ASCI The Advertising Standards Council of India

KHAITAN &CO ADVOCATES SINCE 1911

The AdLaw Compendium



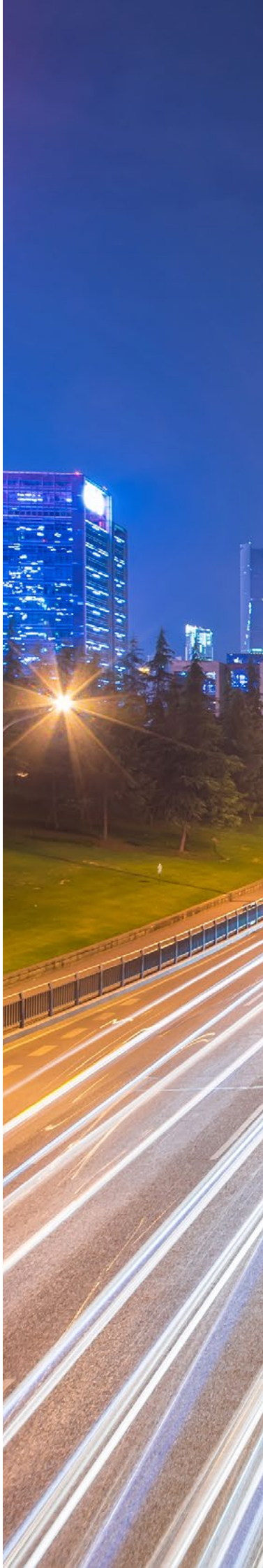
FOREWORD

In today's dynamic and rapidly evolving marketplace, advertising continues to play a pivotal role in shaping consumer choices and fostering brand-consumer relationships. As boundaries between content, commerce, and communication blur, the responsibility to maintain a fair and transparent marketplace has never been more significant.

With the proliferation of diverse media channels, from traditional television and print to the nuanced world of social media and digital platforms, advertisers face a labyrinth of regulations, which range from medium based regulations, to sector-specific regulations, complemented by the principles of responsible self-regulation. While this robust framework safeguards consumer interests and maintains fair competition, navigating this regulatory environment requires awareness of compliances, along with an understanding of how these work together in tandem, and are interpreted and enforced. In this report, we present a comprehensive guide to the regulation of advertisements in India.

Designed as a ready reckoner, this resource serves as a one-stop shop for advertisers and legal teams to understand their multifaceted obligations. The report examines both medium-based regulations, covering television, print, digital and social media, as well as out-of-home and digital out-of-home advertising, and sector-specific frameworks governing some key sectors such as health and wellness, food and nutrition, beauty and personal care, educational institutions, environmental claims etc.

We also address the emerging frontiers that are redefining the advertising and marketing industry. The integration of artificial intelligence, the ethics of targeting advertisements to children, and the rise of "dark patterns" in digital interfaces present new challenges that require vigilant oversight. By exploring these concerns, we aim to equip stakeholders with the knowledge to innovate responsibly while safeguarding transparency, fairness, and consumer protection at the core.





Through this resource, ASCI aims to demystify regulatory requirements and highlight best practices. Empowering brands with this clarity should reduce legal risks, and foster a culture of responsible advertising, allowing businesses to focus on innovation while remaining aligned with regulatory expectations.

This being our first edition, we would love to have your inputs and feedback on how we can make this a more useful resource for the advertising ecosystem.



Manisha Kapoor
CEO & Secretary General,
The Advertising Standards Council of India

FOREWORD

The landscape of Indian advertising is undergoing a profound transformation, shaped by a convergence of creativity, platform fragmentation, digital proliferation, and an increasingly sophisticated regulatory environment. As brands seek to engage consumers across a growing range of touchpoints, from traditional television and print to the dynamically evolving worlds of social, digital, and influencer-led media, the legal guardrails governing advertising are no longer a 'back-end' consideration. They are central to brand strategy, consumer trust, and sustainable growth.

This need for clarity on regulatory regimes is intensified by emerging technologies, including artificial intelligence, which are reshaping how advertising is conceptualized, produced, personalised and distributed. At the same time, heightened scrutiny of advertising to children, the regulatory focus on "dark patterns", and closer attention to misleading claims (including environments or 'green' representations, health and nutrition claims, and efficacy assertions), have introduced a new categories of legal and reputational risk. For businesses, it is no longer sufficient to understand what the regulations say. It is equally important to understand how regulators, self-regulatory bodies and courts are likely apply the regulations in real world scenarios.

India has a robust framework governing advertising, with Advertising Standards Council of India (ASCI) serving as a pioneering and globally respected self-regulatory institution. However, the rules that apply to advertising are often dispersed across multiple statutes, consumer protection norms, sectoral regulations, platform specific requirements, and self-regulatory codes. Businesses operating across industries, such as food and nutrition, e-commerce, beauty and personal care, financial services, health, education, gaming and more, must also navigate specialised standards that apply uniquely to their sectors. In parallel, legal principles emerging from judicial decisions continue to shape how advertising claims, disclaimers, comparative advertising, endorsements, and consumer vulnerability are assessed in practice.





It is in this context that Khaitan & Co and ASCI have collaborated to develop this handbook. The objective is practical: to consolidate key statutory obligations, relevant judicial and regulatory developments, and self-regulatory frameworks into a single, accessible resource for in-house teams, marketers, agencies, creators, and advertisers. Designed both as reference guide and a working tool, this compendium seeks to offer a holistic view of the regulatory landscape governing advertising in India.

Our shared intent is to bridge creative ambition and compliance, empowering the industry to innovate without compromising consumer trust. In an ecosystem where accountability is increasingly the currency of brand loyalty, we hope to move the needle from reactive legal troubleshooting to a culture of 'compliance by design'. We also hope to contribute to a more responsible advertising culture that protects consumers, strengthens fair competition, and supports the long-term credibility of Indian advertising.

We are grateful to the ASCI team and its members who have contributed their time, insight and practical experience to the development of this compendium. Their commitment to responsible advertising and consumer first standards has been invaluable in shaping a resource that is both rigorous and usable.



Tanu Banerjee
Partner
Technology, Media and Telecom
Khaitan & Co

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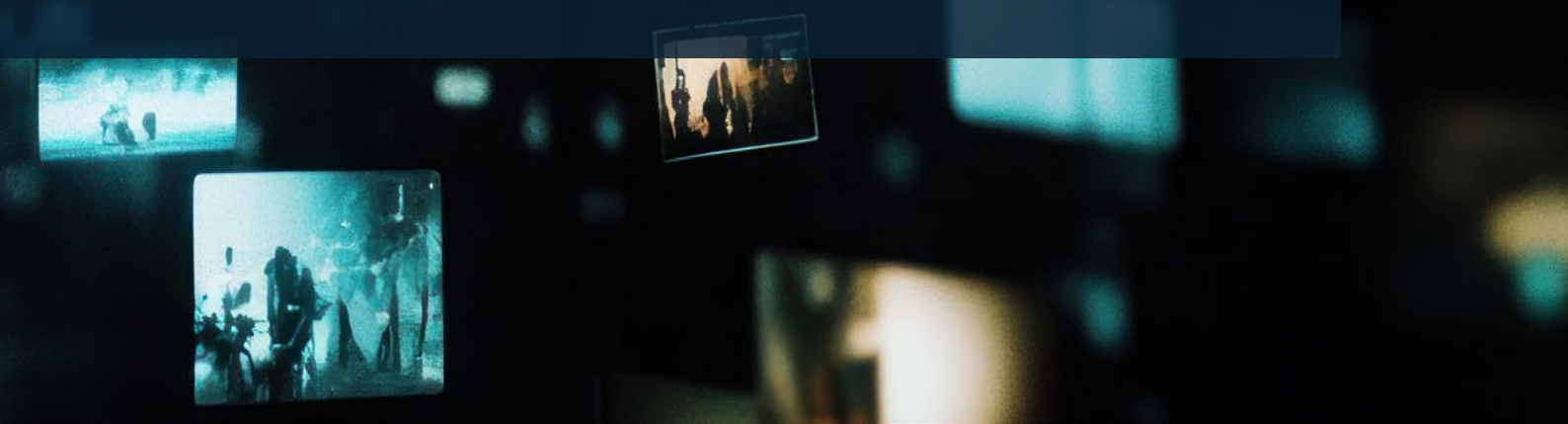
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Background

India's advertising sector is projected to reach INR 2 lakh crores (USD 21.3 billion) in 2026, representing 9.7% year-on-year growth, according to WPP Media's This Year Next Year report. Digital ad vertising, retail media, and connected television are the primary growth engines, with an evolving digital advertising sector expected to command 68% market share. The strategic importance of India's creative economy was also formally recognised in the Union Budget 2026-27, which allocated INR 250 crores for talent development in the Animation, Visual Effects, Gaming, and Comics (**AVGC**) sector. This allocation supports the establishment of AVGC Content Creator Labs across 15,000 secondary schools and 500 colleges under the aegis of the Indian Institute of Creative Technologies in Mumbai, positioning India as a leader in digital content creation, which would directly increase the content created for marketing and advertisement purposes as well. Given the dynamically changing landscape of the advertising industry and its sustained commercial expansion over the last few years, laws and regulations are bound to evolve as well, to manage the risks and pitfalls which come with modernisation.

As such, Indian regulatory authorities have issued multiple advisories emphasising strict compliance with existing advertising laws, and over the last few years, various guidelines have been issued pertaining to various sectors and types of advertisements, such as advertisements in the education and health sectors, environmental claims, and surrogate advertisements. In February 2025, the Ministry of Information and Broadcasting issued an advisory to OTT platforms and self-regulatory bodies emphasizing strict adherence to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, including requiring proactive action for violations.

The intensified regulatory oversight and enforcement has also led to significant financial consequences. According to official government data tabled in Parliament in August 2025, the Central Consumer Protection Authority has realized penalties totalling INR 1.08 crores over the past three years for misleading advertisements and unfair trade practices across coaching institutes, consumer durables, health and wellness claims, cosmetic products, false warranty claims, and e-commerce sectors. For businesses, these consequences are commercially and reputationally material, and therefore, it is critical to carefully navigate the regulatory framework for advertisement laws in India.

Indian advertising regulation functions through various self-regulatory, sectoral, and medium-agnostic regulatory layers.

The Advertising Standards Council of India (**ASCI**) operates the self-regulatory framework for advertising in India. ASCI's wide membership comprises stakeholders from the advertising eco-system such as advertisers / brands across sectors, advertising agencies, media platforms (including broadcasters, press, and digital platforms), and other allied professions connected with advertising practices.

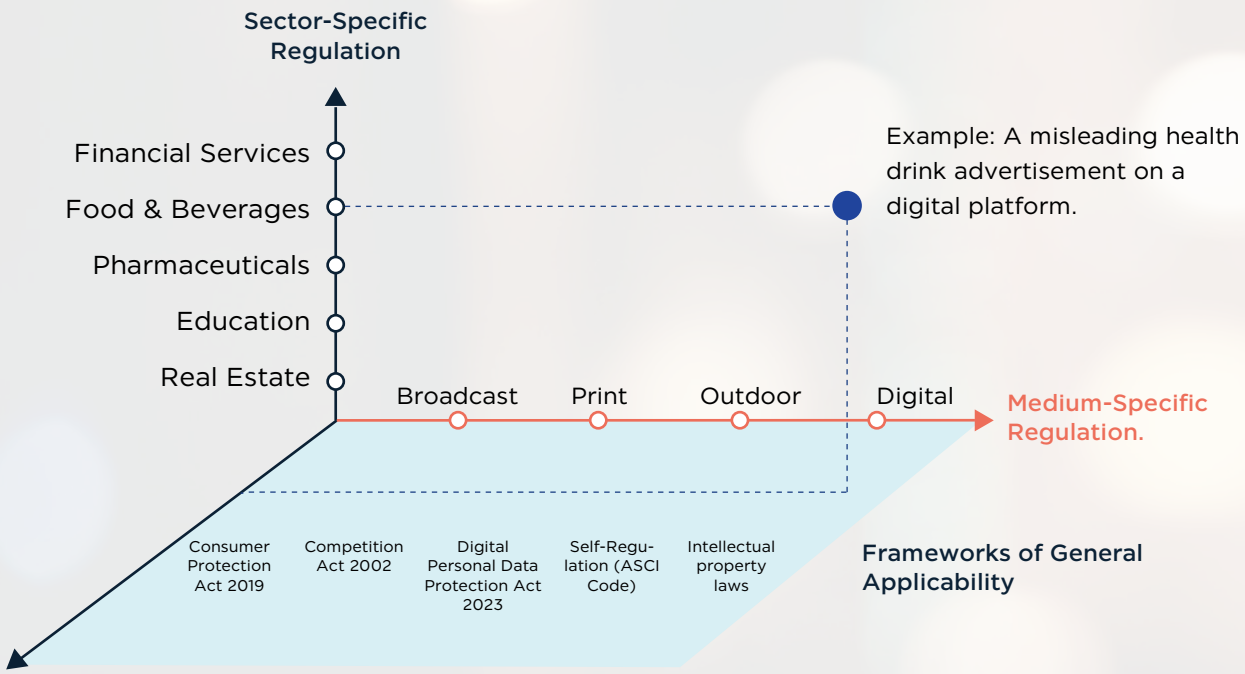
The Consumer Protection Act 2019 (**CPA**) serves as the principal legislation for regulation of misleading or false advertising for consumer-facing products and services and The Central Consumer Protection Authority (**CCPA**) enforces the CPA and the regulations thereunder. Sector-specific laws and regulations enacted by the Parliament or issued by regulators such as the Ministry of Information and Broadcasting for broadcast television, the Reserve Bank of India for financial services, the Food Safety and Standards Authority of India for food and supplements, etc set out sector-specific requirements on advertising content and practices. This results in a layered regulatory architecture where a single advertisement may attract scrutiny under multiple frameworks simultaneously.

For instance, the advertising of coaching services is concurrently regulated by the CCPA under the CPA 2019 read with the Guidelines for Prevention of Misleading Advertisements in Coaching Sector 2024 and by the Ministry of Education under the Guidelines for Regulation of Coaching Centres 2024, and ASCI under its Guidelines for Advertising of Educational Institutions, Programmes and Platforms.

Cutting across these sector-specific laws and regulations are horizontal frameworks of general applicability and medium-specific laws and regulations. Medium-specific laws and regulations require advertisers, platforms, and publishers to adhere to distinct regulatory frameworks governing the medium through which advertisements are communicated, for example, the removal of information from the internet or digital media is governed by the Information Technology Act 2000 and the rules issued thereunder.

Legal frameworks of general applicability include:

- The Digital Personal Data Protection Act 2023, which regulates the collection and processing of personal data underlying targeted and behavioural advertising;
- The Competition Act 2002, which may apply where advertising constitutes anti-competitive conduct; and
- Intellectual property laws including the Copyright Act 1957 and the Trade Marks Act 1999.



Therefore, the Indian regulatory landscape of law governing advertisements necessitates a careful, multi-layered compliance analysis for each advertisement, assessed in light of its specific content, medium, and the sector to which it pertains.

This compendium, developed collaboratively by Khaitan & Co and ASCI, translates this multi-layered regulatory architecture into actionable guidance for advertisers, agencies, brands, media platforms, and legal counsel navigating India's advertising compliance landscape.

Self-regulatory Framework under the Advertising Standards Council of India





01

ASCI Regulatory Regime for Advertisements

What is the Advertising Standards Council of India

- ASCI is a voluntary and independent self-regulatory organisation of the Indian advertising industry which was established in 1985. Its core mandate is to ensure that advertisements in India are fair, comprise honest representations, legal, decent and truthful, and that they do not mislead or harm consumers.

- ASCI's functions include regulating advertisements to ensure they are honest, decent, safe, and fair; and protecting consumers and promoting responsible advertising. It also aims to support the industry through pre-production advisory services that help prevent advertisements which may fall foul of its regulations, guidelines and laws of India.

- The ASCI's Code for Self-Regulation of Advertising Content in India (**ASCI Code**) was issued in 1995 and has undergone additions throughout the years, to keep up with the dynamic advertising industry. The Code also contains sector-specific guidelines (e.g., for influencers, gaming, education, green claims, etc.), which will be discussed in detail from Chapter 8 (*Advertisements in the Health and Wellness Sector*) to Chapter 16 (*Advertisements by E-Commerce Platforms*).

- ASCI collaborates with all kinds of stakeholders in the advertising industry including advertisers, agencies, research firms, industry bodies, consumer groups, regulators, media owners, online platforms, and independent experts; to propose self-regulatory principles that balance the needs of all stakeholders and take into account the ever-evolving nature of the advertising industry.

- ASCI also holds statutory recognition under the Cable Television Network (Amendment) Rules 2021, and ASCI's competence to adjudicate advertising complaints as a self-regulatory body has been affirmed by the Indian judiciary in various cases, such as Common Cause (A Regd Society) v Union of India (Supreme Court, 2018), and Dabur India Ltd v Advertising Standards Council of India (Delhi High Court, 2023). Rule 7 of the Cable Television Network Rules 1994 prohibits the broadcast of any advertisement on cable television that violates the ASCI Code or its guidelines. In effect, this provision grants statutory recognition to the ASCI Code and makes its standards binding on all television advertisements. Further, the Supreme Court, in Common Cause (A Regd Society) v Union of India (Supreme Court, 2018), has recognised self-regulatory bodies like ASCI as the first forum for consumer grievances concerning unlawful advertisements on television, beyond the direct self-regulation by individual broadcasters.

- ASCI also provides for a grievance redressal mechanism for all consumers. Upon receipt of a complaint, ASCI's Consumer Complaints Council (**CCC**) examines the advertisement in question. The CCC comprises independent experts and industry representatives who assess whether the advertisement contravenes the ASCI Code. By serving as the first forum for complaints, ASCI provides an accessible, non-adversarial mechanism for addressing grievances. This, in turn, reduces the burden on formal adjudicatory or adversarial dispute-resolution processes, thereby promoting quicker, more efficient, and industry-aligned resolution of advertising-related grievances.

Who are its Members

- ASCI's membership is drawn from the four key sectors of the advertising ecosystem: advertisers, advertising agencies, digital professionals and allied professions (such as market research, consulting, business education).

- The adjudicatory structure includes:

  The CCC: an independent panel that reviews complaints and issues recommendations.

  An Independent Review Panel adjudicated by a Panel of retired high court judges to review complaints.

- A Secretariat and Technical Experts to support operations and substantiation of claims.

- ASCI acts as a first line of enforcement in the advertising ecosystem, allowing pre-emptive or corrective action before statutory regulation kicks in.

Self-Regulation and Role of ASCI

- ASCI is a self-regulatory body that derives authority from the collective agreement of its members and the advertising industry. Due to its association with several stakeholders in the industry, ASCI has been a front-runner and pioneer in recognising the needs of the industry and gaps in the existing regulatory framework. It closely analyses consumer grievances and due to these insights, has generally been at the forefront in regulating the advertising sector. The ASCI's Guidelines For Online Deceptive Design Patterns In Advertising issued on 15 June 2023, as discussed in Chapter 20 (*Regulations Governing Dark Patterns*), and Guidelines for Advertising of Educational Institutions, Programmes and Platforms issued on 1 September 2013, as discussed in Chapter 12 (*Advertisements in the Education and Coaching Sector*), are prime examples of such cases, where ASCI has issued guidelines which were subsequently adopted by the Government in the form of the Guidelines for Prevention and Regulation of Dark Patterns, 2023, and the Guidelines for Prevention of Misleading Advertisements in Coaching Sector, 2024.

- ASCI has also led the way in several other areas: it was the first to introduce influencer advertising guidelines (later adopted in substance by the Department of Consumer Affairs in the form of the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements 2022), the first to issue green claims / environmental advertising guidelines, and among the earliest to regulate real-money gaming advertising, surrogacy advertising, and COVID-related health claims during the pandemic. These initiatives reflect ASCI's consistent role in anticipating regulatory needs, shaping ethical advertising norms, and guiding government bodies through a co-regulatory, industry-first approach. This process also provides operational ease, as by the time formal legislation is enacted by the government, industry bodies and advertisers have mechanisms in place to ensure compliance with the law; leading to reduced burden of complying with such regulations.

- Upon assessment of an advertisement, the ASCI's CCC makes recommendations to advertisers and advertising agencies for revising / taking down advertisements to ensure compliance with the ASCI Code. In case of continued non-compliance, ASCI wields industry influence and imposes reputational sanctions such as:
  i. maintaining and publishing a publicly accessible list on its official website documenting all brands and influencers that have repeatedly failed to comply with ASCI's guidelines and CCC recommendations and
  ii. notifying the relevant ministries and governmental bodies of non-compliance by advertisers. ASCI's decisions and public upheld outcomes are published and carry reputational consequences.

- In 2012, the Confederation of Indian Industry's (**CII**) White Paper on Self-Regulation and Co-Regulation recognised ASCI's role in fostering responsible advertising and noted that strong self-regulation helped regulators focus on matters needing statutory action. This co-regulatory approach underscores ASCI's value as a credible, industry-led body supporting fairness and consistency in advertising. This is reflected in the Misleading Advertisements Guidelines, which echo several principles long embedded in the ASCI Code.

Are ASCI's Guidelines Binding on All Advertisers?

- ASCI's Code is voluntary. Advertisers who are members of ASCI commit to abide by its ASCI Code. Given that the ASCI Code has statutory recognition under the Cable TV Rules, non-members are also bound by the ASCI Code, particularly in respect of advertisements being broadcasted on television channels.

- There is also an increasing attempt at co-regulation with statutory bodies. ASCI has partnered with regulators such as the Department of Consumer Affairs, FSSAI, and the Ministry of AYUSH, as well as state-level real estate authorities like the Maharashtra Real Estate Regulatory Authority and Telangana Real Estate Regulatory Authority, to establish a co-regulatory framework under which it monitors and processes complaints on misleading advertisements across sectors and media, thereby aligning self-regulation with statutory oversight.

- Further, in a press release dated 26 March 2024, CCPA and ASCI stated that CCPA had requested ASCI to forward non-compliant advertisements "that could potentially violate the Consumer Protection Act 2019." This collaborative framework assumes particular significance in light of the rapidly evolving advertising landscape in India. It underscores that non-compliance with the ASCI Code is not merely a self-regulatory concern but may, escalate into formal statutory or regulatory proceedings.

- Further, in its Annual Report for 2024-25 the ASCI has reported high compliance rates for its directions, orders, and guidelines. ASCI continued efforts resulted in 83% overall compliance, with TV and print showing near-perfect adherence at 98%. Therefore, the guidelines and advisories issued by the ASCI are essential in determining industry practice.

