

File No. J-25/8/2020-CCPA  
Central Consumer Protection Authority

Krishi Bhawan, New Delhi  
Dated: the 20<sup>th</sup> January, 2021

**Subject: Advisory in terms of Consumer Protection, 2019 for resorting to misleading advertisements.**

Whereas, the Central Consumer Protection Authority, under the provisions of the Consumer Protection Act, 2019, has been established with effect from 24<sup>th</sup> July, 2020 to regulate matters relating to violation of rights of consumers, unfair trade practices and false or misleading advertisements which are prejudicial to the interest of public and consumers and to promote and enforce the rights of consumers as a class.

2. Whereas, the consumers are passing through a global crisis situation due to COVID-19 pandemic. In such uncertainties, the consumers are looking for any means whatever that assure immunity from the diseases.

3. Whereas, it has come to the notice of the Central Consumer Protection Authority that some manufacturers/ commercial establishments have resorted to misleading advertisements in print and electronic media to promote the sale of their consumer products, which inter alia claims that 'it boosts immunity', 'kills 99.99 % Germ' and 'Virus Killing', 'protects from COVID-19', etc. without any scientific credibility. Hence, prima facie, it appears that false claims are made to mislead the consumers for promotion of their product by taking advantage of the ongoing pandemic situation in the country.

4. Whereas, in terms of **Section 2(28)** of the Consumer Protection Act, 2019 "misleading advertisement" means an advertisement which falsely describes product or service or gives a false guarantee to, or is likely to mislead the consumers as to the nature, substance, quantity or quality of such product or service; or conveys an express or implied representation or deliberately conceals important information. Resorting to misleading/false/deceptive advertisements is an unfair trade practice and an immediate concern of law;

5. Whereas anyone violating the above will be liable to be proceeded against as per the provisions of Section 89 of ibid Act, with imprisonment for a term which may extend to two years and with fine which may extend to ten lakh rupees.

Contd.

6. In view of the above, Industry associations are hereby requested to give wide publicity to the provisions of the ibid act and to impress upon their members to cease making such claims that are not supported by competent and reliable scientific evidence by resorting to responsible advertising.



(Anupam Mishra)  
Commissioner, CCPA

1. Director General, Confederation of Indian Industry (CII)
2. Secretary General, Federation of Indian Chambers of Commerce and Industry (FICCI)
3. Secretary General, Associated Chambers of Commerce and Industry of India (ASSOCHAM)
4. Secretary General, PHD Chamber of Commerce
5. General Secretary, Indian Industries Association (IIA)
6. Secretary General, Advertising Standards Council of India (ASCI)
7. Director General, Press Information Bureau (PIB)
8. Direct Selling Associations (As per list)
9. E-Commerce Associations including major E-commerce Entities (As per list)