following essential characteristics:

1. The AA exercise shall be confidential in nature.
2. It will be issued in the name of the advertiser.



- It is advisory in nature, and non-binding on the advertiser, as well as on ASCI's Consumer Complaints Council. 

Procedure

- A Requester whether a Member or Non-Member can both register for the Advertising Advice Service using the following link:
<https://forms.gle/AJPKkrrhDREMJ2zF8> In case of any query you can write to advisory@ascionline.in.
- Advertisers may seek the AA service from ASCI either directly or through their Agency. The Advertising Advice shall be issued in the name of the advertiser.
- The advertiser/ agency seeking AA shall send the proposed advertisement's story board or a/v script for TV / radio and copy plus visual for print / digital advertisement ("Advertising Material") with specific, if any, concerns they want the ASCI AA panel to look into.
- The advertiser should mention if the advice sought is 'Technical' or 'Non-technical' in nature. In case of technical advertising advice requirement, the Advertising Material shall be submitted along with the entire evidence and technical/non-technical data available for substantiation of the claims forming part of the Advertising Material. Advice provided on deficient documents (such as only conclusions of test results, rather than full detailed reports and methodology) may result in a faulty/incomplete conclusion.

Service Categories and Fee Structure

	Service Category	Fees-Regular (Rs.)	Fees-Express (Rs.)	Note
Where advertiser is a member	Ad advice Technical	1,50,000	2,00,000	Regular-7 days, Express-4 days
	Ad Advice Non technical	25000	50000	Regular 5 days, Express 3 days
Where advertiser is a non-member	Ad advice Technical	2,50,000	NA	Regular 7 days
	Ad Advice Non technical	50000	NA	Regular 7 days

All days refer to business days (Monday through Friday)





For Non-Members a Vendor Creation Form will have to be submitted, which can be downloaded from the link below:

https://docs.google.com/spreadsheets/d/1X5Zgp-KTeJXTlriQknZIHzkL_mbRie8Q/edit?usp=sharing&ouid=106380480681833621758&rtpof=true&sd=true

On receipt of your request an invoice will be generated by the Accounts Team. Clearance of the same is essential as the process to fulfil the other prerequisites shall begin then.

The payment can be made by NEFT/Demand Draft and the details are as below:

In case of NEFT / RTGS

The Demand Draft should be drawn in favor of 'The Advertising Standards Council of India.'

Bank Name: Bank of India

Branch: Tardeo Road Branch, Mumbai 400 034

Saving Account No.: 004210100022768

IFSC Code: BKID0000042

MICR Code: 400013052



AWARDS



European Advertising Standards Alliance -
Global Best Practice Awards



ASCI Mobile App
"ASCIOnline" for prompt
and efficient complaint
handling at no cost to the
consumer.



Reduced the time taken
to process complaints



National Advertising
Monitoring Service (NAMS)



Three Pronged Awareness
Campaign (Regulators, Ad
Agencies, Consumers)



Guidelines for Advertising
of Educational Institutions



Collaboration with the
Indian Government to
spread Self-Regulation

Maddies Mobile Awards 2015

ASCIOnline Mobile App wins a bronze at E4M's. The Maddies Mobile Awards 2015 for the Social/ Not for Profit Campaign Category.



International Recognitions

ASCIOnline Mobile App wins a bronze at E4M's. The Maddies Mobile Awards 2015 for the Social/ Not for Profit Campaign Category.



Special Recognition awarded by ICAS in 2019

For ASCI's "Guidelines for Celebrities in Advertising" at the first-ever 'Global Awards for Effective Advertising Self-Regulation'

Special Category awarded by ICAS in 2021

In 2021, ASCI also won two ICAS awards, one for the ASCI scroll telecast across television in the 'Best Awareness Raising Initiative' and for its extensive digital suo-motu monitoring through NAMS initiative, in the 'Special Category'. It also got a special mention in the 'Best Sectoral Initiative' category for its efforts and regulatory recognition of its Gaming Guidelines.



ASCI SERVICES

About ASCI E-Learning

ASCI has set up an online training program to ensure those who are responsible for the creation and dissemination of advertising and communication are acutely aware of the guidelines and by participating in the program, will have a better understanding. The program consists of 4 courses and familiarises participants with the ASCI advertising code and category guidelines. Each module consist of engaging multimedia content with prominent icons of brands and communication speaking in the video about the importance of following ASCI advertising guidelines.

These learning modules are audio visual in nature with an Assessment leading to an ASCI Certification at the end of the course. ASCI strongly feels that that such a learning program will help make personnel working with advertisers, media agencies or the media pro-actively learn and appreciate the dos and don'ts of advertising. ASCI aims to make people associated with the advertising fraternity more self-aware, in turn helping avoid costly exercises of modifying or pulling down ads which don't adhere to its guidelines.

Why ASCI Certification?

On passing the assessment at the end of this learning program, each participant will be issued an online certificate signed by the ASCI Secretary General. This certificate will serve as a gold standard for professionals associated with the advertising industry and will distinguish them from other creative professionals in having been guided on the right way to create and disseminate Ads. This certification is useful for all advertising, marketing or communication personnel.





THE ASCI PLEDGE TO ADVERTISE WITH A CONSCIENCE

To my organization, business associates,
industry and to society at large, I pledge:

To ensure Honesty, Truthfulness and Decency
in advertising, Non-exploitation of vulnerable
sections of society especially children, and
Fairness in competition.

I commit myself to Advertising with a
conscience. _____

ASU
SOCIETY
PRINCIPALS



B/717, Aarus Chambers, S.S. Amrutwar Marg, Worli, Mumbai - 400 018

Tel: 24955076 / 77 | **E-mail:** contact@ascionline.in | **Website:** www.ascionline.in
Whatsapp Complaints on 7710012345 | **CIN:** U91200MH1985GAPO37820