- Therefore, advertisers and agencies in India commonly treat the ASCI Code as a de-facto compliance threshold because not only does it routinely issue normative guidance and industry studies for regulators but also has a high compliance with a near perfect adherence. This is often seen in contracts for advertising and endorsements where brands / advertisers are often required to comply with the ASCI Code and guidelines as law.

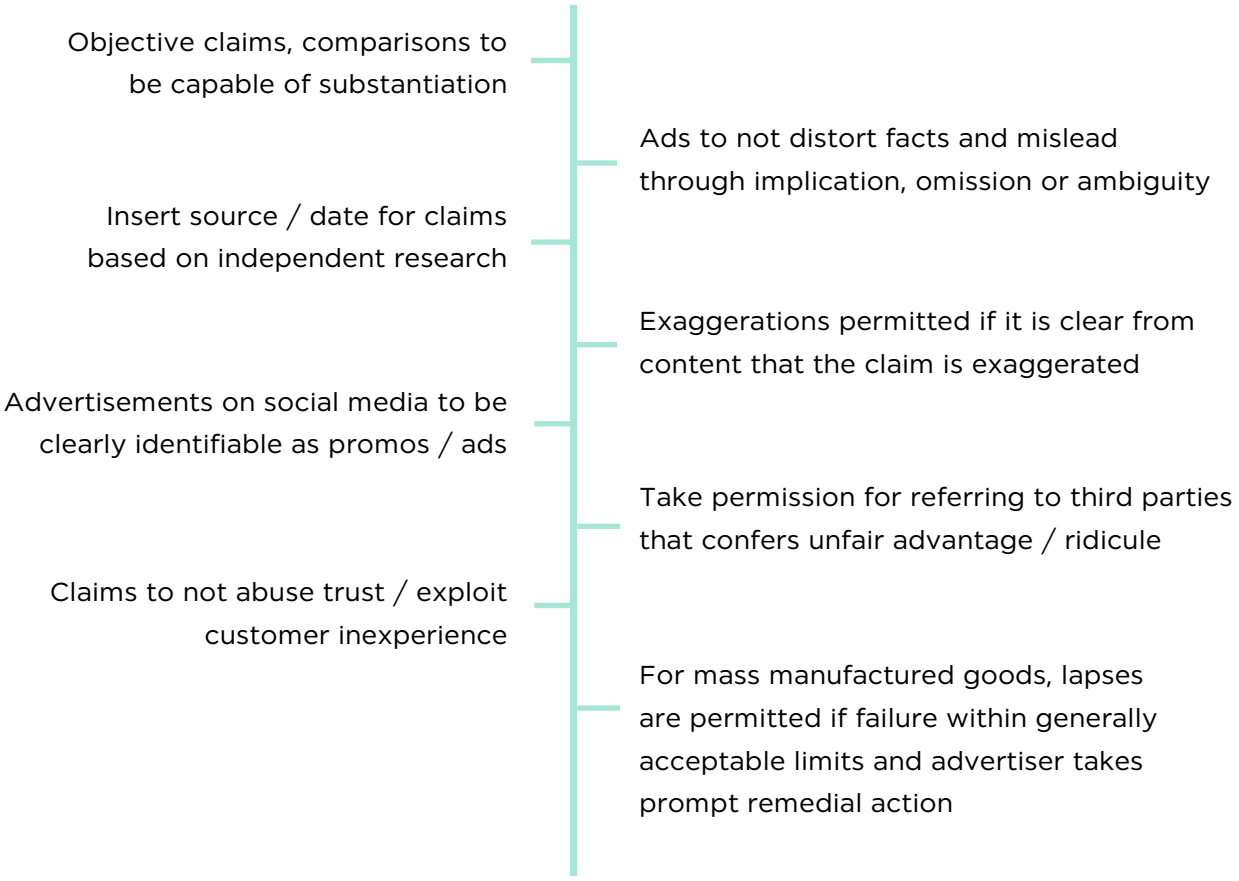
Role of the CCC

- The CCC of ASCI is the grievance redressal mechanism and the adjudicatory body that:
  i. Receives complaints (from consumers, competitors, or through ASCI monitoring).
  ii. Reviews advertiser responses, evidence, and recommendations for action (e.g., "upheld" or "not upheld").

- A complaint upheld by ASCI and referred to CCPA and other regulators may lead to statutory action, including fines or prohibition orders under the relevant legislation. Accordingly, when ASCI refers an upheld complaint to the CCPA or any other regulator, it carries added weight because the case has already been assessed against a well-recognised industry code by an independent expert body. This prior scrutiny helps regulators focus on concerns that have been validated through a structured review process, enabling them to act with greater clarity and efficiency. As a result, referred matters are typically examined with heightened seriousness.

Overview of the ASCI Code

Truthful & Honest Representation



Both the ASCI Code and the Misleading Advertisements Guidelines uphold the same core principle: advertising must be truthful, substantiated, and free from misleading impressions. Each requires that claims be accurate and verifiable, prohibits exaggeration or concealment of material information, and mandates transparency—especially where promotions or endorsements are involved. Together, they reflect a consistent regulatory expectation in India that consumers should receive clear, honest, and non-deceptive advertising.

Non-Offensive to Public

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

Against Harmful Products / Services / Situations

ASCI Code prohibits advertisements that incite violence or intolerance, and that deride individuals / groups based on race, caste, colour, religion, gender, body shape, age, sexual orientation, gender identity, physical or mental condition, or nationality.



ASCI encourages inclusive, body-positive advertising by ensuring advertisements do not demean individuals on grounds such as body shape, sexual orientation, disability, skin colour. For instance, ASCI's guidelines on fairness and skin-lightening claims also are aimed to address misleading and discriminatory beauty narratives reflecting on ASCI's forward-looking approach. Further, this helps brands by enfranchising consumers to create an inclusive customer-base.

ASCI Code also prohibits advertisements that presents criminality as desirable, or encourages persons to emulate criminal behaviour, or conveys modus operandi of crime.

ASCI Code prohibits advertisements that:



Adversely affect friendly relations with a foreign State



Show or refer to dangerous practices, manifest disregard for safety, or encourage negligence; without justifiable reason



Without justifiable reason omit legal disclosures

In the interest of protecting children, the ASCI Code also provides that advertisements addressed to children shall not contain anything likely to result in physical, mental or moral harm, or exploit their vulnerability. Please refer to Chapter 18 (*Advertisements Targeting Children*) for further details.

Additionally, to prevent indirect advertising of products which are otherwise restricted from being advertised, the ASCI Code also prohibits surrogate advertising and provides guidelines on how to determine if an advertisement qualifies as a surrogate advertisement or a legitimate brand extension. Please refer to Chapter 14 (*Tobacco, Alcohol and Surrogate Advertisements*) for further details.

Fair in Competition

The ASCI Code requires that comparative advertising be conducted in a manner that upholds fairness in competition and enables consumers to make informed choices. Comparisons with competitors, whether named or implied, are permissible provided they meet certain core conditions:

- The comparison must clearly identify the aspects being compared
- Advertisement must not select comparison parameters in a manner that creates an artificial or misleading advantage
- Advertisement must be factual, accurate and capable of substantiation
- Advertisement must not mislead consumers about either product
- Advertisement must not unfairly denigrate or discredit competing products or advertisers
- Advertisements shall not make unjustifiable use of the name or initials of another firm, nor take unfair advantage of goodwill attached to another firm's trademark, symbol or advertising campaign

Permissible Comparison

Some illustrative examples:

- A detergent brand states: "Removes 30% more stains than Brand X on cotton fabrics," supported by laboratory test reports. The basis of comparison is clear, factual, and substantiated.
- A smartphone advertisement compares its battery life against a competitor but selects the competitor's lowest-capacity model, without disclosing this fact, thereby creating a distorted advantage. This violates the ASCI Code.

Complaints claiming that an Indian advertisement has copied an advertisement previously released abroad generally do not fall within ASCI's jurisdiction, except in two limited situations:



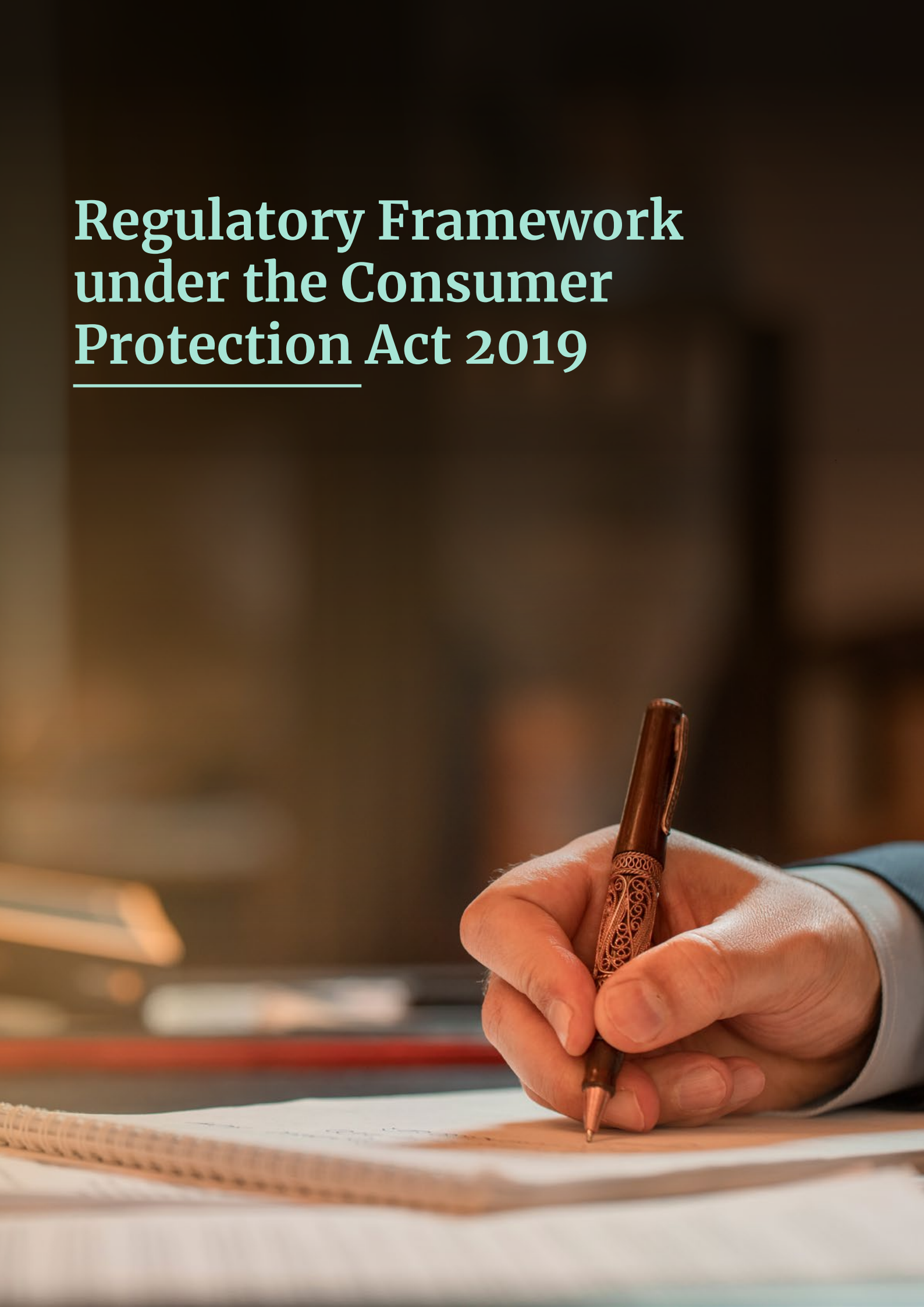
The complaint must be filed within 12 months of the Indian advertisement first being publicly circulated



The complainant must provide credible evidence showing that the foreign advertisement was created or used earlier.

Scan for sources

Regulatory Framework under the Consumer Protection Act 2019





02

The Indian Legal Regime for Advertising

Overview

Evolution of technology and the manner in which users consume content, particularly on social media, has led to the evolution of advertising regulation in India. This has also contributed to the growth of the advertising sector as a whole, with advertising revenues increasing by 8.1% in 2024. Digital advertising contributes to 55% of the total advertising revenue, amounting to INR 700 billion.

The primary legal framework governing advertising in India is anchored in consumer-protection legislation, supplemented by regulations specific to the medium of publication and the goods / services being advertised. The CPA serves as the cornerstone of this regime. In addition to governmental regulation under the CPA, the ASCI, also prescribes a self-regulatory code of conduct, to protect the interests of consumers. ASCIs members are leading advertisers, media agencies, advertising agencies, and other ancillary bodies / agencies. The ASCI's self-regulatory code promotes ethical behaviour, and market integrity.

Consumer Protection Act 2019

Under the CPA, an advertisement includes all kinds of audio and/or visual representation / publicity in all modes and mediums, including light, smoke, gas, digital media. This expansive definition reflects the multi-channel nature of modern advertising, encompassing traditional media as well as digital platforms. The inclusion of labels, wrappers, and invoices within the definition demonstrates legislative intent to capture on-package claims and point-of-sale representations.

The CPA prohibits 'misleading advertisements', and 'unfair trade practices'.

Misleading Advertisements

A misleading advertisement means any advertisement that:

Falsely describes a product or service	Gives a false guarantee or misleads about the nature, quality etc of the goods / services	Conveys a representation that constitutes an unfair trade practice	Deliberately conceals important information



Under the Misleading Advertisements Guidelines, an advertisement is not considered misleading if:

It contains truthful and honest representation

It does not mislead about the nature or extent of the risk to consumers' personal security, or that of their family if they fail to purchase the advertised goods, product or service

It does not mislead consumers by exaggerating the accuracy, scientific validity or practical usefulness or capability of the goods or product

It does not suggest that a claim has been universally accepted despite significant division of scientific opinion

It does not present rights conferred on consumers by any law as a distinctive feature of advertiser's offer

It complies with the provisions contained in any other sector specific law and the rules and regulations made thereunder

It does not suggest that the claims made in such advertisement are universally accepted if such claims have not been independently substantiated

This extends not just to deliberately untruthful claims, but also to concealment of information, and to presentation of information in a manner that may mislead the consumer.



In 2022, the CCPA imposed a fine of INR 10 lakhs on a leading toothpaste brand and directed the brand to take its advertisements off-air for making an unsubstantiated claim that it is 'world's #1 sensitivity toothpaste' and that it is 'recommended by dentists worldwide'.



Recently, the Supreme Court took note of misleading advertisements, particularly in the food and healthcare industry, in the case of Indian Medical Association v Union of India (Supreme Court, 2024), where a leading brand had made claims that its medicines were more effective than allopathic medicines and that allopathic medicines had severe side effects. The Supreme Court directed all advertisers in the food and healthcare industry to submit an annual self-declaration confirming that advertisements published by them on any mode or medium do not make any misleading claims and all advertisements are in compliance with applicable laws. In June 2024, the Ministry of Information and Broadcasting issued a directive, supplementing the Supreme Court's order, stipulating that advertisers should submit their self-declarations via the Broadcast Seva Portal, or Press Council of India's portal for print advertisements.

Unfair Trade Practices

Under the CPA, an "unfair trade practice" is broadly defined to include:

- Making false representations about quality, quantity, grade, sponsorship, approval etc.
- Misleading the public about the price of products / services,
- Making of false guarantees / warranties,
- Misleading customers about discounts / offers or other items free of charge,
- Advertising of goods / services that do not meet standards prescribed by regulatory authorities,
- Making misleading claims and disparaging the goods / services of competitors.

The Misleading Advertisement Guidelines also provide guidance on the following categories of advertisements:



Bait Advertisements

An advertisement in which goods / services are offered for sale at low prices to consumers are referred to as bait advertisements. Such advertisements should:

a. Not entice customers without a reasonable prospect of selling goods / services at the offered price,
b. Ensure adequate supply based on foreseeable demand,
c. Clarify that there are limited stocks, and not mislead customers about market conditions or lack of availability to induce customers, and
d. Inform customers about restrictions on who may have access to the offer based on location / age / gender etc.



Free Claim Advertisements

An advertisement in which goods / services are offered for customers free of charge are referred to as 'Free claims' advertisements. Such advertisements should not claim to offer goods / services / elements for free if:

a. Customers are required to make any payment other than unavoidable costs such as responding to the advertisement or collecting or payment for delivery,
b. The goods / services offered are of a lower quality on account of the offer,
c. The element is already a part of the price paid by the customer, and
d. The cost of goods / services which customers have to purchase to be eligible for the offer have been increased, unless such increase is unrelated to the cost of promotion.



Surrogate Advertisements

An indirect advertisement that attempts to promote goods or services whose advertising is otherwise banned or restricted by law, by disguising such promotions as advertisements for other permissible products or services, is referred to as a surrogate advertisement. Surrogate advertisements are prohibited. An advertisement is deemed surrogate if it directly or indirectly suggests a connection to the prohibited product or employs brand elements, such as the name, logo, colour scheme, or overall presentation, associated with such restricted goods or services. However, the mere use of a common brand or company name will not amount to surrogate advertising if the advertisement is otherwise compliant with applicable legal and ethical guidelines.

For instance, in TV Today Network Limited v Union of India (Delhi High Court, 2023), the Delhi High Court held that using the logo of a liquor brand and a liquor bottle in an advertisement for CDs amounted to surrogate advertising. The channel in this case was ordered to run an apology scroll at the bottom of the screen four times a day for three consecutive days.



Advertisements Targeting Children

Advertisements aimed at or involving children are governed by strict legal and ethical standards. Such advertisements are prohibited from promoting dangerous behaviour, exploiting children's inexperience or emotions, or creating unrealistic expectations about a product's performance or benefits. They are also prohibited from implying that a child's popularity or acceptance depends on purchasing a product, or from directly urging children to buy or persuade others to buy.

Misleading price claims, unsubstantiated health or nutritional benefits, and comparisons suggesting superiority over traditional or natural foods are not allowed. Further, children cannot be featured in advertisements for prohibited products such as tobacco or alcohol, and celebrities cannot endorse products restricted for sale to children. Importantly, junk food and sugary drink advertisements are banned during children's programmes or on dedicated children's channels. Promotions that induce unnecessary purchases or promote irrational consumerism among children are also discouraged, reinforcing a regulatory framework that prioritizes responsible and child-sensitive advertising.

Enforcement and Penalties

To enforce these provisions, the central government established the CCPA under the CPA. The CCPA is a regulator empowered to investigate complaints, issue notices, and impose penalties of up to INR 10 lakhs for a first offence and up to INR 50 lakhs for subsequent offences for creating or publishing misleading advertisements. Where the CCPA is satisfied after investigation that any advertisement is false or misleading and is prejudicial to the interest of any consumer or is in contravention of consumer rights, it may, by order, issue directions to discontinue such advertisement or to modify the same in such manner and within such time as may be specified in that order. The CCPA is also empowered to prohibit the relevant endorser of a false or misleading advertisement from making endorsement of any product or service for a period which may extend to 1 year. The endorsement prohibition power is particularly significant for celebrity endorsers, as it directly impacts their commercial value and creates reputational consequences beyond monetary penalties.

When determining the penalty to be imposed, the CCPA considers factors such as: (a) the population and the area impacted or affected by such offense; (b) the frequency and duration of such offense; (c) the vulnerability of the class of persons likely to be adversely affected by such offense; and (d) the gross revenue from the sales effected by virtue of such offense. These factors enable proportionate penalties that reflect the actual harm caused by misleading advertisements, with particular attention to vulnerable consumer groups.

Failure to comply with the CCPAs directions, may be punished with imprisonment for a term which may extend to 6 months or with fine which may extend to INR 25 lakhs, or with both. Additionally, the CCPA can further file a complaint before a competent court against a manufacturer or service provider who has issued a misleading advertisement that is prejudicial to consumer interests. If convicted, the manufacturer or service provider could be subject to imprisonment of up to 2 years and a fine of INR 10 lakhs for a first offence, and imprisonment of up to 5 years and a fine of INR 50 lakhs for subsequent offences.



Grievance Redressal

The CPA also sets up a three-tier quasi-judicial mechanism for consumer dispute redressal, including the District Consumer Disputes Redressal Commission, State Consumer Disputes Redressal Commission and National Consumer Disputes Redressal Commission. These commissions address grievances based on pecuniary jurisdiction and have the authority to investigate consumer complaints and pass orders for their resolution, such as directing the opposite party to pay compensation or stop unfair practices.

01

Jurisdiction to entertain complaints where the value of goods or services paid as consideration does not exceed INR 1 crore.

District Consumer Disputes Redressal Commission

02

Jurisdiction to entertain complaints where the value of goods or services paid as consideration exceeds INR 1 crore but does not exceed INR 10 crores, as well as appeals against the orders of the District Commission.

State Consumer Disputes Redressal Commission

03

Jurisdiction to entertain complaints where the value of goods or services paid as consideration exceeds INR 10 crores, as well as appeals against the orders of the State Commission. The National Commission also has the right to transfer petitions from the District and State Commissions, directly to the National Commission.

