

Healthcare and Offshore betting ads emerge as most violative as ASCI releases its Annual Complaints Report

- ASCI inquiry on 8,229 ads, 94% identified through suo-motu monitoring
- Online safety continues to be a concern, with 85% of objectionable ads coming from digital media
- Healthcare sector, the most violative, followed by illegal offshore betting/gambling
- Influencer violations accounted for 21% of all cases
- Launches Responsible Advertising Course to counter these alarming statistics

Mumbai, May 22, 2024: The Advertising Standards Council of India (ASCI) today published its Annual Complaints Report, which offers a comprehensive analysis of advertisements that were considered objectionable in the fiscal year 2023–24.

ASCI examined 10,093 complaints and investigated 8299 advertisements. The majority of violations were on account of misleading claims at 81%, followed by ads that promoted harmful situations or products at 34% (the same ad can be processed for multiple objections). Digital ads accounted for 85% of ads processed, and had a lower compliance rate of 75%, compared to 97% for print and TV. This raises serious questions about the online safety of consumers, as was highlighted last year as well. 94% of the ads that were processed were picked up suo moto by ASCI.

49% of the advertisements picked up by ASCI were not contested by the advertisers. A total of 98% of cases eventually required modification as they violated the ASCI Code.

This year, healthcare emerged as the most violative sector, contributing to 19% of cases, followed by illegal offshore betting (17%), personal care (13%), conventional education (12%), food and beverage (10%), and realty (7%). Baby care emerged as a new contender in the top violators category, with influencer promotions contributing to 81% of baby care cases.

Out of the 1575 advertisements processed in the healthcare sector, 1249 violated the Drugs and Magic Remedies Act, 1954, and were reported to the sector regulator. 86% of the healthcare ads appeared on digital platforms. 1311 advertisements for illegal betting were sent to the appropriate authorities for further action. Of the 1064 ads that ASCI examined in personal care, 95% of them appeared online, with more than half (55%) being influencer non-disclosure cases.

Celebrities continued to appear in ads that were in violation of the ASCI code. ASCI processed complaints against 101 ads featuring celebrities, 91% of which required modification. 104 celebrities appearing in these 101 ads were found to be in violation of the celebrity guidelines as they could not provide any evidence of due diligence. It may be noted that due diligence is also a requirement under the Consumer Protection Act, 2019.

The top five violative categories for celebrity violations were personal care (22%), food and beverages (21%), illegal/betting (20%), healthcare (9%), and durables (6%).

In addition to processing objectionable ads through its own processes, ASCI reported 3200 advertisements directly to various regulators for violations of the law. Besides the 1311 offshore illegal/betting ads escalated to the Ministry of Information & Broadcasting and the 1249 healthcare ads reported to the Ministry of AYUSH for potential violations of the Drugs and Magic Remedies Act, 1954, others included realty (493 ads), alcohol beverages (82 ads), and tobacco and tobacco based products (65 ads).

To combat these trends, ASCI, under the aegis of the ASCI Academy has introduced a certification course called “The ‘ASCI Guide to Responsible Advertising’”. The course, designed for students and professionals, aims to support the advertising ecosystem, achieve ethical advertising standards and compliance with the ASCI Code and various regulations, and reduce the incidence of objectionable advertising.

Saugata Gupta, Chairman of ASCI, said, “As digital emerges as a dominant media in which advertisements thrive, ASCI has geared up to the challenges through constant investment in technology. We will continue to improve our processes and expertise to ensure nimble and transparent resolution of objectionable ads. At this critical juncture, we look forward to collaborating with all stakeholders to promote ethical advertising and calling out advertisements that eventually erode trust in advertising.”

Manisha Kapoor, CEO & Secretary General of ASCI, said, “2023-24 has been a truly challenging year, and ASCI stepped up to this by focusing our efforts on digital. 3200 advertisements were shared with various regulators, such as MIB, Ayush, and MahaRera, for direct violations of the law. We see this as a continuing area of focus. Sectors like healthcare emerging at the top are a significant concern for all citizens. With the highest number of violative ads seen online, advertisers and platforms must work more closely with regulators and self-regulators to keep consumers protected. ASCI Academy’s recently launched e-learning courses on Responsible Advertising and Responsible Influencing is a significant step to increase the industry’s capacity to create ads with greater understanding of regulatory standards and ensure that consumers are not exposed to objectionable advertising in the first place.”

READ THE FULL REPORT HERE: [Report Link](#)

About the Advertising Standards Council of India (ASCI)

The ASCI, established in 1985, is committed to the cause of self-regulation in advertising, ensuring the protection of consumer interests. ASCI seeks to ensure that advertisements

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conform to its Code for Self-Regulation, which requires advertisements to be legal, decent, honest, and truthful and not hazardous or harmful while observing fairness in competition. ASCI looks into complaints across all media, such as Print, TV, Radio, hoardings, SMS, Emailers, Internet/website, product packaging, brochures, promotional material, point of sale material, etc. ASCI has collaboratively worked with various government bodies, including the Department of Consumer Affairs (DoCA), the Food Safety and Standards Authority of India (FSSAI), the Ministry of AYUSH, and the Ministry of Information and Broadcasting (MIB). In August 2023, the ASCI Academy, a flagship program of ASCI, was launched to build the capacity of all stakeholders to create responsible and progressive advertising. ASCI Academy aims to raise standards of advertising content through training, education, outreach, and research on the preventive aspects of advertising self-regulation.

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