

Exparte Resolution by Secretariat for NAMS Complaints

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 '*Exparte*'.

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 - Exparte**

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 would then be deliberated at the following CCC meeting

Except for the option to provide a free re-examination as mentioned above, all other procedures and timelines 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 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.