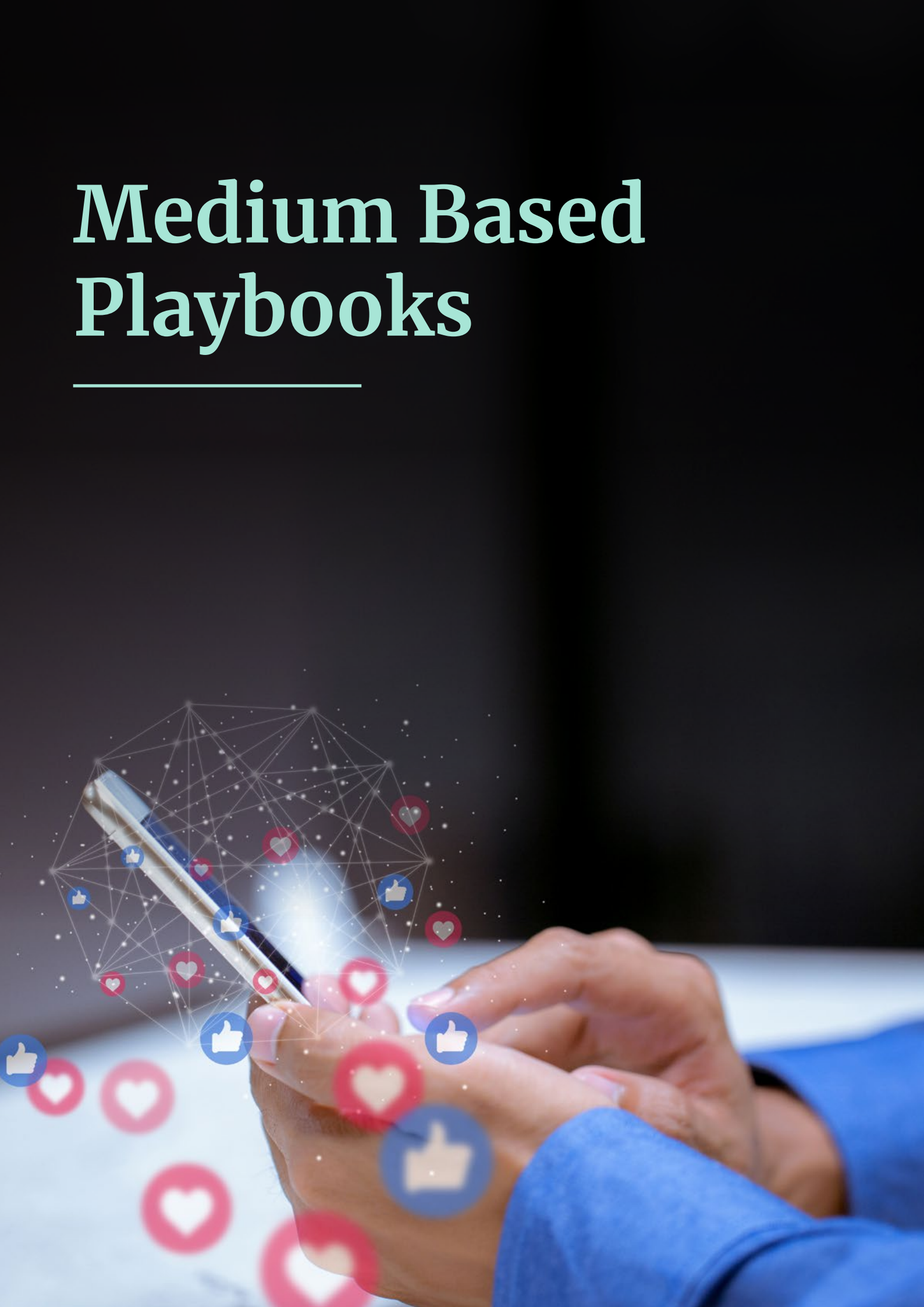
National Consumer Disputes Redressal Commission

The District, State and National Commissions have the power to require advertisers to discontinue unfair trade practices, impose monetary penalties, issue corrective advertisements to neutralize the effect of misleading advertisement, and cease and desist from issuing misleading advertisements.

Failure to comply with any order made by the District Commission, State Commission or the National Commission, is punishable with imprisonment for a term extending from 1 month, to 3 years, or with fine, ranging from INR 25,000 to INR 1 lakh, or both.

Scan for sources

Medium Based Playbooks





03

Advertising on Television

Overview

Advertisements on television broadcasting are regulated under the Cable Television Networks Act 1995, advisories by the Ministry of Information and Broadcasting (**MIB**) and medium-agnostic laws applicable to advertising content in India. The 'Advertisement Code' prescribed under the Cable Television Networks Rules 1994 (**Cable TV Rules**), prescribes content and duration standards for advertising content carried in cable services.

The Cable TV Rules

As per Rule 7 (Advertising Code) of the Cable TV Rules

Content-specific Mandates: The Advertising Code prohibits advertisements which:

- Offend the morality, decency and religious susceptibilities of the viewers
- Deride any race, caste, colour, creed and nationality
- Are against any provision of the Constitution of India or do not conform to Indian laws

- Tend to incite people to crime, cause disorder or violence or breach of law or glorify violence or obscenity in any way
- Present criminality as desirable
- Exploit the national emblem, or any part of the Constitution of India, or the person / personality of a national leader or a State dignitary
- Depict women in a manner that violates the Constitutional guarantees to its citizens and project a derogatory image of women or portray women in a manner that emphasises passive, submissive qualities and encourages them to play a subordinate, secondary role in the family and society
- Exploit social evils like dowry, child marriage
- Promote directly or indirectly production, sale or consumption of:
    i. Cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants, subject to the conditions set out in Chapter 14 (*Tobacco, Alcohol and Surrogate Advertisements*)
    ii. Infant milk substitutes, feeding bottle or infant foods
- Depict cruelty or violence towards animals in any form or promote unscientific belief that causes harm to animal
- Are wholly or mainly of a religious or political nature
- Contain references which hurt religious sentiments
- Violate the CPA and where the goods / services suffer from defects or deficiencies mentioned in the CPA
- Contain references which are likely to lead the public to infer that the product advertised or its ingredients have some special / miraculous / super-natural property or qualities which are difficult of being proved
- Contain pictures and audible matter which is excessively 'loud'
- Endanger the safety of children or creates any interest in unhealthy practices or show them begging or in an undignified or indecent manner
- Contain indecent, vulgar, suggestive, repulsive or offensive themes or treatment
- Violate the ASCI Code
- Are indistinguishable from or interfere with the programmes carried on broadcast television

Duration-specific Mandates: Advertisements on programmes on broadcast television cannot exceed 12 minutes per hour and may include upto 10 minutes per hour of commercial advertisements and up to 2 minutes per hour of a television channel's self-promotional advertisements.

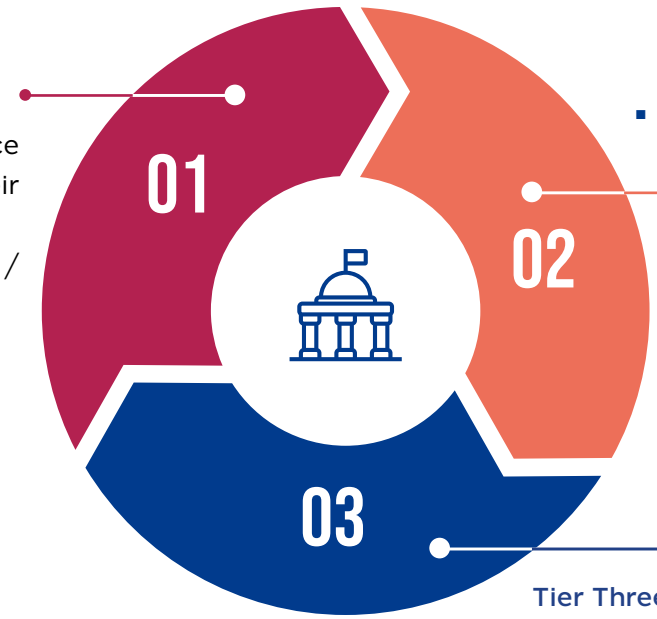
The Government may issue a written order prohibiting the transmission of a television channel or programme on the television channel where an advertisement of a television channel is not in conformity with the Advertising Code.

Grievance Redressal Framework

The Cable TV Rules prescribe a three-tier grievance redressal mechanism for adherence to the Advertising Code and resolving grievances against broadcasters:

Tier One: Self-Regulation by the broadcaster

- Establish a grievance redressal mechanism
- Appoint a Grievance Officer & publish their name and contact details on the website / interface
- Become member of SRB



Tier Two: Self-Regulating Body (SRB)

- SRB will address grievances if the broadcaster fails to resolve them within 15 days
- SRB willl hear appeals from Tier One

Tier Three: Government Oversight

- MIB has establish an Inter-Departmental Committee (**IDC**) for examining grievances.
- IDC will issue recommendations to the MIB and MIB will issue directions to the concerned broadcaster on removal / modification of content.

To the extent a grievance pertains to a violation of the ASCI Code, such complaints may be addressed to ASCI, in which case, ASCI is required to take action and communicate its decision to the broadcaster and the complainant within 60 days. Please refer to our observations in Chapter 1 (*ASCI Regulatory Regime for Advertisements*), for further details on ASCI's grievance redressal mechanism.

Penalties

For Contravention of the Advertising Code

MIB can penalise the broadcaster as follows:

- By issuing an advisory or warning to the broadcaster;
- Requiring the channel to run an apology scroll;
- Directing the director or CEO to read a statement of apology;
- Directing the channel to be off-air for a specified number of hours or days; and
- Suspension or revocation of permission of the television channel.

Scan for sources





04

Advertising on Social Media

Overview

Content (including advertisements) on social media are regulated under the Information Technology Act 2000 (**IT Act**) and rules thereunder, advisories by the Ministry of Electronics and Information Technology (**MeitY**) and medium-agnostic laws applicable to advertising content in India. Further, the MIB is empowered to regulate online advertisements under the Government of India (Allocation of Business) Rules 1961, as amended in 2023. Apart from these laws, the self-regulatory framework of social media platforms in the form of community guidelines, terms of use, and content moderation also governs advertising content.

There are generally two ways of placing advertisements on social media platforms. First, paid advertising executed directly through the social media platform's network and which is subject to the platform's policies on advertisements specifically, and the platform's content policies generally. Second, advertising by users as user-generated content including user / privileged accounts operated by advertisers, influencers, etc. However, user-generated content is also subject to the platform's policies and disclosure requirements.

Information Technology Act 2000

- The IT Act inter alia regulates all content created / transmitted through the internet or on computer resources, including advertisements on social media platforms as static advertisements or paid promotions / user-generated content, as banner advertisements on websites, etc.
- The IT Act prohibits and provides for penal consequences for the transmission of the following kinds of content on the internet / social media:

a

Content amounting to identity theft or cheating by personation

b

Content which violates the bodily privacy of a person or obscene content / sexually explicit content

c

Content which constitutes child sexual exploitative and abuse material

Statutory Safe-Harbour to Intermediaries

WHO ARE INTERMEDIARIES

Intermediaries have been defined in the IT Act, with respect to any particular electronic record, as any person who on behalf of another person receives, stores or transmits that record or provides any service with respect to that record and includes telecom service providers, network service providers, internet service providers, web-hosting service providers, search engines, online payment sites, online-auction sites, online-market places and cyber cafes.

The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021 (**Intermediary Rules**) enacted under the IT Act further classify intermediaries as:

- Social media intermediaries
- 'Online gaming intermediaries'

Additionally, any intermediaries providing services relating to creation, modification, or transmission synthetically generated information (as discussed below).

WHAT IS SAFE HARBOUR

Entities which provide 'platforms' for unlawful activities / have 'actual' knowledge of unlawful activities being undertaken on their platform are liable for their role in facilitating unlawful activities. However, given the volume of activity undertaken by users on platforms and the practical difficulty of monitoring all user-generated content in real time, intermediaries have been granted statutory "safe harbour" (a conditional limitation on liability) for third-party content hosted, transmitted, or stored on their systems, if:

- The function of the intermediary is limited to providing access to a communication system where content is made available by third parties and transmitted / temporarily stored
- The intermediary does not:
  i. Initiate the transmission
  ii. Select the receiver of the transmission
  iii. Select / modify the content contained in the transmission
- The intermediary observes due diligence while discharging its duties under the IT Act and the rules and regulations made thereunder.

Content Guidelines for Intermediaries

The Intermediary Rules provide for due diligence, content moderation, and other obligations for intermediaries.

- The Intermediary Rules require intermediaries to prominently publish on their website and/or mobile-based application, the rules and regulations, privacy policy and user agreement (**Platform Rules**) in English or any language specified in the Eighth Schedule of the Constitution of India (in a language of the user's choice) for access or usage of the intermediary's services and ensure the user's compliance with such Platform Rules.
- Intermediaries are also required to prohibit and ensure that users do not upload / transmit prohibited content (**Prohibited Content**) which:
  i. Belongs to another person to which the user does not have any right
  ii. Is obscene or pornographic, involves child sexual content, violates another's privacy (including bodily privacy), insulting or harassing on the basis of gender, race or ethnicity, relates to or encourages money laundering or gambling, involves an online game that causes user harm, or promotes enmity on religion or caste with intent to incite violence
  iii. Is harmful to a child
  iv. Infringes proprietary rights
  v. Deceives or misleads about message origin, or knowingly shares misinformation or patently false or misleading information
  vi. Impersonates another person
  vii. Threatens the unity, integrity, defence, security or sovereignty of India, friendly relations with foreign states, or public order, or incites cognizable offence, or prevents investigation of any offence, or is insulting other nation
  viii. Contains viruses or other malicious code intended to disrupt, destroy, or limit computer resources
  ix. Is an online game which is not a permissible online game
  x. Advertisement / surrogate advertisement / promotion of an online game which is not permissible or an online gaming intermediary offering such online game
  xi. Violates any law in force

- Uploading any of the abovementioned types of content may lead to removal of such Prohibited Content / user account suspension by the intermediary platform, apart from other penalties set out in applicable laws for such content.
- Other considerations: The Intermediary Rules also impose differing due diligence obligations on 'significant social media intermediaries' ie social media intermediaries with more than 50 lakhs) registered users (**SSMI**), and 'online gaming intermediaries' such as:

Appointment of a chief compliance officer and nodal contact person for law enforcement	Appointment of a resident grievance officer	Publishing compliance reports mentioning complaints received and action taken	Enabling voluntary user verification mechanisms

- SSMIs providing primarily messaging services are also required to enable identification of first originator of certain kinds of information / content.
- SSMIs are required to have physical presence in India.
- SSMIs which provide content-pushing / advertising services are also required to disclose and label paid advertising for the SSMIs services or platform-owned / controlled content
- SSMIs are required to deploy technical measures, including automated tools or other suitable mechanisms to identify content depicting rape or CSAM (explicit or implied), or content removed previously under any legal requirement.
- SSMIs are also required to notify users prior to content removal and appeal process, and ensure oversight by their 'resident grievance officer'.

Intermediary Obligations for AI-Generated Content

- On 10 February 2026, the MEITY notified the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Amendment Rules 2026 which introduced specific regulation of 'synthetically generated information' (**SGI**) ie audio-visual content which is artificially or algorithmically created / modified to appear or likely to be perceived as real, authentic or true and may include natural persons or events. Please refer to Chapter 21 (*Regulation of AI-generated Advertising and Use of AI in Ad-targeting*) for obligations of intermediaries in relation to SGI.

Grievance Redressal

Intermediaries

- Intermediaries are required to publish the contact details of their grievance officer on their website / mobile application for users / victims to make complaints.
- Upon receipt of a complaint, the Grievance Officer is required to acknowledge the complaint within 24 hours and resolve such complaint within 7 days.
- If the complaint relates to removal of Prohibited Content except for:
  i. Content which belongs to another person to which the user does not have any right;
  ii. Content which infringes proprietary rights; and
  iii. Content which violates any law in force, the intermediary is required to act upon the complaint within 36 hours of reporting.
- Intermediaries are required to remove content within 2 hours of a complaint against content which is prima facie in the nature of material which exposes the private area of an individual, shows an individual in full or partial nudity or depicts an individual in a sexual act, or impersonates a person including through artificially morphed images of an individual.
- SSMIs are required to provide for a grievance redressal process with the user to enable tracking of the complaint by the user.

Grievance Appellate Committee

- A person may appeal a decision of a Grievance Officer to the Grievance Appellate Committee within a period of 30 days from the date of receipt of communication from the Grievance Officer.
- The Grievance Appellate Committee shall resolve such appeal within 30 days from receipt of the appeal.

Key principles of Self-Regulation by Social Media Intermediaries

What are Platform Rules?

Platform Rules refer to the internal policies and standards adopted by social media platforms to govern user-generated and advertising content, including community guidelines, content moderation norms, and advertising-specific requirements.

Typically, community guidelines of social media platforms restrict the following kinds of content:

- Deception, spam, scams, and inauthentic activity;
- Adult sexual content and sexual exploitation;
- Child sexual exploitation or abuse;
- Content which promotes or depicts self-harm or health-disorders;
- Violence, graphic content, and incitement / threats;
- Hate speech, hateful conduct, bullying and harassment;
- Content promoting / uploaded by dangerous individuals, violent criminal / extremist organisations;
- Illegal and regulated goods including drugs, weapons / firearms, and tobacco;
- Harmful misinformation, or synthetic and manipulative media for deception;
- Content leading to violation of privacy;
- Content enabling or facilitating cyberattacks / cybersecurity events;
- Intellectual property infringing content; and
- Offensive language.

It is important to note that content moderation is undertaken contextually and content comprising certain themes set out above may not be restricted if used in educational, scientific, documentary or artistic contexts.

Key Common Principles for Advertising Content

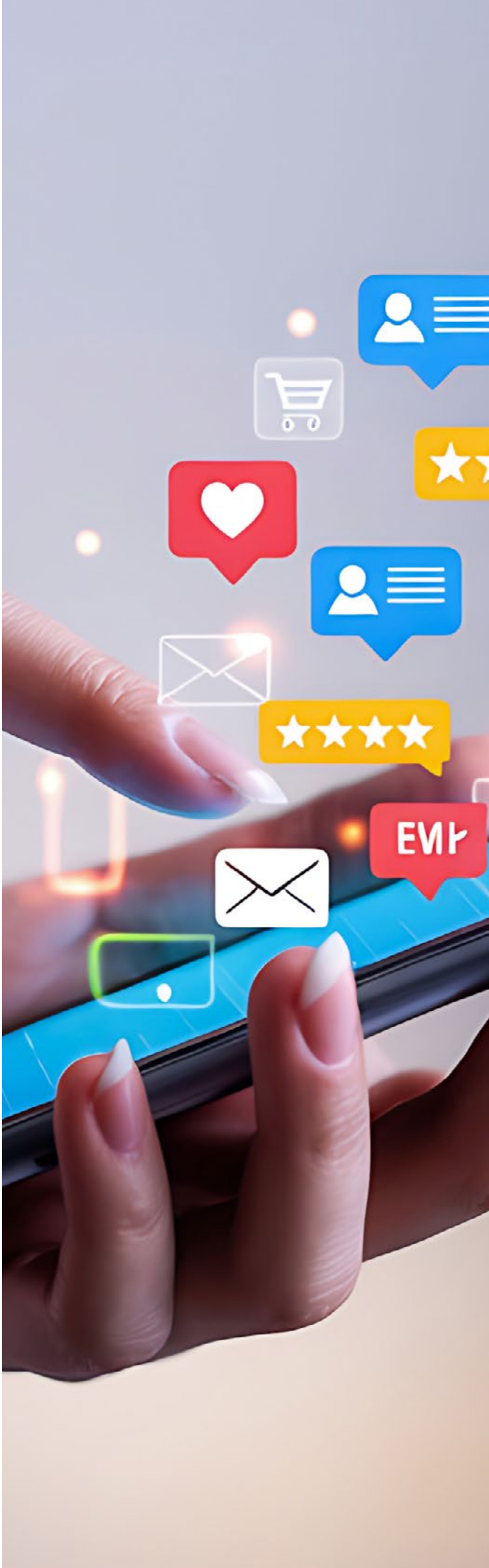
- Disclosure requirements by users for content created under paid partnerships;
- Advertiser's responsibility to comply with advertising standards, local applicable laws and self-regulatory advertising codes.

Meta's and X's advertising standards and guidelines explicitly make reference to advertisers' adherence to industry-wide self-regulatory advertising codes which may apply to such advertisers.

- Types of prohibited advertising content:
  i. illicit and dangerous goods including drugs, drug paraphernalia, weapons, ammunitions, and counterfeit documents or products
  ii. Deceptive practices and misinformation such as scams, fraud, clickbait, misleading landing pages, etc
  iii. Adult content including full or partial nudity, sexually explicit imagery / text
  iv. Violence and shocking material including graphic gore, violence, content which exploits sensitive events, tragedies or war
  v. Harmful behaviour and self-injury / harm
  vi. Unauthorised regulated services such as lotteries, betting, high-risk or unregulated financial products such as virtual digital assets
  vii. Low-quality / spam content which may use excessive emojis, punctuation, clickbait to evade automated review systems
  viii. Exploitation or sexualisation of minors

Additionally, advertisements on social media are made by celebrities and influencers would be subject to the Department of Consumer Affairs' Endorsement Know-Hows and ASCI's applicable guidelines, as discussed in Chapter 19 (*Advertisements and Endorsements by Celebrities and Influencers*).

Scan for sources





05

Advertisements on Digital Media

Advertisements on digital media, such as over-the-top platforms (**OTT platforms**) and websites are regulated under the IT Act and rules thereunder, advisories issued by MeitY and medium-agnostic laws applicable to advertising content in India.

Obligations of Advertisers

Any advertiser making available any advertisement will be responsible for ensuring that the advertisement is compliant with all medium-agnostic content regulation laws, including the Misleading Advertisement Guidelines, sector-specific guidelines, and the ASCI Code.

Any non-compliance with such medium-agnostic laws will attract penalties specified in such laws and the advertiser may also be directed to take down or modify the advertisement, subject to the penal provisions of such laws.

Obligations of Publishers of Online Curated Content

Intermediary Rules

Publishers of online curated content are responsible for complying with the Intermediary Rules and advisories issued by MeitY under the Intermediary Rules.

The Intermediary Rules provide specific mandates governing content made available by publishers of online curated content, covered under the Code of Ethics annexed to the Intermediary Rules.



'Online curated content' means "any curated catalogue of audio-visual content, other than news and current affairs content, which is owned by, licensed to or contracted to be transmitted by a publisher of online curated content, and made available on demand, including but not limited through subscription, over the internet or computer networks, and includes films, audio visual programmes, documentaries, television programmes, serials, podcasts and other such content."

Publisher of Online Curated Content means "a publisher who, performing a significant role in determining the online curated content being made available, makes available to users a computer resource that enables such users to access online curated content over the internet or computer networks, and such other entity called by whatever name, which is functionally similar to publishers of online curated content but does not include any individual or user who is not transmitting online curated content in the course of systematic business, professional or commercial activity".

OTT platforms and other platforms which curate content are classified as publishers of online curated content.

The Intermediary Rules provide that publishers of online curated content should not transmit, publish or exhibit content that is prohibited under any law or which has been prohibited by a competent court. Additionally, any content made available should not:

Be detrimental to sovereignty, integrity and security of India	Be detrimental to India's friendly relations with foreign states,	Incite violence or disturb maintenance of public order.

This does not refer specifically to advertisements and appears to pertain to 'online curated content'. There is no specific obligation on publishers of online curated content under the Intermediary Rules to ensure that advertisements are compliance with applicable advertising and content related obligations.

Regulation under the CPA

Under the CPA, the CCPA is empowered to impose penalties on any entity that publishes or is a party to the publication of a misleading advertisement. The CPA further clarifies that no such penalty will be imposed the entity publishes or arranges for the publication of the advertisement in the ordinary course of business provided the exemption from this penalty will not apply if the entity had previous knowledge of an order passed by the CCPA for withdrawal / modification of the advertisement. As such, publishers of online curated content are not directly required to ensure that advertisements are not misleading or in compliance with applicable laws.

That said, for good measure, and to ensure that publishers of online curated content do not publish or exhibit prohibited / illegal advertisements, it is advisable for such publishers to exercise basic moderation of advertisements, before making the advertisements available.

MeitY Advisories

The obligation for content moderation and review is also supported by the fact that MeitY has, over the years, issued several advisories to various entities, including social media intermediaries, publishers of online curated content, private television channels, advising such entities to not publish or make available certain types of advertisements.

For instance, in June 2022, all publishers were advised to refrain from publishing advertisements of online betting platforms, given that betting and gambling were illegal in most parts of the country.

Similarly, in October 2022, the MeitY reiterated the advisory to refrain from publishing advertisements of online betting platforms as well as their surrogate advertisements, on the grounds that the Intermediary Rules prohibit the exhibition of illegal content and betting and gambling and their illegitimate surrogates were not legal, and should not be shown on digital media.

As such, while publishers of online curated content may not be directly liable for content of advertisements, given that these advertisements are published in the ordinary course of their business, the publishers will have to comply with the advisories issued by MeitY and may also consider reviewing advertisements prior to publication.

Self-regulation by Advertising Technology Providers

Sell-side advertising technology providers include advertising networks, supply / sell-side platforms, advertisement exchanges, etc. These entities self-regulate / moderate the advertising content through their publisher policies, standards and technical requirements. These policies are designed to ensure a positive user experience, maintain advertiser confidence, and uphold the integrity of the digital advertising ecosystem.

> ***Google lists the ASCI Code as the industry / self-regulatory code adopted by the advertising industry in India and requires advertisers to assess the applicability of such industry codes.***

Prohibited Content

The following represents an indicative overview of advertising content restrictions applicable across major digital advertising networks, including Google AdSense / Publisher Services, Amazon Publisher Services, Taboola, and Outbrain:

- **Illegal content:** Content that is illegal, promotes illegal activity, or infringes on the legal rights of others, including content that facilitates or promotes dangerous or illegal activities;
- **Child sexual abuse and exploitation:** content that sexually exploits or abuses children, promotes the sexual exploitation or abuse of children, or endangers children through grooming, sextortion, sexualisation, or trafficking;
- **Sexually explicit content:** Pornography, graphic sexual acts, sexually explicit material, content depicting full or partial nudity with sexual overtones, content promoting adult dating, escort services, or sexual merchandise;
- **Dangerous or derogatory content:** Content that incites hatred, promotes discrimination, harasses, intimidates, bullies, threatens or advocates harm, or exploits others through extortion, including content targeting individuals or groups based on race, ethnicity, religion, disability, gender, sexual orientation, age, or similar characteristics;
- **Violence and shocking material:** Content depicting extreme violence, graphic gore, violence that exploits sensitive events or tragedies, gruesome imagery, or content promoting dangerous behaviour;
- **Misinformation and deceptive practices:** Fake news, content with a high risk of being false, misleading claims, content that misrepresents information about the publisher or content creator, false implications of affiliation or endorsement, and deceptive practices including clickbait and cloaking;
- **Intellectual property infringement:** Content that infringes copyright or promotes counterfeit goods containing trademarks identical to or substantially indistinguishable from those of another entity;
- **Malicious software:** Content promoting or containing malware, spyware, adware, or software that violates unwanted software policies, including content designed to harm or gain unauthorised access to user devices;

- **Weapons, ammunition, and explosives:** Content promoting the sale of firearms, ammunition, explosives, fighting knives, and other weapons;
- **Tobacco and related products**: Content promoting cigarettes, cigars, chewing tobacco, tobacco pipes, hookahs, rolling papers, vaporised delivery devices, and electronic cigarettes;
- **Illicit drugs and drug paraphernalia:** Content promoting illegal or recreational drugs, drug testing equipment, products to defeat drug tests, or direct sales of prescription medications without appropriate licensing;
- **Animal cruelty and endangered species:** Content promoting cruelty or gratuitous violence towards animals, or the sale of products obtained from endangered or threatened species;
- **Political content:** Campaigns for or against politicians or political parties, content related to elections, or content relating to highly politicised or publicly debated issues (restrictions vary by platform and jurisdiction); and
- **Crisis and controversy exploitation:** Content exploiting crises, controversies, social issues, or sensitive subjects such as the death of a celebrity to promote products or services.

Restricted Content Categories

The following categories of content are subject to restrictions, meaning they may receive limited advertising or require specific compliance measures:

- **Sexual content (non-explicit):** Content containing nudity, sexually suggestive imagery, sexual fetishes, or sexual entertainment that does not meet the threshold for prohibition but may receive restricted advertising sources;
- **Alcoholic beverages:** Content promoting the sale of beer, wine, or spirits is prohibited in certain jurisdictions (such as the United States for Google AdSense) and restricted in others, subject to local applicable laws and age-gating requirements;
- **Online gambling and betting:** Content allowing users to place bets or play games in exchange for money or prizes is restricted to specific jurisdictions where such activities are legal, and publishers must meet stringent approval requirements;
- **Pharmaceuticals and health products:** Content promoting prescription drugs, health supplements, or medical devices is subject to substantiation requirements, appropriate disclaimers, and licensing verification; and
- **Financial services:** Content promoting financial products, investments, or cryptocurrency-related services is subject to enhanced disclosures, appropriate licensing requirements, and prohibition on misleading claims regarding returns or performance.

Disclosure and Transparency Requirements

- Advertisements must be clearly labelled as "Sponsored", "Advertisement", or similar language to ensure users can distinguish paid content from editorial content;
- Advertisers bear responsibility for compliance with advertising standards, local applicable laws, and self-regulatory advertising codes in the jurisdictions where their advertisements appear;
- Privacy policies must adequately inform users about data collection, sharing, and usage practices, including the use of cookies or web beacons by third parties for ad serving purposes;
- Where applicable, compliance with regulatory requirements in the relevant jurisdiction(s).

It is important to note that content moderation across these platforms is undertaken contextually. Content comprising certain restricted themes may not be prohibited if used in educational, scientific, documentary, artistic, or journalistic contexts where there is a legitimate editorial purpose. Additionally, platforms may make exceptions for gameplay imagery in the context of violence, provided such content does not depict torture, sexual violence, violence against minors, or violence against individuals based on protected characteristics.

Scan for sources





06

Advertising on Print

Advertisements published in newspapers and media are primarily governed by Press Council of India's Norms of Journalistic Conduct 2022 issued under Section 13 of the Press Council Act 1978 (**PCI Norms**). Additionally, specific categories of print advertisements, such as political advertisements and advertisements about unlawful prize competitions, are governed by sectoral statutes like the Representation of the People Act 1951 (**RoPA**) and the Prize Competitions Act 1955 (**Prize Act**) respectively.

PCI Norms

Scope

Covers all commercial, political and classified advertisements published in print newspapers within the PCI's remit.

Applicability

All newspapers registered under the Registration of Periodicals Act 2023, news agencies, editors and journalists.

Key Requirements and Restrictions

- Advertisements must be clearly distinguishable from editorial content
- Paid content must not be presented as news
- Advertisements that are unlawful, indecent or contrary to journalistic ethics are prohibited
- Direct or indirect promotion of cigarettes, tobacco, alcohol or other intoxicants is prohibited
- Publication of any advertisement intending to pass on as news using names and photographs of Hon'ble President and Prime Minister of India is prohibited
- Advertorials resembling news are required to carry the heading "Advertisement/Advertorials" in bold with font size equal to page sub headings
- The advertiser's identity is required to be disclosed
- Matrimonial classifieds are required to carry a prescribed caution text
- Editors are required to refuse covert solicitations and suggestive categories

Content-specific Regulation of Print Advertisements

The RoPA prohibits the printing or publishing of any election-related printed material intended to promote or prejudice the prospects of a candidate or political group, unless the names and addresses of the printer and the publisher are clearly stated on the material. Additionally, prior to the printing of such material, the publisher is required to furnish attested declarations of identity to the printer. After printing, the printer is required to submit copies of the declaration and printed material to the concerned government officials. Any person who prints or publishes material in contravention of these requirements is punishable with imprisonment of up to 6 months and / or a fine of up to INR 2,000.

The Prize Act prohibits newspapers and other publications, printers, publishers, distributors and any person dealing with advertisements to not print, publish, distribute any advertisement in relation to an unlawful prize competition. Prize competitions are deemed unlawful when they exceed the statutory prize limits or are conducted without an applicable license under the Prize Act.

Any person who prints, publishes or distributes such an advertisement is punishable with imprisonment of up to 3 months and / or fine up to INR 500.

Scan for sources



07

Out-Of-Home Advertising and Digital-Out-Of-Home Advertising

Overview

Out-of-Home (**OOH**) and Digital Out-of-Home (**DOOH**) advertising encompass any physical or electronic representation, such as static hoardings, transit posters, LED screens, or variable message devices, erected for commercial advertisements. In India, the legal framework governing this medium is not centralized and operates through city and state specific local municipal corporations' rules and policies.

On an indicative level, this chapter highlights the regulatory frameworks in:

- Mumbai, under the Policy Guidelines for Display of Outdoor Advertisements 2025 (**Mumbai OOH Rules)**
- Maharashtra (except Mumbai), under the Maharashtra Municipal Corporations (Regulation and Control of the Display of Sky-signs and Advertisement) Rules 2022 **(Maharashtra OOH Rules)**
- Delhi, under the Delhi Outdoor Advertising Policy 2017 **(Delhi OOH Rules)**
- Bangalore, under the Greater Bengaluru Area (Advertisement) Rules 2025 **(Bengaluru OOH Rules)**
- Kolkata, under the Kolkata Municipal Corporation (Advertisement Policy Regulations) 2025 **(Kolkata OOH Rules)**

Attribution of Liability

OOH / DOOH Advertising Agency (Media Owner)

Typically, the Media Owner is required to obtain permits from municipal corporations to erect and operate hoarding structures or digital screens. This entity bears primary liability for all structural, technical, and operational violations.

For unauthorized displays or failure to comply with permit conditions, Media Owners face immediate removal of advertisements at their cost, daily penalties until compliance, and payment of penalty fees (typically double the standard rate, as under Bengaluru OOH Rules and Kolkata OOH Rules, or up to five times the fee for regularization, as under Maharashtra OOH Rules).

Additional consequences include license cancellation, blacklisting from future tenders, recovery of dues through property attachment and bank account seizure, and criminal prosecution under applicable municipal acts, as seen across municipalities.

Property Owners

A property owner is the person on whose premises the advertisement structure is erected. In some municipalities like Bengaluru, property owners are held jointly liable with the Media Owner when unauthorized advertisements are displayed on their land or building.

Property owners are liable to pay penalty at double the applicable rate for unauthorized displays on their property, together with the cost of removal, though the municipality may recover such dues from the advertiser instead.

Property owners may also be subject to criminal action under applicable laws for permitting illegal advertisements on their premises, as seen in Bengaluru.

Brand / Advertiser

The brand or advertiser is the person on whose behalf the advertisement purports to be displayed by the Media Owner. Brands are generally shielded from structural and operational liabilities of the hoarding itself. However, in certain jurisdictions like Kolkata and Bengaluru, brands face limited liability:

- Where unauthorised hoardings bearing a brand's name or product are displayed, the Kolkata OOH Rules presume that the contravention has been committed by the brand on whose behalf the advertisement purports to be, unless the contrary is proved, and both the brand and advertising agency become liable for penalties and criminal action
- Brands must ensure that the Media Owners they enter into agreements with possess the requisite licenses and permits for the hoardings, so as to ensure that the hoardings are not deemed to be unauthorized and subject to immediate removal under certain municipalities, such as Bengaluru.

Typical Restrictions Imposed on OOH and DOOH Advertising



Zone Prohibitions

OOH and DOOH advertising is prohibited in specific environmentally sensitive or culturally important zones such as heritage corridors, historical monuments, national parks, religious places. For instance, the Bengaluru OOH Rules restrict hoardings in heritage corridors like Cubbon Park and Lalbagh; and the Maharashtra OOH Rules restrict any hoarding or advertisement in river beds, lakes, canals and public open spaces, including playgrounds and gardens.



DOOH Technical Limitations

Specific animations and motions, such as flickering animations, are generally banned to prevent driver distraction. Further, certain states also impose luminance controls to prevent flash blindness. For instance, Delhi OOH Rules require that light sources be shielded to prevent glare from extending beyond the advertising device, with average maintained luminance reduced to 0.5 candela after 11pm. The Maharashtra OOH Rules and Bengaluru OOH Rules require that any movement / changes to images happen only after a minimum period of 10 seconds.



Physical Dimensions and Limitations

Limitations are placed on physical size (maximum square footage) of the hoarding and its height from the ground. A mandatory minimum inter-distance between structures is further required to prevent visual clutter. For example, Mumbai OOH Rules require hoardings to be within the dimensions of 40 ft x 40 ft. Bengaluru OOH Rules establish different maximum hoarding dimensions, with varying size limits for roads of different widths.



Content Mandates

Content that is harmful, offensive, or hazardous to traffic navigation is prohibited. For example, the Delhi OOH Rules restrict obscenity and racism, and the Mumbai OOH Rules prohibit advertisements containing nudity or violence. Further, to prevent traffic signal camouflaging, the Maharashtra OOH Rules restrict the use of red, amber, or green illuminated signs within a distance of 10 meters of any illuminated traffic sign.

Additional Requirements

Structural Safety

A mandatory Standard Operating Procedure (SOP) requiring the submission of a structural stability certificate from a registered structural engineer is a prerequisite for hoarding erection and renewal. For example, Mumbai OOH Rules and Kolkata OOH Rules respectively require a structural stability report from a registered engineer prior to erection and an annual stability certificate for older structures.

Traffic Clearances

OOH / DOOH installation intersecting with public infrastructure requires localized approvals. For example, the Mumbai OOH Rules and Delhi OOH Rules require such a certificate from the Joint Commissioner of Police (Traffic).

Liability Coverage

Policies require agencies to financially underwrite the risk of their installations. For example, the Mumbai OOH Rules, Delhi OOH Rules, and Maharashtra OOH Rules require mandatory third-party insurance to cover liability arising out of unforeseen accidents due to the hoarding.

Licensing Permits

The right to erect the hoardings are granted via formal contracts or permits valid for a multi-year term. For example, Delhi OOH Rules and Bengaluru OOH Rules require display rights to be granted for maximum contract periods of 3 years and 5 years respectively.

Miscellaneous

Some jurisdictions have additional miscellaneous requirements. For example, Bengaluru OOH Rules prohibit the use of diesel generators to power displays, and Kolkata OOH Rules mandate the physical affixing of QR codes on all hoardings for digital tracking and municipal monitoring.

Scan for sources

Sector Wise Regulation of Advertisements





08

Advertisements in the Health and Wellness Sector

Overview

Advertising and promotional practices in India's healthcare and wellness sector are regulated through sector-specific legislation, professional body-rules and sector-wide self-regulatory codes. The framework is geared towards consumer protection due to the scientific nature of the subject matter and aims to provide clear information on information which may be required by the public.

For pharmaceuticals and drugs, primary legislation includes the Drugs and Magic Remedies (Objectionable Advertisements) Act 1954 and the Drugs and Cosmetics Act 1940 which govern advertisements and prohibit misleading or unsubstantiated claims. Promotional conduct is further regulated under the Uniform Code for Pharmaceutical Marketing Practices 2024 and the Uniform Code for Marketing Practices in Medical Devices 2024.

In parallel, advertising and claims relating to health supplements, nutraceuticals and specialised foods are regulated under the Food Safety and Standards Act 2006 and the Food Safety and Standards (Health Supplements, Nutraceuticals, Food for Special Dietary Use, Food for Special Medical Purpose, Functional Food and Novel Food) Regulations 2016, along with sector-agnostic and medium-agnostic laws governing advertisements.

Drugs and Pharmaceuticals

Drugs and Magic Remedies (Objectionable Advertisements) Act 1954

The Drugs and Magic Remedies (Objectionable Advertisements) Act 1954 (**DMRA**) prohibits claims relating to diagnosis, cure, mitigation, treatment or prevention of specified diseases, as well as misleading or exaggerated claims and prohibits the publishing and taking part in the following advertisements:

Suggesting / depicting any drug or magical remedy for:

- Enabling miscarriage or preventing conception in women
- Maintenance or improvement of the capacity of human beings for sexual pleasure
- Correction of menstrual disorder in women
- The diagnosis, cure, mitigation, treatment or prevention of any disease, disorder or condition specified by the Government

Advertisements containing any matters which:

- Directly or indirectly gives a false impression regarding the true character of the drug
- Makes a false claim for the drug
- Is otherwise false or misleading in any material particular

Penalty: Imprisonment up to 6 months and/or fine on first conviction, and imprisonment up to 1 year and/or fine.

To curb the widespread misleading advertisements in the sector, the Supreme Court, in 2024, directed all advertisers in the food and healthcare industry to submit an annual self-declaration confirming that advertisements published by them on any mode or medium do not make any misleading claims and all advertisements are in compliance with applicable laws. Please refer to our observations in Chapter 2 (*Indian Legal Regime for Advertising*) for further details in this regard.

Drugs and Cosmetics Act 1940

The Drugs and Cosmetics Act 1940 (**DCA**) prohibits inter alia import, manufacture, exhibition, offering for sale, or sale of drugs which are:

Misbranded

- Coloured, coated, powdered or polished that any damage is concealed or is made to appear of better / greater therapeutic value
- Not labelled in the prescribed manner as per applicable law
- Label, container or anything accompanying the drug / cosmetic bears any statement, design or device makes any false / misleading claim

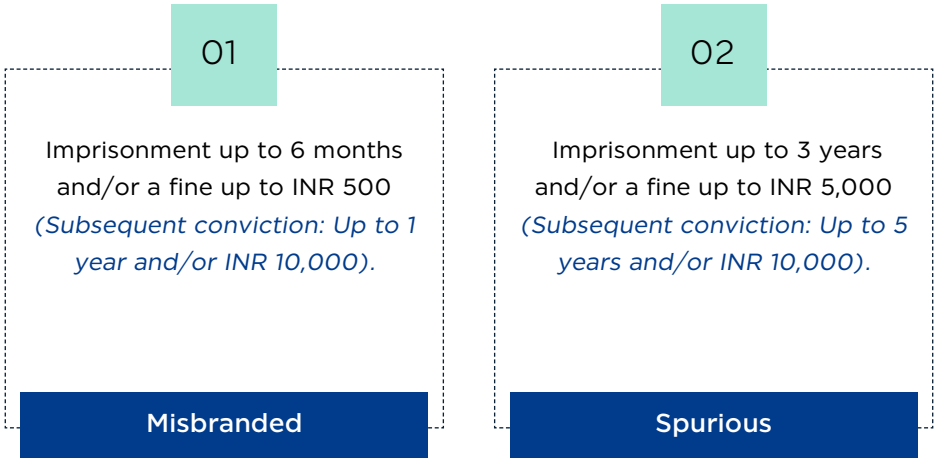
Spurious

- Imported, manufactured, distributed, sold or offered for sale under a name which belongs to another drug
- An imitation of, or a substitute for, another drug or cosmetic, or resembles another drug in a manner likely to deceive, or its label or container bears the name of another drug
- Its label or container bears the name of a manufacturer which is fictitious
- Purports to be the product of a manufacturer of whom it is not a product.

The DCA also provides prescribed formats for labelling of medical devices and other healthcare products. Please refer to our observations in Chapter 10 (*Advertisements in the Beauty and Personal Care Sector*) for further details in relation to the regulation of advertisements related to cosmetics.

Penalty

- Import Offences:



- Manufacture, Exhibition, or Sale of Drugs:
  i. **Misbranded:** Imprisonment up to 2 years and a fine up to INR 20,000.
  ii. **Spurious (Causing death/grievous hurt):** Imprisonment from 10 years to life, plus a fine of at least INR 10 lakhs or three times the drugs' value (whichever is greater).
  iii. **Spurious (Other):** Imprisonment from 7 years to life, plus a fine of at least INR 3 lakhs or three times the drugs' value.

Health Supplements, Nutraceuticals, Food for Special Dietary Use, Food for Special Medical Purpose, Functional Food and Novel Food

The Food Safety and Standards (Health Supplements, Nutraceuticals, Food for Special Dietary Use, Food for Special Medical Purpose, Functional Food and Novel Food) Regulations 2016 (**Nutra Regulations**) regulate the manufacture, packing, sale, marketing, distribution and import of products by food business operators (**FBOs**) falling within the following categories (collectively, **Nutra Foods**):



- health supplements
- nutraceuticals
- food for special dietary use
- products to be taken under medical advice
- food for special medical purposes
- food with added pro-/pre-biotic ingredients
- specialty food containing plant or botanical ingredients with safe history of usage
- novel food

Health Claims

'Health claims' comprise: (a) nutrient or nutritional ingredients / contents ie nutritional claims; and (b) health related benefits and can be made subject to the following compliances:

- Prior approval of the FSSAI may be required for claims other than health claims or nutritional claims, in respect of an article of food.
- Availability of documentation and valid proof while making health claims.
- For enhanced function / disease risk reduction claims, consider nutrient basis, literature (traditional, post-market, cohort, epidemiology), validity, efficacy / safety, trials, nutraepidemiology, qualifiers, disclosures, etc.
- For product-led claims from human studies, ensure valid data, statistical design, intervention evidence, relevant nutrient/ingredient, product compatibility, qualifiers, substantiation, documentation.

- Implied disease cure or drug-like efficacy claims, via statements, names, pictures, vignettes, or symbols suggesting treatment, are prohibited strictly always.
- Use claim terminology: "shown" for one significant human intervention study; "proven" for multiple studies or Indian epidemiological evidence, concurrent validity.
- If no scientific support exists or novel ingredient proposed, obtain prior FSSAI approval, based on adequate scientific evidence before launch.
- If health claim is product-led, FBO must notify FSSAI before marketing, submitting supporting documents and label copy for review purposes.

Other Requirements

The Nutra Regulations also impose several packaging and advertising-critical requirements including:

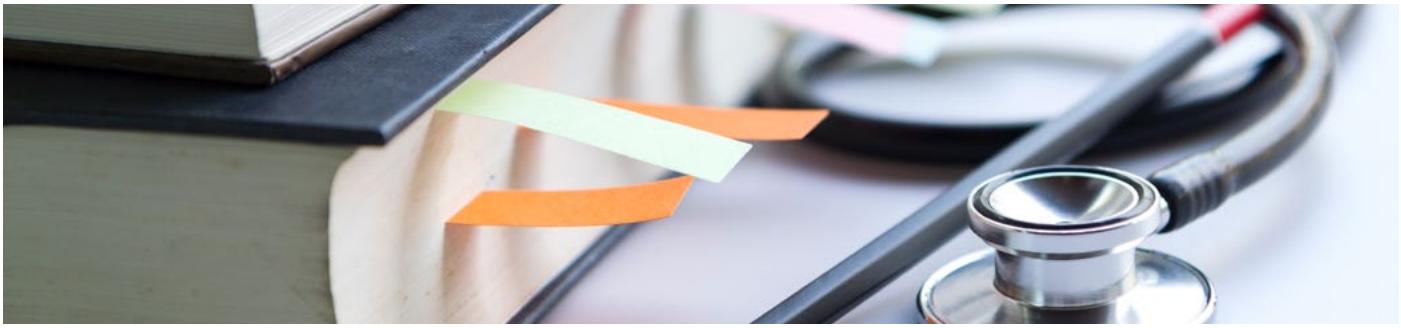
- Label / leaflets to provide sufficient information on the nature, purpose, instructions and precautions for the food product;
- mandatory labelling and advisory warnings for Nutra Foods;
- minimum content thresholds for ingredient-specific claims; and
- the express treatment of inserts, on-pack statements and informational leaflets as "advertisements" for compliance purposes.
- unmodified foods naturally suited to dietary regimens cannot be labelled "health supplement / special dietary / dietetic" but may state "by nature X," non-misleading, based on generally accepted scientific data.

Penalty

- Any contravention of the Nutra Regulations attracts penal consequences amounting to INR 2 lakhs.
- Penalty of INR 10 lakhs for misleading advertisements in relation to description of food or the nature, substance or quality of food.

Advertisements Governing Healthcare Professionals

Registered medical practitioners are subject to restrictions on advertising under the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations 2002 (hereinafter **IMC Ethics Regulations**), read with the National Medical Commission (**NMC**) Act 2019.



IMC Ethics Regulations Prohibit Physicians from:

- Soliciting patients directly or indirectly by a physician, group of physicians or institutions / organisations.
- Making use of themselves or their name as subject of any form or manner of advertising or publicity to invite attention to their skill, qualification, achievements, specialities, appointments, affiliations, etc which would ordinarily result in their self-aggrandizement.
- Issuing any approval, recommendation, endorsement, document or statement about any drug, medicine, remedy, surgical or therapeutic article, apparatus, or appliance, or any commercial product.
- Using an unusually large sign board and write on it anything other than their name, qualifications, titles, speciality and registration number

An institution run by a physician such as a maternity home, nursing home, private hospital, rehabilitation centre or any type of training institution, etc, can be advertised in the lay press, but such advertisements should not contain anything more than the name of the institution, type of patients admitted, type of training and other facilities offered and the fees.

Further, ASCI's Guidelines for Influencer Advertising in Digital Media, issued on 27 May 2021, prescribe additional requirements for health influencers, as discussed in Chapter 19 (*Advertisements and Endorsements by Celebrities and Influencers*).

Codes Governing Marketing Practices for Pharmaceuticals and Medical Devices

The Uniform Code for Pharmaceutical Marketing Practices 2024 (**Pharmaceutical Marketing Code**) and Uniform Code for Marketing Practices in Medical Devices 2024 (**Medical Devices Marketing Code**) (collectively, **Marketing Codes**) regulate the promotional conduct of pharmaceutical and medical device companies and their representatives (including medical representatives, sales personnel, clinical specialists, and third-party contractors) who interact with healthcare professionals (HCPs), pharmacies, hospitals, research laboratories, and other healthcare facilities.

They serve as sectoral codes, primarily govern business-to-business interactions, focusing on how companies promote drugs and medical devices strictly to qualified healthcare professionals.

"Promotion" under the Marketing Codes means as all informational and persuasive activities intended to induce the prescription, supply, purchase, or use of drugs.

Key Conditions on Promotion

- **Information Quality:** Product information must be balanced, up-to-date, verifiable, accurate, capable of substantiation, and not directly or indirectly misleading.
- **Claims and Comparisons:** Claims regarding usefulness must be based on an up-to-date evaluation of available published evidence and/or the IFU/DFU.



The terms "safe" or "safety" cannot be used without qualification, nor can it be categorically stated that a product has no side effects or adverse consequences.

For pharmaceuticals, the word "new" cannot describe a drug promoted in India for more than a year.

- **Competitor Protections:** Should be non-disparaging, factual, fair, and substantiable without misleading distortion or undue emphasis, with prior approval from competitors if brand names are used.
- **Mandatory Disclosures:** Promotional materials intended for qualified prescribers or users must include information such as generic / brand name, manufacturer / marketer address, warnings, precautions, dosage and administration methods for pharmaceuticals, etc.
- **Format Restrictions:** Paid journal promotions must not be disguised as editorial content, and HCP names or photographs cannot be used. Materials must not imitate competitor devices, layouts, or slogans in a way that causes confusion. Audio-visual materials must be supported by compliant printed material.
- **Restricted Public Advertising:** Mailed promotional materials (such as postcards, envelopes, and wrappers) must not carry content that might be regarded as advertising to the lay public or considered unsuitable for public view.
- **Reminders and Samples:** Information brand reminders are subject to a monetary cap of INR 1,000 in value per item; free or evaluation samples are permitted subject to strict distribution controls, quantity limits, and monetary caps (eg, restricted to 2% of the company's domestic sales per year). Medical devices can be promoted as tracked demonstration products to explain product features.
- **Strict Prohibitions on Inducements:** Companies are prohibited from providing gifts, travel, hospitality, and monetary grants to HCPs and their family members, subject only to limited exceptions for speakers at continuing medical education programs or specifically approved training participants.

Compliance

- A drug or medical device must not be promoted prior to receiving requisite product marketing approval from the competent regulatory authority.

- All promotional activities must be strictly consistent with the terms of the product registration, licensing, and applicable Instructions for Use (IFU) or Directions for Use (DFU).
- The Chief Executive Officer of a company is held responsible for adherence to the Marketing Codes and must submit an annual self-declaration within 2 months of the financial year-end to the relevant Association and directly on the UCPMP portal of the Department of Pharmaceuticals.

Penalty

Both Indian Pharmaceutical and Medical Device Associations are required to establish an Ethics Committee to address grievances. If a breach is established, the Ethics Committee may recommend severe actions against the erring company, including suspension or expulsion from the relevant Association, public reprimand, the issuance of a corrective statement across media, recovery of violating items or money, and referral to government agencies where statutory, disciplinary, penal, or remedial action applies.

Advertisements on Sale and Trafficking of Human Organs

Under the Transplantation of Human Organs and Tissues Act, 1994 (**THOTA**), an 'Advertisement' means any form of advertising whether addressed to the public generally, to any section of the public, or even individually to selected persons.

Prohibited Advertisements

Inviting persons to supply any human organ for payment	Offering to supply any human organ for payment;	Indicating the advertiser's willingness to negotiate any arrangement involving payment for supplying, or offering to supply, any human organ	Offering organs or tissues for sale, or otherwise facilitates negotiation or brokering for consideration

Penalty

Imprisonment for a term which shall not be less than 5 years but which may extend to 10 years and shall be liable to a fine which ranges between INR 20 lakhs but may extend to INR 1 crore.

Scan for sources



09

Advertisements in the Food and Nutrition Sector

Overview

In the food and nutrition market, claims around health, immunity, and wellness are frequently used as key differentiators. Such products also have a direct impact on public health, dietary habits, and consumer decision-making. As such, misleading or exaggerated representations can distort consumer choices and contribute to long-term health risks, particularly for children and vulnerable populations, in a country with rising concerns around obesity, lifestyle diseases, and nutrition literacy. The Misleading Advertisement Guidelines further regulate certain food advertisements that are targeted towards children, as covered under Chapter 18 (*Advertisements Targeting Children*).

These concerns are addressed through regulation of misleading advertisements in India's food and nutrition sector, which operates through two primary frameworks: Food Safety and Standards (Advertising and Claims) Regulations (**FSS Advertising Regulations**), issued under the Food Safety and Standard Act, 2006 (**FSS Act**) and ASCI's Self-Regulation Guidelines on Advertising of Foods & Beverages (F&B) Food Safety (**ASCI Guidelines on Foods and Beverages**).

FSS Advertising Regulations

Applicability

Every 'food business operator' and 'marketer'.



"Food business operator" is any person who owns or carries on the business of, and is responsible for ensuring compliance with regulatory requirements while carrying out any of the activities related to any stage of manufacture, processing, packaging, storage, transportation, distribution of food, import and includes food services, catering services, sale of food or food ingredients.

"Marketer" is any persons or companies, including advertisers, and direct marketers, including e-platforms who or on whose behalf marketing communications are published for the purpose of promoting their products or influencing consumer behaviour.

Scope

Every 'claim' made by food business operators and marketers, and includes any representation, printed, audio or visual, suggesting or implying that a food has particular qualities relating to its origin, nutritional properties, nature, production, processing, composition, or other characteristics.

Prohibited Claims

Claims that:

- Create doubt regarding safety of similar food products or that may arouse fear
- Suggest that a food product is suitable for the prevention or treatment, of any disease / condition or for special dietary or medical purposes, unless specifically permitted
- Imply a food product is "recommended by health / nutrition / medical professionals"
- Products have "added nutrients" where such nutrients merely compensate for processing losses
- Condone excessive consumption
- Imply that a balanced diet cannot provide nutrients required by the body
- Undermine healthly lifestyles

General Guidelines:

- **Truthful claims:** Claims to be truthful, unambiguous, meaningful, not misleading and help consumers to comprehend the information provided.

  To combat increasing number of cases relating to misleading health and nutrition claims, in the case of Indian Medical Association v Union of India, (Supreme Court, 2024) directed all advertisers in the food and health sector, to submit a self-declaration on the Broadcast Seva Portal or the Press Council of India portal, confirming that advertisements published by them were not misleading. Please refer to our observations in Chapter 2 (*The Indian Legal Regime for Advertising*), for further details in this regard.

- **Labelling requirements:** If the benefits of a food product are subject to method of preparation, clearly state the method on the label.

- **Disease risk claims:** Any claims that a food product reduces risk of disease should be made only after obtaining prior approval from the FSSAI. Further, the number of servings for the claimed benefit should be clarified.

- **Scientific evidence:** All health or nutrition claims must be based on scientific evidence by validated methods of characterising or quantifying the ingredient that is the basis for the claim.

- **FSSAI logo:** No claims or promotions of sale, use, supply should be made using the FSSAI logo or license number;

- **Nutrition Claims:** are of 2 types:

Nutrient Content Claims

May be made only when the nutrient levels meet the prescribed quantitative thresholds, such as "low fat" or "source of fibre" in accordance with thresholds prescribed under the FSS Advertising Regulations.

Nutrient Comparative Claims

Are permissible only when there is a clearly demonstrable relative difference in the specified nutritional parameter between the products being compared.

The claims must be scientifically substantiated and comply with food standards specified under the FSSA. They require appropriate scientific evidence and adherence to the criteria specified in the FSSA, that sets out specific calories, fats, acids and cholesterol requirements per serving for usage of terms such as "low" or "free" in relation to such claims.

- **"No added sugar" claims**: This claim can be made only where the product has not had its sugar content increased in any way. This means none of the following have been added:
  i. Sugars of any type (glucose, sucrose, honey etc)
  ii. Ingredients containing sugar (such as jams, sweetened chocolate, jellies etc)
  iii. Ingredients that contain sugar substitutes (such as dried fruit paste, non-reconstituted concentrated fruit juice)
  iv. Other means have been used to increase sugar content indirectly (Such as by using enzymes to hydrolyse starches to release sugars)

  Where a food product naturally contains sugar and no sugar has been added, the following claim can be made: "Contains naturally occurring sugars".

- **"No added sodium salts" claims:** In particular, the following should be true:
  i. The food contains no added salts,
  ii. The food contains no ingredients that contain added salts (such as sauces, pickles, etc),
  iii. Food contains salt substitutes (including seaweed).

- **"No added additives" claims:** These claims can be made only where the food is genuinely free from added additives, and nothing has to been done (directly or indirectly) to recreate the same effect through another additive. In particular, the following should be true:
  i. No additive has been added to or removed from the food at the time of manufacture.
  ii. There are no additives in any ingredient, except where naturally present.
  iii. The additive is allowed to be added in particular products as specified in Food Safety Standards (Food Product Standards and Food Additives) Regulations 2011 issued under the FSSA.
  iv. The additive has not been substituted by another additive giving the food equivalent characteristics.

- **Health Claims:** must consist of:



Information on the physiological role of the relevant nutrient or substance, or an accepted relationship between diet and health



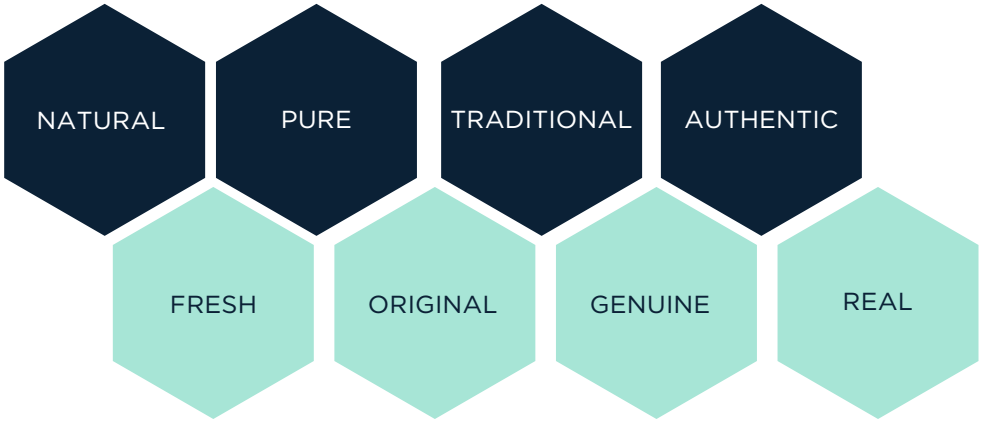
Information relating to the product's composition that is directly relevant to that stated role

Where relevant, advertisements should also mention:

i. A target group that is meant to consume the relevant food product
ii. A vulnerable group that should avoid the food product
iii. Maximum safe intake quantities
iv. Directions for use to claim the stated health benefits

However, foods should not be described in a manner that implies that food itself will impart health.

- **Misleading Adjectives:** where the meaning of a trademark / brand name contains the following adjectives appearing in the labelling, presentation or advertising, likely to mislead consumer as to the nature of the food:



advertisements to contain a disclaimer in not less than 3mm in size stating –

"This is only a brand name or trade mark and does not represent its true nature".

Additionally, The Food Safety and Standards Authority of India (FSSAI) periodically issues advisories under the FSSA Advertising Regulations for dealing with specific trends of misleading advertisements. For instance, on 28 May 2025, FSSAI directed all food brands to immediately stop using "100%" claims on packaging, digital ads, and product literature, due to rising consumer complaints and the prevalence of unverified purity or health claims. Accordingly, brands should assess the use of vague superlatives in their advertisements.

- **Penalties and Enforcement:** A violation of the FSS Advertising Regulations is punishable with a penalty of up to INR 10 lakhs). Factors such as amount of gain or unfair advantage, the loss caused to consumers, the repetitive nature of the contravention, and whether the contravention was knowingly committed are relevant in determining the quantum of penalty.

  Further, the FSSAI has appointed an Advertisement and Claims Monitoring Committee, which monitors claims made on the label and in the advertisement of food products to check regulatory compliance. FSSAI has also introduced a new digital ecosystem that enables consumers to directly report misleading claims, including the 'Food Safety Connect' mobile application and the Food Safety Compliance System.

Additionally, Food Safety and Standards (Packaging and Labelling) Regulations 2011 (**Packaging and Labelling Regulations**), apply to every pre-packaged food in India. As per the Packaging and Labelling Regulations, a food label on a pre-packaged food must:

- Be provided in English or in the Devanagari script;
- Be clear, prominent, indelible, and readily legible
- Include: The name of the food,
  - a complete list of ingredients
  - nutritional information per 100g/100ml or per serving
  - a vegetarian or non-vegetarian declaration
  - disclosure of food additives
  - details of the manufacturer or importer
  - net quantity
  - lot or batch identification
  - date of manufacture or packing
  - best-before or use-by date
  - country of origin in the case of imported products
  - instructions for use.
- Not be described, presented, or labelled in any manner that is false, misleading, or deceptive.
- Not include any reference that directly or by implication modifies or qualifies any declarations required by the FSSA.
- Not use words implying recommendations by the medical profession, nor may they include unauthorised use of words indicating imitation or mark imitations as "pure"



ASCI Guidelines on Foods and Beverages

The ASCI Guidelines on Foods and Beverages extend to all advertisements of foods and beverages, including those containing relatively high fat, sugar and salt. These guidelines supplement the guidelines issued under the FSSA in the following manner:



Misleading Claims about Impacts of the Products

Prohibit advertisements that mislead consumers into believing that consumption of the product advertised will result directly in personal changes in intelligence, physical ability or exceptional recognition, unless substantiated by scientific evidence.



Endorsement

Not claim or imply endorsement by any government agency, professional body, independent agency or individual in a particular profession in India, unless there is named



Disparagement

Prohibit any disparagement of sound dietary practices or of choices, such as fresh fruits and vegetables.



Excess Consumption

Not encourage excess consumption with regular portion sizes appropriate to the occasion or situation



Parental Care

Not undermine the role of parental care and guidance in ensuring proper food choices are made by children.



Inconsistent Information

Not be inconsistent with packaging / labelling information.



FSSA Compliance

Any health claims should meet all scientific standards prescribed under FSSA.



Meal Replacement

Unless nutritionally designed as such, not claim to be a meal replacement



Nutritive Value

Not undermine healthy lifestyles or mislead about the nutritive value

Conclusion

Advertisers and food business operators should treat every food-related representation as a regulated 'claim' that must be accurate, scientifically supported, and presented in a manner that does not mislead by wording, imagery, or implication. They should institutionalise pre-release substantiation, disclaimer hygiene, and internal approvals to reduce enforcement exposure, including monetary penalty risk for misleading advertisements under the FSSA framework. As consumers become increasingly health-conscious and discerning about the food choices, trust is a critical differentiator for brands. Unsubstantiated health or nutritional claims, exaggeration, or misleading representations risk not only regulatory action but also reputational harm and loss of consumer confidence. Advertisers that align their messaging with scientific evidence and transparency are better positioned to build long-term credibility and sustain consumer loyalty.

Scan for sources



10

Advertisements in the Beauty and Personal Care Sector

Overview

Advertising norms in the beauty and personal care sector have far reaching consequences – more than just selling products or services, it has a domino effect on a nation's cultural norms. Marketing that relies on narrow beauty ideals, sexualized or digitally altered imagery, and limited representation across gender, age, skin tone, body type, and sexuality risks perpetuating discrimination and societal bias.

In India specifically, the promotion of products such as skin-lightening creams, historically endorsed by beloved celebrities, has further entrenched subconscious beauty standards and racial hierarchies. Clear and enforceable advertising norms are critical to guiding brands towards adopting inclusive and responsible messaging.

To address these challenges, the CPA prohibits misleading advertisements, and the ASCI has introduced the 'Guidelines for advertising of skin lightening or fairness improvement products'. Advertisements for products that qualify as 'drugs' or 'cosmetics' is also governed under the Drugs and Cosmetics Act 1940 and the Drugs and Magic Remedies (Objectionable Advertisements) Act 1954.

Drugs and Cosmetics Act 1940 (DCA)



'Cosmetics' means any article intended to be rubbed, poured, sprinkled or sprayed on, or introduced into, or otherwise applied to, the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and includes any article intended for use as a component of cosmetic.

- Beauty products, such as creams, shampoos, and lipsticks, are generally regulated as cosmetics under the DCA.



'Drug' includes, inter alia, "…. such substances (other than food) intended to affect the structure or any function of the human body….".

- Products with therapeutic claims, such as anti-dandruff shampoos or medicated creams, may instead be viewed as a drug.

The DCA prohibits the sale of any drug or cosmetic that is 'misbranded.' A product is considered misbranded if its label, container, or accompanying material features any statement, design, or device that makes a false claim or misleads consumers regarding the product's capabilities, purpose or effects. Additionally, the DCA also prohibits using the results of a test or analysis done by the Central Drugs Laboratory or a government analyst, for the purposes of advertising a drug or a cosmetic. The DCA imposes a penalty of up to INR 1 lakh for contravention of this provision.

Drugs and Magic Remedies (Objectionable Advertisements) Act 1954

The DMRA was enacted to combat the rise in misleading advertisements pertaining to specific diseases or conditions (such as venereal diseases and sexually transmitted diseases). Such misleading marketing prompted the uninformed to self-medicate or rely on unqualified practitioners, consequently resulting in serious harm. The DMRA aims to control the advertisement of drugs in such cases (which, as discussed above, could potentially refer to certain beauty products).

Akin to the DCA, the DMRA also includes all articles intended to affect or influence in any way the structure or any organic function of the body of human beings or animals; within the definition of a 'drug', such as products that lead to increase in height, or weight loss or growth of new hair. The DMRA is aimed at regulating the claim, more than the nature of the drug itself.

To the extent any beauty and personal care products fall within the definition of a drug, all advertisements for such products will have to be in compliance with the DMRA.

The DMRA prohibits advertisements that:

- Give a false impression regarding the true character of a drug, or
- Make a false claim in relation to the capabilities of the drug.

Further, any advertisements claiming drugs can cure certain specified diseases or conditions are prohibited. Please refer to our observations in Chapter 8 (*Advertisements in the Health and Wellness Sector*) for further details in relation to the DMRA.

To the extent a beauty and personal care product is classified as a 'drug', advertisers of such products will also be required to comply with the Supreme Court's directions in the case of Indian Medical Association v Union of India (Supreme Court, 2022), and submit an annual self-declaration on the Broadcast Seva Portal or the Press Council of India portal, confirming that advertisements published by them are not misleading. Please refer further observations in Chapter 2 (*The Indian Legal Regime for Advertising*), for further details in this regard.

CPA

The CPA does not specifically regulate advertising in the beauty and personal care sector. The general provisions regulating advertising will apply, including specifically, the CPA and the Misleading Advertisements Guidelines.



In 2024, a Delhi District Consumer Dispute Redressal Commission found an advertisement by a leading personal care brand promising fairer skin in three weeks as being misleading and a part of unfair trade practices.

It was held that the brand marketed its cream with minimal and incomplete instructions, creating the impression that regular use for three weeks alone would lead to fairer skin. Despite knowing that additional conditions were required to achieve the claimed results, these were not disclosed on the packaging – (mis)leading a 'reasonable / average intelligent customer' to believe that following the instructions provided was sufficient to deliver the promised outcome.

The Commission directed the brand to:

- Discontinue the unfair trade practice in respect of its product
- Withdraw the packages, labels, advertisements (either of the brand ambassador or otherwise);
- Not re-exhibit by audio-visual mode
- Pay penalties of INR 15 lakhs

ASCI

The ASCI Code prohibits advertisements that deride anyone basis their race, caste, colour, religion, gender, body shape, age, sexual orientation, gender identity, physical or mental conditions, or nationality.

Due to the pervasiveness of advertisements of fairness products, on 14 August 2014, ASCI recognized the need for targeted guidelines and developed the 'Guidelines for advertising of skin lightening or fairness improvement products' (**Skin Lightening Guidelines**), to ensure that commercial messaging does not reinforce discriminatory notions that equate darker skin with inferiority.

The Skin Lightening Guidelines Aim to Curtail:

Depiction of discrimination based on skin colour

Depiction of model prior to use of product as unattractive, unhappy, depressed or concerned

Perpetuating gender-based discrimination basis skin colour

Depiction of people with darker skin as unsuccessful or inferior, including in relation to jobs, marriage, promotion, attractiveness to opposite sex

Associating darker skin with any socio-economic strata, caste, religion, profession, ethnicity, community



Conclusion

Influencers and celebrities are today inseparable from how beauty and personal care products are advertised and the rules governing influencer and celebrity endorsements have been detailed in Chapter 19 (*Advertisements and Endorsements by Celebrities and Influencers*).

Scan for sources



11

Advertisements in the Financial Services and Insurance Sector

Overview

Advertising in the financial services and insurance sector in India is not governed by a single code. Instead, compliance typically requires mapping the advertisement to the relevant regulator and product category. The regulatory regime for advertising in the financial services sector in India is primarily governed by sectoral regulators, including the Reserve Bank of India (**RBI**), the Securities and Exchange Board of India (**SEBI**), and the Insurance Regulatory and Development Authority of India (**IRDAI**), overlaid by the general consumer protection framework enforced by the CCPA.

Part A: SEBI Regulated Entities

Entities regulated by SEBI include investment advisers (**IAs**), research analysts (**RAs**), mutual funds, asset management company (**AMCs**), stock brokers, portfolio managers (**PMS**), and other intermediaries (collectively, **SEBI REs**).

SEBI has the power to specify conditions subject to which SEBI REs may issue advertisements and prohibit SEBI REs from issuing certain advertisements for solicitation of money from the public.

SEBI has accordingly issued specific advertising related regulations for the SEBI REs, as summarised below.

Scope of Advertisements

All forms of public-facing communication that may influence an investor's investment or trading decisions, including:

Brand and performance communications	Print, television, digital and social media advertisements	Audio-visual content, videos, webinars, banners and workshops	Promotional content in the nature of "finfluencer-style" communications

In the case of stock brokers:

All internal communications sent to registered clients, where such communications may influence trading decisions.

Core Prohibitions

Advertisements issued by SEBI REs must not:

- Contain misleading, false, exaggerated, or unfair statements;
- Promise or imply fixed, assured, or guaranteed returns;
- Make claims based on assumptions, including implying that past performance will be repeated in the future
- Publish misleading testimonials or make unfair comparisons with competitors;
- Mis-selling of securities or services relating to securities market;
- Recklessly or carelessly disseminating false or misleading information, news, or advice designed to or likely to influence the decision of investors dealing in securities; and
- Include contests, prizes, or gifts linked to investments.

Additionally, advertisement for a stock broker and AMC must not contain an endorsement by a celebrity, except for endorsements for mutual funds strictly at the industry level to increase financial product awareness, as covered under Chapter 19 (*Advertisements and Endorsements by Celebrities and Influencers*).

Prescriptive Requirements

Advertisements by SEBI REs must comply with the following common content standards:

- All claims, statistics, rankings, or performance figures must have a valid basis and source, which must be disclosed in the advertisement
- Past performance must not be presented as indicative of future results, and appropriate disclaimers to this effect must be included
- Comparisons, where permitted, must be fair and accompanied by all information relevant to the comparison within the advertisement itself

Additionally:

Advertisements by AMCs



Must carry the standard warning that "Mutual Fund investments are subject to market risks, read all scheme related documents carefully", with specific visibility and audibility requirements for audio-visual advertisements

Advertisements by PMS



Must be derived exclusively from official scheme particulars and presented in clear, concise, and non-technical language.

Advertisements by IAs and RAs



Must disclaim that registration with SEBI, certification from NISM and membership with a supervisory body do not guarantee intermediary performance or investor returns.

Advertisements by stockbrokers



Are required to include identity and risk disclosures in formats prescribed by the relevant stock exchange. The Bombay Stock Exchange and the National Stock Exchange further require advertisements to be pre-approved, unless specifically exempted under their respective advertising codes of conduct.

Penalties and Enforcement for Violations of SEBI Laws

Manipulative, fraudulent or unfair trade practices, and violations of regulations issued under the SEBI Act can attract show cause notices and directions which can lead to monetary penalties up to the higher of, INR 25 crores or three times the amounts of profits made out of such practices. Recently, the SEBI chairperson announced that SEBI has deployed AI tools to track and remove misleading posts / content by finfluencers.

Part B: NBFCs and Other RBI Regulated Entities

All entities regulated by the RBI (**RBI REs**) are prohibited from making a wilful statement or omission that materially leads to a false advertisement issued for or in connection with the invitation by any of deposits of money from the public.

Non-compliance with this requirement may be subject to imprisonment up to 3 years and/or fine; and continuing default INR 10,000 per day.

Additionally, the RBI has further issued certain advertising restrictions for NBFCs, commercial banks, and a credit card's co-branding entity.

NBFCs

Advertisements by deposit-taking communications by Non-Banking Financial Companies (**NBFCs**) are governed by the RBI (NBFC - Acceptance of Public Deposits) Directions 2025 and are subject to the following additional restrictions:

- **Applicability:** All NBFCs that solicit / advertise / otherwise communicate information relating to public deposits.
- **Scope:** Includes non-deposit related and deposit-related advertisements across media including print, electronic, television, and other media, and communications that solicit deposits.
- **Key Prescriptive Requirements:**

  Every deposit advertisement should clearly and prominently include:

  i. actual rate of return including interest/premium/bonus/other advantage;

  ii. mode of repayment;

  iii. interest payable on the deposit and maturity period;

  iv. interest on premature withdrawal;

  v. renewal terms and conditions;

  vi. special features / conditions attached to acceptance/renewal;

  vii. aggregate dues from and aggregate exposure to (i) group companies and (ii) other entities/ ventures where NBFC/directors have substantial interest; and

  viii. clear statement that deposits are not insured.

  Even if a TV advertisement does not directly invite deposits, it must include:

  i. a reference to the newspaper advertisement or application form for detailed information regarding deposit-taking activities; and

  ii. a statement that NBFC holds a valid Certificate of Registration under the RBI Act 1934 with the disclaimer that the RBI does not guarantee financial soundness or repayment of deposits/discharge of liabilities.

Other Entities

- **Commercial banks**: Commercial banks are prohibited from issuing misleading advertisements that contain unrealistic claims designed to promote loans against gold or silver collateral.

  Violations are punishable with a fine up to INR 1 crore or twice the amount involved, along with continuing penalty of up to INR 1 lakh per day.

- **Co-branded credit card's Co-branding entities:** Where a credit or debit card is issued jointly by a card-issuer (a bank or an NBFC) and a 'co-branding entity' (typically an unregulated entity providing commercial services) bearing the names of both the partnering entities, the card issuer is required to contractually ensure that the co-branding entity does not market co-branded cards as its own product and clearly displays the card-issuer's name in all marketing materials.

Draft RBI Advertising Regulations

On 11 February 2026, the Reserve Bank of India (**RBI**) released draft amendments (**Draft RBI Advertising Directions**) to the RBI (Undertaking of Financial Services) Directions, 2025 and the RBI (Responsible Business Conduct) Directions, 2025 which would be applicable to the marketing / selling / advertising of third-party financial products and services (**TPPS**) by various RBI regulated REs. The Draft RBI Advertising Directions indicate the RBI's intent to:

- Restrict the distribution of TPPS and other products by banks and NBFCs
- Strengthen customer protection measures for mis-selling and against dark patterns
- Require REs to adopt policies for governing advertising, marketing and sale of own and third-party products
- Require REs to have customer feedback and compensation mechanisms

Part C: IRDAI Regulated Entities

The IRDAI, regulates the insurance sector in India.

The framework for insurance advertising is under the IRDAI (Protection of Policyholders' Interests, Operations and Allied Matters of Insurers) Regulations 2024 (**PPHI Regulations 2024**), read with the Master Circular on Operations and Allied Matters of Insurers 2024, issued by the IRDAI.

Applicability

Life, general and health insurers	Insurance intermediaries (such as insurance brokers, corporate agents and web aggregators)	Distribution channels (including individual agents, and authorised persons soliciting insurance) collectively, (**IRDAI REs**)

Scope of Insurance Advertisements

Any communication (including print, digital, or audio visual) that:

- Relates to an insurance product and is intended to result in its sale or solicitation
- Urges a prospective policyholder to purchase a policy

Prohibited Insurance Advertisements

- Promoting services not related to insurance in an insurance advertisement
- Comparing rates/discounts with "erstwhile tariffs" for general insurance
- Highlighting benefits without fair indication of associated risks
- Stating benefits without corresponding limitations/conditions/implications
- Exaggerating benefits beyond policy provisions
- Denigrating competitor or insurance industry
- Using "Guaranteed" without disclosing conditions; where conditions are elaborate, "Conditions Apply" must be at least 50% of the font size used for "Guaranteed"
- Unlicensed third parties cannot display ads designed to directly encourage purchase; may only display "Institutional Advertisements"
- Pressuring members of a group to buy due to affiliation, or promising "exclusive" benefits that are not actually available

Prescriptive Requirements

- Every insurer must constitute an 'Advertisement Committee' as prescribed under the law that ought to be responsible for approving advertisements.
- Advertisements must comply with the Board approved policy.
- Advertisements should clearly carry:
  i. Registered name of the IRDAI RE and the advertised product
  ii. A public notice cautioning against spurious phone calls/fictitious offers on their homepage
  iii. For linked/ULIP products, a disclosure that past performance is not necessarily indicative of future performance
- Ratings and awards
  i. Must be from independent entities not related (including pecuniary relationship with respect to the rating or award) to the insurer
  ii. Disclose source of the rating / award
  iii. **For death claims paid ratios:** use only annual figures based on number of policies derived from latest annual audited figures

Penalties and Enforcement

Failure by an entity to comply with IRDAI regulations / circulars may make the entity liable for a penalty up to INR 1 lakh per day during which failure continues or INR 10 crores whichever is less.

ASCI Guidelines

No Misleading Advertisements

Advertisements inviting the public to invest money must not contain statements that could mislead consumers about the security offered, rates of return, or terms of amortisation. Further, if any of these financial elements depend on the continuation of, or changes in, existing conditions or other assumptions, these conditions must be clearly indicated in the advertisement.

Virtual Digital Assets

ASCI's Guidelines for Advertising of Virtual Digital Assets and Linked Services, issued on 23 February 2022 (**VDA Guidelines**), regulate advertisements pertaining to virtual digital assets (commonly referred to as 'crypto products') (**VDAs**).



- All advertisements for VDA products and exchanges must prominently display the disclaimer: "Crypto products and NFTs are unregulated and can be highly risky. There may be no regulatory recourse for any loss from such transactions"
- No usage of terms like "currency", "securities", "custodian", and "depositories", as consumers associate these terms with regulated products
- Information regarding the cost or profitability of VDA products must be clear, accurate, sufficient, and updated
- Information on past performance cannot be partial or biased, and returns for periods under 12 months must not be included
- Cannot promise or guarantee future increases in profits
- Must not suggest that VDA products or trading can solve money or personality problems
- VDAs cannot be compared to any regulated asset class
- Advertisements must clearly provide the name and contact information (phone number or email) of the advertiser
- Celebrities appearing in VDA ads must conduct due diligence on the statements and claims made to avoid misleading consumer

Additionally, ASCI's Guidelines for Influencer Advertising in Digital Media, issued on 27 May 2021, regulate financial advertisements involving influencers, as covered under Chapter 19 (*Advertisements and Endorsements by Celebrities and Influencers*).

Scan for sources



12

Advertisements in the Education and Coaching Sector

Overview

Advertisements relating to education derive their value from factors such as degrees, testimonials, recognition and promises, unlike tangible products which be judged basis physical inspection. For students making high-stakes, often irreversible decisions, these claims can significantly influence choice and expectations, thereby necessitating a robust framework to ensure accuracy, transparency, and fairness in educational advertising.

In 2024, CCPA reported that misleading advertisements by educational institutions were found to violate the CPA, with penalties exceeding INR 54.6 million imposed on 18 coaching institutes. Persistent non-compliance and recurring misleading practices in the education sector prompted regulators to assess a sector specific law addressing the challenges unique to the educator sector.

Advertising in the education sector is regulated under two frameworks: (i) the CCPA's Guidelines for Prevention of Misleading Advertisements in the Coaching Sector, issued on 21 November 2024 (**CCPA's Guidelines on Coaching**), and (ii) ASCI's Guidelines for Advertising of Educational Institutions, Programmes and Platforms, issued on 9 March 2023 (**ASCI Guidelines on Education**).

CCPA's Guidelines on Coaching

Scope and Applicability

The CCPA Guidelines on Coaching apply to:

- Coaching centres providing services to more than 50 students
- All persons engaged in coaching
- Endorsers involved in advertising for the coaching sector



"Coaching" is defined as "including academic support, imparting education, guidance, instructions, study programme or tuition or any other activity of similar nature but does not include counselling, sports, dance, theatre and other creative activities".

Prohibited False Claims

The CCPA's Guidelines on Coaching prohibit making false and misleading claims in relation to:

- Courses offered, duration of completion, faculty credentials, Fee structures and payment policies.

ILLUSTRATION

- An institute's advertisement brochures named famous mentors as teachers of 2-3 year courses offered, and promised personal guidance from previous year's toppers. However, the named mentors did not visit the institute and the institute's course was completed in just a few months. The institute's advertisements were deemed misleading and the institute was ordered to refund the fees on a pro rata basis.
- An institute added the suffix "IAS" to its founder's name as the institute's name and advertised it without any disclosures. The advertisement was deemed to falsely imply that the founder is/was an IAS officer. The CCPA ordered discontinuation of the advertisements and a fine of INR 2 lakhs.

- Guarantees about jobs, selections, salary increases or high marks. For instance:

ILLUSTRATION

- An institute used the terms "Success Pakka Offer" and "Selection Pakka Offer" in its advertisements, and was ordered to discontinue the advertisements and pay INR 7 lakhs as a fine.
- An institute used the phrase "Guarantees You Your Dream Job!" in its advertisements, and was ordered to discontinue the advertisements and pay INR 3 lakhs as a fine.

- False sense of urgency through exaggerated popularity. For instance, claims implying limited seats or exaggerated demand, to pressure students into making immediate decisions.

- Rate of success in exam ranks, results or placements.

ILLUSTRATION

- An institute claimed "outstanding result with selection of more than 150 candidates in UPSC Civil Services Examination" in an advertisement of the foundation course of the institute. The CCPA found that 148 out of 161 candidates were found to have only enrolled in a free 'Interview Guidance Program'. The CCPA ordered discontinuation of the advertisements and a fine of INR 3 lakhs.
- An institute claimed "10 in Top 10 selections in CSE 2020 from various programs" in an advertisement. The CCPA found that out of the 10 candidates, only 2 had taken the foundation course, while other candidates had opted for significantly cheaper and shorter test courses. The CCPA highlighted that non-disclosure of the number of candidates that took mock tests (which cost INR 750) and Foundation Course (which cost INR 1.40 lakhs) was misleading, given the differences in pricing. The CCPA ordered discontinuation of the advertisements and a fine of INR 5 lakhs.

- Unsubstantiated Superlative Claims.

ILLUSTRATION

- In an advertisement, an institute claimed to be the "Best IAS Academy in India". The CCPA ordered discontinuation of the advertisements and a fine of INR 5 lakhs.
- In an advertisement, an institute claimed to have the "Best success ratio for 21 years". The CCPA ordered discontinuation of the advertisements and a fine of INR 3 lakhs.

- Deceptive Association / Unfair Trade Practices. For instance:

ILLUSTRATION

- An institute claimed "10+ SELECTIONS IN IAS TOP 10" in an advertisement without clarifying that the claim was based on selections since the inception of that institute in 1999. The CCPA ordered discontinuation of the advertisements and a fine of INR 8 lakhs.
- Two institutes claimed that a particular candidate was their student in their respective advertisements. The CCPA found that the student had only participated in an interview guidance programme that was conducted as a joint session. The CCPA ordered discontinuation of the advertisements and a fine of INR 8 lakhs.

Mandatory Disclosures and Font Rules

The CCPA's Guidelines on Coaching Sector require that:

- Advertisements containing claims covered under the scope of the CCPA Guidelines on Coaching Sector must also contain prominent disclosures in the same font size as the claims.
- Advertisers must provide disclosures and disclaimers regarding:
  - Information such as rank secured, name and duration of course, whether such course is paid with the candidate's photograph
  - Accurate representation of the services, facilities, resources and infrastructure of the institute
  - Recognition status by All India Council for Technical Education (AICTE), University Grants Commission (UGC) or other competent authorities.

Student Data and Consent

The CCPA's Guidelines on Coaching Sector mandates that Institutions must obtain prior written consent (after selection, not at enrolment) before using a student's name, photograph, testimonial, or video in advertising. This prevents consent from students being a pre-condition to admission and protects students from undue pressure.

Penalties and Enforcement

A violation of The CCPA's Guidelines on Coaching Sector triggers the CPA and consequences for breach of CPA are set out in Chapter 2 (*The Indian Legal Regime for Advertising*).



ASCI Guidelines on Education

The ASCI Guidelines on Education extend to all schools, colleges, coaching classes, edtech platforms etc that offer education and training programmes. These guidelines supplement the guidelines issued under the CPA in the following manner:

Statistical and Placement Claims

The ASCI Guidelines on Education prohibit guarantees of rank, high marks, job guarantees, "100% placement" claims, or promotion/salary increases unless fully substantiated. Ads must include a disclaimer ("**past record is no guarantee of future prospects**") in a font size no smaller than the claim itself.

Affiliation and Authority Recognition

While CCPA's Guidelines on Coaching Sector demands truthfulness, ASCI Guidelines on Education further provide specific technical extensions requiring that if a course is affiliated rather than directly recognized, the affiliating body's name must be at least 50% of the font size of the institution's name, and all infrastructure shown in visuals must be real and existing.

Temporal Accuracy

Claims about placements, rankings, faculty, and infrastructure must reflect the most recent completed academic year.

Accurate Testimonials

ASCI extends this by requiring that testimonials must only come from students who actually completed that specific program, not just a partial subject, and must be taken from students post their selection, as opposed to during the time of enrolment, so as to avoid coercion.

Visual Transparency

Images of infrastructure must be real, current, and not exaggerated.

Psychological Well-being and Stereotypes

ASCI provides significant extensions regarding student mental health, strictly prohibiting ads that show students compromising sleep or meals, portray low scorers as failures or unloved, create anxiety through 'Fear Of Missing Out' (FOMO), or associate specific subjects with a specific gender.

Best Practices for Advertisements in the Education & Coaching Sector

Include details of courses opted for by successful candidates

Distinguish between candidates who enrolled in paid classroom programs and those who took free or short-term programs

Obtain consent / declaration from candidates before using their names or photographs in advertisements

Maintain verifiable data for every claimed candidate for regulatory scrutiny



Substantiate numerical claims of success through independent third-party verification or audits

Avoid appending misleading titles or suffixes (like “IAS”) to a person’s name in brand names



Avoid language implying a guaranteed outcome, such as “Success Pakka”

Avoid absolute terms like “Best,” “Number 1,” “Top,” or unless substantiated by verifiable comparative data.

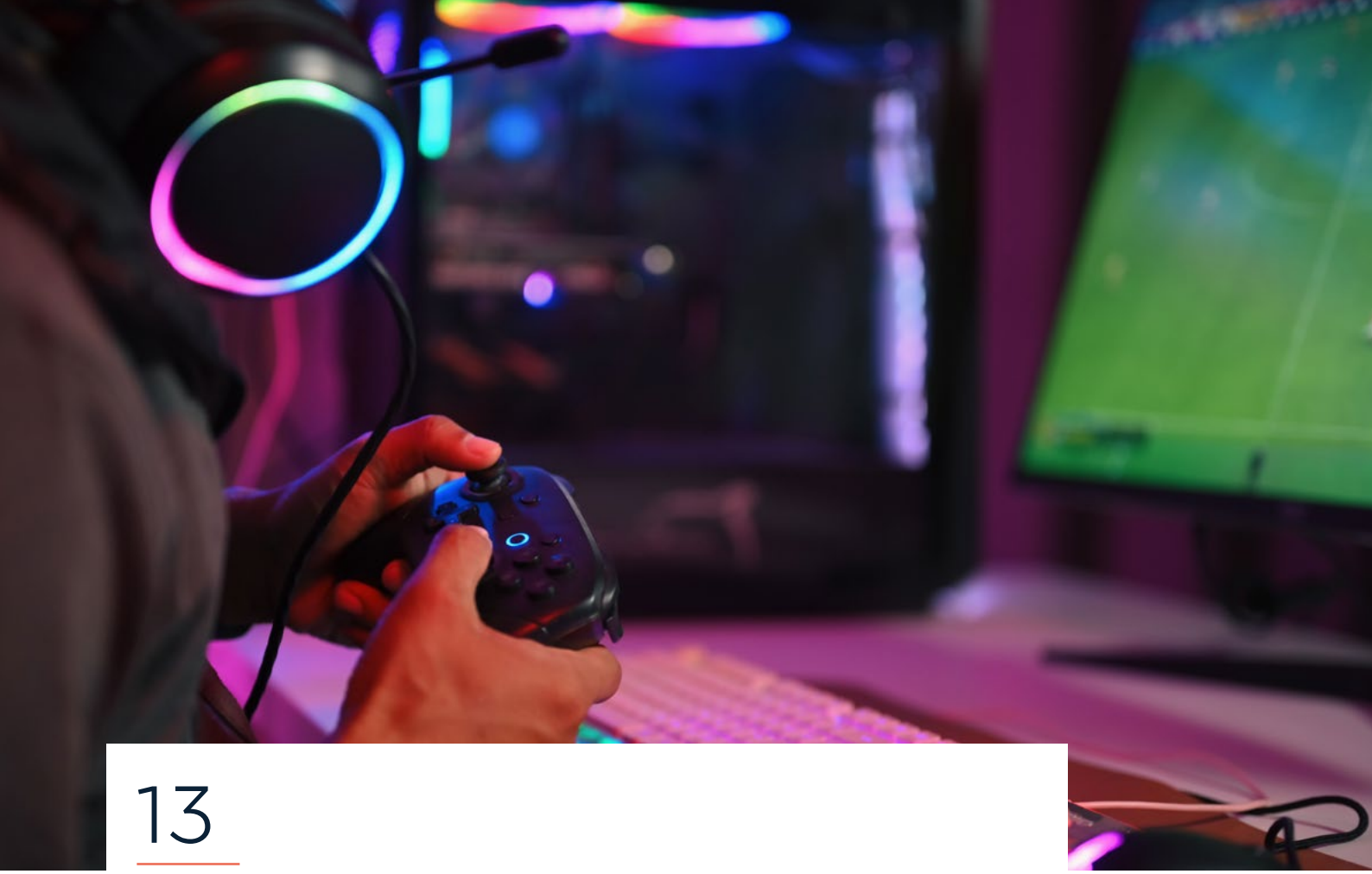
Quantify the timeframe used for claims based on cumulative data over multiple years

Specify if success claims represent the cumulative success of a brand nationwide or a local center

Conclusion

To secure advertisements in the education sector against regulatory action, businesses should ensure that their advertisements reflect factual clarity and contain verifiable claims of success, with appropriate disclosures wherever required. Further, validating numerical claims of success through independent third-party audits creates a robust defense that allows businesses to maintain aggressive market positioning without risking credibility or fines. Brands that align their messaging with these standards reflect integrity and consistency, reinforcing trust without overstatement.

Scan for sources



13

Advertisements in the Online Gaming Sector

Prohibition on Advertisement of Online Money Games

As per the Promotion and Regulation of Online Gaming Act 2025 (**PROGA**), all advertisements of an 'online money game' are prohibited. This includes truthful, informational, or disclaimer-based advertisements as well, since the legislative intent is to eliminate online money games, their visibility and promotion of.

'Advertisements' include all kinds of audio and/or visual representation / publicity in all modes and mediums, including light, smoke, gas, digital media.

An 'online money game' is an online game that is:

- Played by a user by paying fees, depositing money or other stakes;
- Played by a user in expectation of winning monetary and other enrichment; and
- Not an 'e-sport'.

The Online Gaming Authority of India (**Authority**) determines the categorization of games, and operates alongside the CCPA. Once a game is determined to be an online money game, the Authority may to:

- Direct the online game service provider (**OGSP**) to cease offering the online game
- Prohibit advertising, pro motion or facilitation of that online game
- Publish the online game in its list of online money games and share details with the Central Government and other enforcement agencies.

Advertisers are required to align with the Authority's determinations and directions under the PROGA.

Permitted Advertisements for Online Games

Online games that are not 'online money games' may be classified as either 'online social games' or 'e-sports'.

Online Social Game

An online game that is

Played only for entertainment or skill development	Does not involve betting or staking money or anything of value with the expectation of winning money or other prizes	Is not an 'e-sport'

e-sports

An online game where the outcome of the online game is determined solely by the mental or physical skills of the players, and not by chance or monetary wagering. An e-sport must be recognised under the National Sports Governance Act 2025 and registered with the Authority under PROGA.

Since the prohibition is only with respect to 'online money games', advertisements for these online games are subject to the requirements set out under the CPA and medium-agnostic laws, as explained in Chapter 2 (*The Indian Legal Regime for Advertising*) as well as obligations imposed on online gaming intermediaries discussed in Chapter 4 *(Advertising on Social Media*). In this light, the MIB and CCPA have also issued various advisories prohibiting advertisements pertaining to advertising of illegal offshore online betting and gambling platforms in the past. Further, advertisements for online games which are targeted towards children should be compliant with the Misleading Advertisement Guidelines, the ASCI Code and other guidelines as discussed in Chapter 18 (*Advertisements Targeting Children*).

Penal Consequences of Violation of PROGA

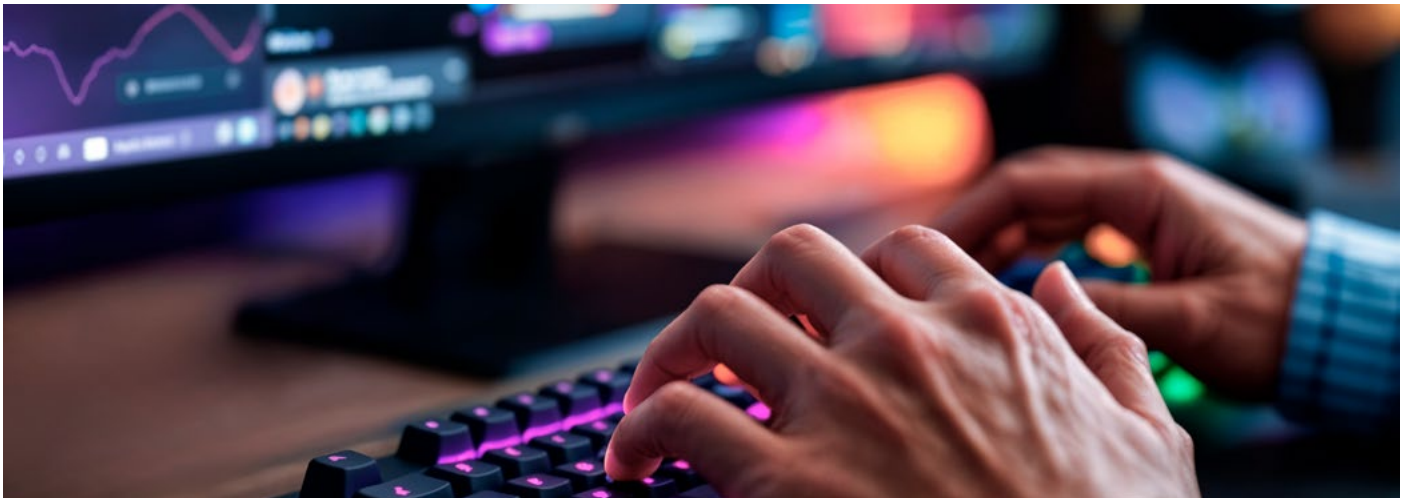
Punishment

Imprisonment for a term up to 3 years and/or a fine up to INR 1 crore.

For offences by companies, liability is attributed to every person who was in charge of and responsible for the conduct of the company's business at the time of the contravention, unless such person is able to establish that the offence was committed without their knowledge and that due diligence was exercised to prevent its commission.

Further, PROGA allocates liability to "any person" who violates the prohibition, thereby extending liability beyond the operator of the game to include advertisers, advertising agencies, endorsers, influencers, and other persons involved in the promotional chain.

Scan for sources





14

Tobacco, Alcohol and Surrogate Advertisements

What is Surrogate Advertising?

'Surrogate advertising' is the practice of promoting a restricted or banned product indirectly by advertising a permissible product under the same brand name or imagery, thereby advertising prohibited goods / services disguised as permissible goods / services. This technique aims to maintain brand visibility and recall among consumers, and is typically used when there is a prohibition on advertising the underlying core product sought to be advertised.

Prohibited Advertisements

The following products are prohibited from being advertised:

- Tobacco products: Under Cigarettes and Other Tobacco Products Act 2003 and the Cable Television Networks Act 1995
- Liquor: Under state-specific prohibition and excise laws, and the Cable Television Networks Act 1995

- Infant milk food and formula: Under the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992
- Magical remedies and occult services: Under the Drugs and Magic Remedies (Objectionable Advertisements) Act 1954
- Services for pre-natal determination of sex: Under the Pre-Conception and Pre-Natal Diagnostic Techniques Act 1994
- Physicians and doctors: Under the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations 2002
- Surrogacy services: Under the Surrogacy (Regulation) Act 2021
- Legal services: Under the Bar Council of India Rules
- Human organs: Under the Transplantation of Human Organs and Tissues Act 1994;
- Gambling, games of chance, and lottery: Under the Public Gambling Act 1867 and the Lotteries (Regulation) Act 1998
- Online money games: Under PROGA (as discussed in Chapter 13 (*Advertisements in the Online Gaming Sector*)
- Firearms, weapons, and ammunition: Under the Arms Act 1959
- Chartered Accountants and Company Secretaries: Under Chartered Accountants Act 1949 and the Company Secretaries Act 1980
- Prize chits and money circulation schemes: Under the Prize Chits and Money Circulation Schemes (Banning) Act 1978 (collectively, **Prohibited Advertisement Products**).

Overview of the CPA Framework

Surrogate advertisements are an 'unfair trade practice' under the CPA, as covered under Chapter 2 (*The Indian Legal Regime for Advertising*). Further, as per the CCPA's Misleading Advertisements Guidelines, an advertisement is deemed to be a 'surrogate advertisement' if:

- It directly or indirectly indicates to consumers that it advertises alcohol or other restricted goods
- Uses brand names, logos, colours, layouts, or presentations associated with prohibited products

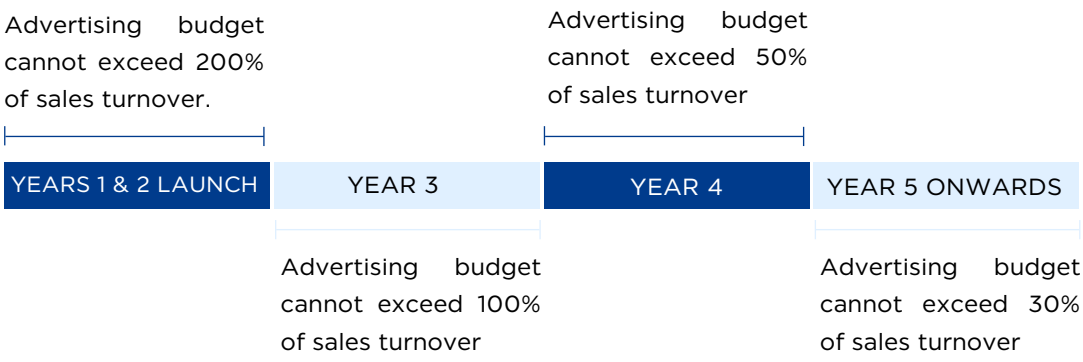
As such, surrogate advertisements are prohibited under the Misleading Advertisements Guidelines, and subject to penalty under the CPA, as covered under Chapter 2 (*The Indian Legal Regime for Advertising*).

In the case of United Breweries Ltd. v Mumbai Grahak Panchayat (NCDRC, 2007), it was alleged that advertisement for "London Pilsner Soda" was a surrogate advertisement for the corresponding whisky brand, on the grounds that "London Pilsner Soda" was not even available in the market and that the tagline used in the ad ("India's No. 1 and the World's No. 3") was factually applicable to the whisky, not the soda. The National Consumer Disputes Redressal Commission held that the advertisements were surrogates, and the advertisements constitute an Unfair Trade Practice under the CPA. The Commission further directed these companies to place the corrective advertisement "Keep Liquor Away from Young Generation India's No. 1-Only Natural Fruit Drink Limbu Paani, Nariyal Paani, Yehi hai Apna Alag Andaz" on the railway coaches at their own cost.

ASCI Brand Extension Guidelines

Businesses may want to sell product lines that are not Prohibited Advertisement Products under umbrella brands. In order to appreciate such genuine business needs, on 23 November 2023, ASCI issued the Guidelines for Qualification of Brand Extension-Product or Service (ASCI Brand Extension Guidelines), to prohibit surrogate advertisements and lay down standards for determining whether a brand extension is genuine. To assess whether a brand extension is genuine, ASCI prescribes the following objective criteria:

- Government Registration: The brand extension must be registered with the relevant government authority (e.g., GST, FDA, FSSAI, or Trademarks Registry).
- Sales Turnover Thresholds: The brand extension must demonstrate significant sales as follows:
  - Products in the market for more than 2 years: Sales turnover of INR 5 crore per annum nationally, or INR 1 crore per annum per state where it is distributed.
  - Products in the market for less than 2 years: Sales turnover of INR 20 lakhs per month starting from launch, OR Fixed assets investment of INR 10 crores.
- Proportionality of Advertisement Spending: To prevent brands from spending massive amounts to advertise a product that yields little revenue, the advertising budget is capped relative to the product's sales turnover:



In Focus: Advertising of Alcohol and Tobacco Products

Tobacco advertising is principally governed by the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act 2003 and the Cigarettes and Other Tobacco Products Rules 2004 (**COTPA Framework**). The COTPA framework is agnostic of the mode or medium of the advertisement and generally prohibits advertising of tobacco products.

The prohibition on advertising alcohol stems from states' Excise Acts. Such laws prohibit the 'solicitation' of 'intoxicants'. For instance, Section 24 of the Maharashtra Prohibition Act 1949 places strict liability on any person who publishes, displays or distributes any advertisement which solicits the use of or offers any intoxicant.



The COTPA Framework is a tobacco products-specific law grounded in Articles 21 and 47 of the Constitution of India, establishing comprehensive prohibition on all forms of advertising for tobacco products across all media. The constitutional validity of the COTPA Framework's prohibition on surrogate advertising has been upheld by the Delhi High Court in Mahesh Bhatt and Ors v Union of India (Delhi High Court, 2009).

COTPA Framework

- Applicability: The COTPA Framework applies to:
  i. Producers, suppliers, and/or distributors of cigarettes or tobacco products
  ii. Persons controlling the medium advertising tobacco, such as newspaper owner, TV channel head, website operator
  iii. Persons participating in tobacco advertisements, such as actors
- Scope: Prohibits advertising of cigarettes, cigars, cheroots, beedis, pipe tobacco, hookah tobacco, chewing tobacco, and pan masala containing tobacco, and gutka
- Prohibited Advertisements
  i. **Direct advertising:** The COTPA Framework prohibits the following across all media:

Tobacco manufacturers/ distributors placing advertisements of tobacco products	Media owners/ controllers transmitting tobacco advertisements	Celebrities/ athletes endorsing or participating in tobacco ads	Advertisements explicitly promoting tobacco use or consumption



The COTPA Framework permits limited advertisements on the package of the tobacco products and on displays at the point of sale. Limited advertisement of tobacco products is permitted only at the entrance or inside a warehouse/shop where tobacco products are sold, and specified warnings and nicotine-tar content are required to be placed on tobacco product packages.

ii. **Sponsorship:** Prohibits promoting the use or consumption of cigarettes, tobacco products, or tobacco brand names in lieu of sponsorship, gift, prize, or scholarship.

iii. **Surrogate advertisements:** 'indirect advertisements' indirectly relating to tobacco through:

Use of the name or brand of a tobacco product for marketing other goods or services.	Marketing tobacco products with aid of a brand name known for other goods.	Use of particular colours and layout associated with a tobacco product.	Use of tobacco products or smoking situations when advertising other goods.

- Labelling and Packaging Restrictions: The COTPA Framework sets out certain guidelines on the labelling and packaging of tobacco products, including the following:

  i. **Health Warning Requirements**

  - Every tobacco product package must display a textual health warning of 'TOBACCO CAUSES PAINFUL DEATH' and 'QUIT TODAY CALL 1800-11-2356'. The package should also carry a pictorial representation of the ill-effects of tobacco, above the textual warning.
  - The minimum size of the health warning is 3.5 cm (width) × 4 cm (height) per panel, scaled proportionally for larger packages. It should cover 85% of the principal display area (PDA) (60% pictorial and 25% textual).
  - The warning is required to appear on both sides of packaging, and on two diametrically opposite faces of cylindrical and conical packages.
  - The packaging should not contain any information, messages or pictures that directly or indirectly promote the use or consumption of tobacco or any statement which is inconsistent with the health warning.
  - The textual and pictorial warnings should be printed at a minimum resolution of 300 dots per inch, exactly as uploaded on the Ministry of Health and Family Welfare's official websites (i.e., www.mohfw.gov.in or https://ntcp.mohfw.gov.in/).
  - The textual health warning must be expressed in the language(s) used on the package. However, where the package uses a foreign language, the warning must appear in English.

ii. **Mandatory Packaging Information**

- Every package is required to state the product name, name and address of the manufacturer, importer or packer, country of origin (for imports), quantity, date of manufacture, and nicotine and tar content within prescribed permissible limits.

iii. **Prohibited Practices**

- Prohibits the use of any packaging or labelling that could mislead consumers about the nature or health risks of a tobacco product. In particular, tobacco product packages must not contain any information that is false, deceptive, or likely to create an erroneous impression regarding the product's characteristics, health effects, or associated hazards, such as by using descriptors such as "light", "ultra light", "mild", "low tar", "slim", or similar terms that may imply reduced harm. The prohibition is not limited to textual claims and also applies to graphics, imagery, or packaging design elements that could indirectly suggest that a tobacco product is less harmful than others.

- Penalties and Enforcement: A violation of the COTPA Framework is a non-compoundable bailable offence punishable with a penalty of up to INR 1,000 or imprisonment up to 2 years for the first offence. Any subsequent offences are subject to imprisonment up to 5 years and a fine of up to INR 5,000.

Prohibition of Advertising of Alcohol

Direct advertising of alcohol is prohibited throughout India. The contours and applicable penalties to this prohibition are governed by the laws of each state. State laws typically define 'advertisement' broadly to encompass not only traditional print but also digital displays, cinema, and audio-visual media, ensuring that direct brand promotion remains strictly prohibited across all platforms.

Further, in states with total prohibition on consumption and distribution of liquor, such as Gujarat, Mizoram, Nagaland, Lakshadweep and Bihar, advertising of liquor may lead to imposition of higher penalties, as the advertisement may be construed to be a treated as incitement to use a prohibited substance.

Labelling and Packaging Restrictions

Labelling and packaging of alcohol beverages is regulated by the FSSAI and state-specific excise regulations. The FSSAI amended the labelling requirements in June 2025, which will come into effect from 1 July 2026. The amended guidelines require the packaging to:

- Carry a mandatory statutory warning of 'CONSUMPTION OF ALCOHOL IS INJURIOUS TO HEALTH. BE SAFE – DON'T DRINK AND DRIVE'.
- Declare its alcohol content expressed as percentage alcohol by volume.
- State the approximate number of standard drinks in the package.
- Not make claims of health, and nutritional information on the label is restricted to energy content (which may be declared voluntarily)

- Not use the words 'non-intoxicating' or other similar terms representing a beverage as non-alcoholic, if the beverage contains more than 0.5% abv;
- Carry an allergen warning and add a non-vegetarian logo if egg-white or any other processing aid of animal origin is used;
- In case the beverage is wine, in addition to the aforesaid, the packaging is also required to, inter alia, mention the country or state or origin, the variety of grape or fruit used, the names of preservatives added.

Additionally, beverages sold on e-commerce platforms are required to comply with the Legal Metrology (Packaged) Commodities Rules 2011. Under these rules, details such as MRP, net content and origin are required to be displayed online.

In addition, state-specific excise laws also impose labelling and packaging requirements. For instance, in Maharashtra, Tamil Nadu, Uttar Pradesh and Delhi, the label has to be digitally registered with the local authority before sale of products. Across these states, alcoholic beverage labels are typically required to display key information such as the brand name, name and address of the manufacturer or bottler, place of manufacture, alcoholic strength (ABV), batch number, date or month / year of manufacture or bottling, bottle volume, and the Maximum Retail Price (inclusive of taxes).

In addition to labels prescribed by FSSAI, states also have specific statutory health warning requirements. For instance, Tamil Nadu requires the warning to be provided in Tamil and English, and Delhi requires the warning to be provided in Hindi, English, Gurumukhi and Urdu.

Some states may also require expiry date to be mentioned on certain alcoholic beverages. For instance, Delhi requires a 'best before' date to be mentioned on beer bottles. Uttar Pradesh and Tamil Nadu also requires an excise hologram sticker to be inserted on all bottles.

Overall, while the precise wording and format may vary across states, the regulatory framework in these jurisdictions is broadly similar and is designed to ensure traceability, consumer information, and excise compliance in the sale and distribution of alcoholic beverages.

Cable TV Framework

The Cable TV Framework is a media-specific law regulates advertisement transmission through cable television services in India. The advertisement code set out under the Cable TV Framework prohibits advertisements promoting both tobacco and alcohol/intoxicants. It is broader in product scope than COTPA, but applies only to cable television, and not on other media.

- Prohibitions: Advertisements that directly or indirectly promote the production, sale, or consumption of cigarettes, tobacco products, liquor, or other intoxicants.
- Permissive Brand Extensions: Products sharing a brand name with prohibited items may be advertised only if they are genuine brand extensions and comply with the following conditions:

Ad to not depict the prohibited product.	Ad to not have direct or indirect references, nuances, or phrases promoting the prohibited product.	Ad to not use color schemes, layouts, or presentations associated with the prohibited product.	Ad to not use situations typical to the promotion of the prohibited product.

Further, in order to ensure that an advertisement meets these conditions, the Cable TV Framework requires the following certifications:

- Commercial Certification: The advertiser must also submit a registered Chartered Accountant's certificate verifying that:

The product is distributed in "reasonable quantities"	It is available in a "substantial number of outlets" where similar products are sold	The proposed advertising spend is "not disproportionate" to the actual sales turnover of the product

- Regulatory Certification: All such advertisements must be previewed and certified by the Central Board of Film Certification as suitable for unrestricted public exhibition prior to telecast.
- Penalties and Enforcement: Violations of the Cable TV Framework can result in monetary and non-monetary penal implications.

01

On the first instance of contravention, a penalty of up to INR 20,000. For every subsequent contravention within 3 years, the penalty may extend up to INR 1 lakh.

Monetary Penalties

02

For minor or initial violations, the Designated Officer may issue an advisory, warning, or censure in lieu of or alongside monetary penalties. Subsequent contraventions may warrant suspension or cancellation of registration.

Non-Monetary Measures

Scan for sources



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Advertisements Making Sustainability / Green Claims

Overview

Environmental claims, often termed 'Green Claims,' are governed under the CCPA's Guidelines for Prevention and Regulation of Greenwashing or Misleading Environmental Claims 2024 (**CCPA's Green Guidelines**) and the ASCI's Guidelines for Advertisements Making Environmental/Green Claims, issued on 15 January 2024 (**ASCI's Green Guidelines**).

Given that Green Claims often involve complex scientific assessments and cannot be verified by consumers through mere visual inspection, ASCI's Green Guidelines and CCPA's Green Guidelines impose a heightened duty of care on advertisers when using claims regarding sustainability, biodegradability, recyclability, carbon neutrality etc.

CCPA's Green Guidelines

Scope and Applicability

The CCPA's Green Guidelines apply to all 'Environmental Claims' made by a manufacturer, service provider, trader, advertisement agency or endorser.



"Environmental claims" are defined as any representation suggesting that goods or services, including their production, packaging, use, or disposal, have eco-friendly attributes meant to convey environmental responsibility. For instance, a claim that a product / service causes less harm to the environment than another product / service or a previous version of the same product / service.

Prohibited Claims

The CCPA prohibits 'Greenwashing'.



"Greenwashing" is defined as deceptive practices that exaggerate, falsify, or misrepresent environmental claims, often by using misleading words, symbols, or imagery to highlight positive aspects while concealing harmful ones.

Greenwashing does not include obvious hyperbole, generic colour schemes or pictures, or broad company mission statements not tied to specific.

Prohibited advertisements which could be considered 'Greenwashing' include:

- **Generic environmental claims:** Making generic environmental terms without adequate qualifiers and substantiation explaining what the claim specifically means, or how exactly the product is environment friendly is prohibited.

ILLUSTRATION

- Go green / eco-friendly with our product!
- Harnessing the power of sustainable technology!
- Made with minimal impact on the environment!

- **Environmental claims which are not absolute or irrelevant:** Making environmental claims without clearly specifying which part of the product, which stage of the product lifecycle, or which component the claim applies to, is prohibited. For instance, this includes:

ILLUSTRATION

- Labelling a multi-component package (like a paperboard box in wrapped plastic) as 'recycled' without clarifying that it is the paper box that is made of out of the recycled material, and not the plastic.
- Labelling bottled drinks as 'biodegradable' when only the contents are biodegradable and not the bottle.

- **Environmental claims using misleading imagery without substantiation:** Use of visual elements, imagery, or symbolism like:

ILLUSTRATION

Scenes of nature, usage of green colours, with vague taglines to create false impressions of environmental responsibility or eco-friendliness without substantive claims or relevant context supporting that impression is prohibited.

- **Unsubstantiated specific environmental claims:** Making specific environmental claims such as 'compostable', 'degradable', 'free-of', '100% natural', 'recyclable', 'plastic-free', 'net-zero', and similar claims without:
  i. Disclosures about credible certification
  ii. Reliable scientific evidence
  iii. Internal verifiable evidence
  iv. Certificates from statutory or independent third-party verification, is prohibited.

Some examples set out in CCPA's Green Guidelines are:

ILLUSTRATION

- Claiming "100% Natural" without disclosure about verifiable information
- Using taglines like "climate-positive" without specific data or comparisons

- **Comparative environmental claims:** Making comparative environmental claims without verifiable data, and using inherently vague or misleading comparisons is prohibited. Some examples provided in the CCPA's Green Guidelines are:

  i. Use of inherently vague terms like "Chemical-free" as the claim is vague and implies other products are unsafe.

  ii. Use of phrases like "Our product is greener than the competition!" without spefying the environmental attributes evaluated



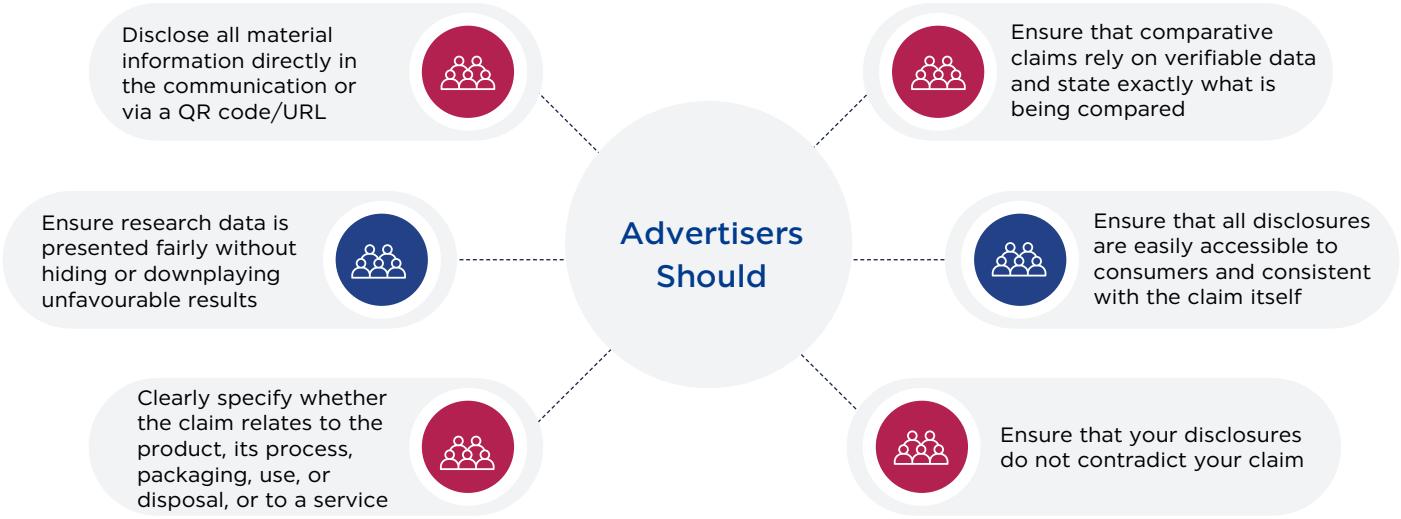
- **Advertisements containing misleading claims of certification**: Claims suggesting endorsements, certifications, or seals of approval that
  i. Are non-existent,
  ii. Are intentionally misleading, or
  iii. Originate from non-official bodies and lack recognition from credible authorities are prohibited.

The CCPA's Green Guidelines provide the following examples

- An electronic product affixing counterfeit energy efficiency labels on appliances to give the impression that they meet certain standards when, in reality, they do not.
- The claim for "Recommended by leading environmental experts!" would be prohibited if there is no backing as specified above.

Adequate Disclosures

Environmental claims must be transparent and well-substantiated.



ASCI's Green Guidelines

Scope and Applicability

ASCI's Green Guidelines apply across all media, including print, television, outdoor, digital, influencers, and packaging.

"Free-of" Claims

A "free-of" claim is permitted only where it provides genuinely relevant consumer information. Free-of claims are prohibited when they highlight the absence of an environmentally damaging ingredient if:

- That ingredient is not usually found in competing products or service in any case
- There is a legal obligation applicable to competing products as well that requires the competitor to not use such an ingredient
- The advertised product contains another substance posing similar or greater environmental risk

Certification and Seals of Approval

Where a certification, eco-label, or seal of approval creates an impression of environmental benefit, advertisers must clearly disclose the precise attributes evaluated by the certifier. Further, the certifying body must be nationally or internationally accredited (e.g., BIS, UN-accredited agencies). The mere use of an eco-seal without clarifying its scope or credibility is misleading under ASCI's Green Guidelines.

Carbon Offset Time-Delay Disclosure

Where an advertisement relies on carbon offsetting, and the offset will not occur within the next two years, the advertiser must clearly and prominently disclose this delay. Further, advertisements must not imply emissions reduction through offsets where the underlying reduction activity is mandated by law.

Conditions for Compostable / Biodegradable / Recyclable / Non-Toxic Claims

For claims that a product is compostable, biodegradable, recyclable, non-toxic, or "free-of", ASCI requires the advertiser to have competent and reliance scientific evidence that:

- The product or the specific qualified component will break down within a reasonably short time after customary disposal; and
- The product is free from elements that create environmental hazards

Net-Impression Test

ASCI applies a "seen as a whole" consumer impression test whereby even if no express false claim exists, an advertisement may still be misleading if the overall net impression created by visuals, symbols, logos, and layout conveys a false environmental benefit.

While the CCPA's Green Guidelines represent a comprehensive framework for regulating environmental claims in India, a governmental push for different facets of greenwashing has historically come from other authorities, such as ASCI (through the ASCI's Green Guidelines), SEBI and the Ministry for Environment, Forest and Climate Change.



In 2023, SEBI issued a circular providing guidance in relation to advertising green debt securities, requiring regulated entities to:

- Not use any misleading labels, hide any trade-offs, or cherry pick data from research to highlight green practices while obscuring data unfavourable to themselves
- Not make untrue claims giving a false impression of certification by a third-party entity

Reportedly, a global conglomerate was fined INR 10 lakhs by the Ministry of Environment and Forests for promoting its detergent brand as 100% natural and environment-friendly despite containing artificial components, and an air conditioning company was penalised INR 50,000 for exaggerating the energy efficiency of its air conditioners.

These instances underscore the serious consequences of non-compliance with environmental advertising standards across multiple jurisdictions.

Scan for sources



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Advertisements by E-Commerce Platforms

Overview

The boom in the e-commerce sector was followed by several e-commerce platforms setting up operations in India, offering consumers a wide array of choices of goods and services. However, as the sector developed, product rankings, sponsored listings, influencer tie-ups, flash sales and algorithm-driven recommendations, began to shape purchasing decisions at an unprecedented scale. This led to increased scrutiny on regulation of e-commerce platforms and their advertising practices, with a view to protecting consumer interest.

In addition to general advertising regulations issued by ASCI and CPA, e-commerce advertising is now governed by multiple regimes:

a

Consumer Protection (E-commerce) Rules 2020 (**E-Commerce Rules**)

b

ASCI's Guidelines for Online Deceptive Design Patterns in Advertising

c

CCPA's Guidelines for Prevention and Regulation of Dark Patterns 2023

E-Commerce Rules

Under the E-Commerce Rules, an e-commerce entity is:

- Any person who owns, operates or manages a digital or electronic facility or program for electronic commerce
- Is not a seller offering his goods or services for sale on a marketplace e-commerce entity.

The E-Commerce Rules recognise two categories of e-commerce entities:

01

Owns the inventory and sells such goods and services directly to consumers, and includes single brand retailers and multi-channels single brand retailers

Inventory E-Commerce Entity

02

Provides an information technology platform to facilitate transactions between buyers and sellers.

Marketplace E-Commerce Entity



GUIDELINES FOR E-COMMERCE ENTITIES

- To not adopt unfair trade practices.
- Mention name and details of importer, if selling imported goods or services.
- Record consumer consent for purchase explicitly and not through pre-ticked checkboxes.
- To not manipulate prices of goods or services to gain unreasonable profit by imposing unjustified prices on consumers, having regard to marketing conditions, essential nature of good or service etc.
- To not discriminate between consumers of the sale class or make any arbitrary classification of consumers affecting their rights.



GUIDELINES FOR MARKETPLACE E-COMMERCE ENTITIES

In a bid to foster transparency and prevent misleading claims, the E-Commerce Rules prescribe specific guidelines on advertisements and claims made by e-commerce entities, marketplace e-commerce entities, sellers on marketplace e-commerce entities and inventory e-commerce entities. These are set out below:

- Contractually obligate sellers to ensure that descriptions, images and other details pertaining to goods or services are accurate and correspond directly to appearance, nature, quality, purpose and other general features.

GUIDELINES FOR SELLERS ON MARKETPLACE E-COMMERCE ENTITIES

- Clearly provide details of sellers offering goods or services such as address, customer care number, any rating etc.
- Publicly provide description of the significant parameters for determining ranking of products or sellers.
- To not adopt any unfair trade practices.
- To not falsely represent itself as a customer and post reviews or misrepresent quality of goods or services.
- To not refuse to accept returns of goods or withdraw services if goods or services are not of the characteristics advertised.

GUIDELINES FOR INVENTORY E-COMMERCE ENTITIES

- To ensure advertisements are consistent with actual characteristics, access and usage conditions.
- Provide all details required by marketplace e-commerce entities for publication on the platform such as aggregate price and break-up of price, country of origin of goods / services, guarantees on authenticity, etc.
- Publish all details required by consumers to make an informed decision, including the aggregate price and break-up of price, country of origin of goods / services, guarantees on authenticity, etc.
- To not falsely represent itself as a customer and post reviews or misrepresent quality of goods or services.
- To ensure advertisements are consistent with actual characteristics, access and usage conditions.
- While the aforesaid requirements may not necessarily pertain to 'advertising', given that the information provided by e-commerce entities and sellers is pivotal in consumers making an informed decision, these requirements must be complied with by all e-commerce entities.

Dark Patterns Guidelines

Dark patterns are part of digital architecture, that subvert consumer autonomy and deceive or manipulate consumers into making decisions that may not be in their best interest. These practices are adopted by e-commerce entities to boost sales or to lure consumers into spending more money on a good or service, than initially desired. Please refer to our observations in Chapter 20 (*Regulations Governing Dark Patterns*) for further details in relation to regulation of dark patterns.

Scan for sources



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Advertisements and Use of National Symbols and Army Personnel

Overview

National symbols, such as the State Emblem of India and the Indian National Flag signify State authority. Commercial use of such symbols or depiction of armed forces / uniformed persons for commercial purposes can mislead consumers into assuming Government endorsement/affiliation, dilute or demean symbols intended to represent the sovereignty and dignity of the country and may also undermine the ethos and public standing of the armed forces. To address these concerns, depiction of state symbols and the armed forces in advertisements is governed under the following regulations.

CPA and the ASCI Code prohibit misleading advertisements and suggestions of affiliations through advertisements that do not exist.

Additionally, below is a framework of specific laws and codes relevant to advertisements depicting:

The State Emblem / Government insignia	The Indian National Flag (including "tricolour" creatives)	Armed forces uniforms / "men in uniform."

State Emblem of India (Prohibition of Improper Use) Act 2005

The State Emblem of India (Prohibition of Improper Use) Act 2005 (**State Emblem Act**) regulates the use of the state emblem, i.e., an adaptation of the Sarnath Lion Capital of Ashoka. It prohibits the use of the state emblem for trade, business, profession, including in patents, trademarks or designs. This extends to use of the state emblem in advertisements as well, excluding government advertisements.

Any contravention is punishable with imprisonment of 6 months, extending up to 2 years or fine up to INR 5,000 or both.

National Honour Act

The statutory teeth to the Flag Code sits in the National Honour Act, which criminalises burning, mutilating, defacing, defiling, disfiguring, destroying, trampling upon, or otherwise showing disrespect to the Indian National Flag (and the Constitution).

Crucially for advertising, the Act:

- Treats even pictures, drawings, photographs, visible representations of the Flag as the Indian National Flag
- Defines disrespect to include specific prohibited forms - e.g., using the Flag as drapery (except limited funerals), using it as a portion of costume, uniform or accessory worn below the waist, printing or embroidering it on cushions, handkerchiefs, napkins, undergarments, any dress material, using it on vehicles, allowing it to touch the ground intentionally, and similar forms of improper display.

Emblems and Names Act

The Emblems and Names Act regulates the use of name, emblem and seal of the United Nations, World Health Organization, government of India or any state, the coat-of-arms, the Indian flag, etc.

Akin to the State Emblem Act, it prohibits the use of the state emblem for trade, business, profession, including in patents, trademarks or designs. Non-compliance may attract a fine of INR 500.

In 2019, the Ministry of Defence specifically highlighted to ASCI that an advertisement depicting actors in Army uniforms chewing panmasala was in contravention of the ethos of the army and was also in violation of the Emblems and Names Act. The specific advertisement was required to be taken down, and provided that agencies producing advertisements depicting actors in Army uniforms endorsing a brand should seek prior concurrence from the additional directorate general of public information, before releasing such advertisements in the public domain.

Flag Code of India 2002

The Flag Code of India 2002 (**Flag Code**) consolidates the conditions and restrictions issued under the Emblems and Names (Prevention of Improper Use) Act 1950 (**Emblems and Names Act**) and The Prevention of Insults to National Honor Act 1971 (**National Honor Act**), and provides guidance on use and depiction of the Indian flag.

Note that, the Flag Code is not itself 'law', but a compendium of instructions. Penalties for violation of the Flag Code apply where they relate to the relevant legislation from which the instructions are derived.

Akin to the State Emblem Act, it prohibits the use of the state emblem for trade, business, profession, including in patents, trademarks or designs. Additionally, the Flag Code specifically prescribes that the flag should not be used in any form of advertisement nor should an advertising sign be fastened to the pole from which the flag is flown.

Cable TV Rules

For advertisements carried on television, the Cable TV Rules prohibit advertisements that "exploit the national emblem", or any part of the Constitution. Non-compliance with the Cable TV Rules attracts penalties as set out under Chapter 3 (*Advertising on Television*).



Conclusion

Advertisers should treat usage of Indian flag, national emblems, army personnel as high-risk creative territory, adopt a compliance-by-design approach and avoid use unless clearly permissible. Use should be in compliance with the various legislations mentioned above and should in no manner be derogatory to the Indian flag, emblems or army personnel.

Scan for sources

Emerging Concerns in Advertising





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Advertisements Targeting Children

Overview

Advertisements for products or services aimed at children attract heightened regulatory scrutiny, recognising that children are more impressionable and less equipped to identify exaggeration, persuasive intent, or underlying risks. They are also particularly susceptible to peer-pressure cues such as popularity, ridicule, or "fit-in" narratives, often embedded in marketing communications, warranting enhanced safeguards against manipulative advertising practices.

In India, such advertisements are regulated through multiple frameworks. The CCPA has issued the Misleading Advertisements Guidelines, while ASCI prescribes additional safeguards under its sector-specific codes. Further, given the heightened sensitivity around children's data, the Digital Personal Data Protection Act 2023 (**DPDPA**) also prescribes specific restrictions on the processing and use of children's personal data for targeted advertising. Set out below is a brief overview of the applicable regulatory landscape:

Who is a child?

Misleading Advertisements Guidelines / DPDPA	ASCI Code
Anyone below the age of	Anyone below the age of
18	12

Guidelines under Misleading Advertisement Guidelines

An advertisement that addresses children or targets children shall not:

- Normalise, glorify, or encourage behaviour that could be unsafe or harmful for children.
- Exploit children's inexperience, credulity, loyalty, or emotional dependence to drive consumption.
- Create unrealistic expectations of product features, performance, or outcomes.

ILLUSTRATION

Advertisements that claim that drinking a specific milk supplement will lead to increase in height in a short period.

- Promote practices detrimental to children's physical health or mental wellbeing.
- Suggest that a child will be ridiculed, feel inferior, become unpopular, or appear disloyal if they do not purchase the product.

ILLUSTRATION

Advertisements depicting other children making fun of a child for not using / consuming a particular product and subsequently becoming friends with such child once the child commences using / consuming the same product.

- Directly exhort children to buy products, or to persuade parents to do so.
- Use price qualifiers such as "just" or "only" to mask additional or hidden costs.
- Blur reality and fantasy or make it difficult for children to assess a product's size, characteristics, or performance.
- Exaggerate what an average child can realistically achieve using the product.
- Make charity-linked promotions without clearly explaining how and to what extent a child's participation contributes to the cause.

- Make promotions requiring a purchase to participate, coupled with direct appeals to children.
- Make claims of enhanced intelligence, physical ability, or exceptional recognition without robust scientific substantiation.
- Make claims of health or nutritional benefit without adequate scientifically validated evidence.
- Disseminate advertisements for medical services, drugs, dietary supplements, cosmetic products, liquor, or cosmetic surgery in media accessible to children.
- Promote negative body image among children.
- Portray advertised products as superior to natural or traditional foods consumed by children.
- Air junk food advertisements during children's programmes or on channels exclusively meant for children.
- Induce unnecessary purchases or encourage illogical consumerism among children.
- The CPA also restricts children from being depicted in advertisements for products barred by law, such as tobacco and alcohol based products and the depiction of celebrities and famous personalities in advertisements for products which carry health warnings or are not safe for children.

ASCI Code

While ASCI does not have a specific code governing advertisements targeting children, ASCI has built in several safeguards to protect children's interests.

ASCI Code against harmful products / services / situations provides that:

- Advertisements must not promoter hazardous products or services, particularly to children
- Advertisements must not encourage criminality, particularly to children
- Advertisements depicting children must not contain elements of physical, mental or moral harm that exploit children's vulnerabilities.

ILLUSTRATION

Advertisements encouraging children to talk to strangers for collecting coupons, wrappers etc or depicting children playing with explosives, sharp knives etc.

- Advertisements targeted to children should not feature celebrities and famous personalities if the said product or services comes with a health warning.

The ASCI Guidelines on Food and Beverages provides that advertisements should not undermine the role of parental care and guidance in ensuring proper food choices are made by children.

ASCI's Guidelines on Harmful Gender Stereotypes, issued on 8 June 2022, provide that advertisements targeting or depicting children should not convey a particular product, behaviour or activity, career as appropriate for only one gender.

ILLUSTRATION

Advertisements suggesting that boys should always be 'daring' and girls should always be 'caring' or people making fun of a boy playing with dolls or of a girl jumping around, because these activities are not typically associate with the gender.

ASCI's Guidelines on Advertisements for Charitable Causes, issued on 13 June 2023, also provide that advertisements must not disrespect those on whose behalf an appeal is being made, and must not depict persons in distress, particularly children and minors.

The Digital Personal Data Protection Act 2023

Children's interests are further safeguarded under the DPDPA, which introduces a dedicated framework governing the processing of children's personal data and, by extension, advertising practices that rely on such data. The DPDPA mandates data fiduciaries to obtain verifiable consent of a parent or lawful guardian before processing a child's personal data. Beyond consent, the statute adopts a substantive harm-prevention standard by prohibiting any processing that is likely to have a detrimental effect on a child's well-being. Crucially for advertisers and digital platforms, the DPDPA expressly restricts the tracking or behavioural monitoring of children and prohibits targeted advertising directed at them. While limited exemptions have been notified for healthcare providers, educational institutions and related transport providers for narrowly defined activities such as provision of health services, child safety and educational tracking, none of these exemptions permit targeted advertising to children., Accordingly, the overarching intent of the law is clear: to significantly curtail data-driven profiling and advertising practices involving children, and to prioritise their safety, autonomy, and best interests in digital and advertising ecosystems.



Additional Protective Legislations

The Guidelines for Child and Adolescent Participation in the Entertainment industry and Any Commercial Entertainment Activity also prescribe guidelines for advertisements targeting children, which are largely in line with those prescribed under the Misleading Advertisement Guidelines and the ASCI Codes.



Conclusion

Advertisements involving / targeting children sit at the intersection of consumer protection, and data protection law. For businesses, this translates into a clear compliance imperative of ensuring that commercial messaging is balanced with heightened responsibility and transparency. Advertisers, particularly in digital and education-led sectors, will need to adopt child-centric compliance frameworks, reassess data-driven advertising strategies, and embed these safeguards into campaign design at an early stage to mitigate legal, reputational, and regulatory risks.

Scan for sources



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Advertisements and Endorsements by Celebrities and Influencers

Overview

Celebrity and influencer endorsements have become a powerful driver of consumer choice. The growing influence of such advertising has also heightened the risk of misleading claims, inadequate disclosures, and unqualified advice. To address these concerns and protect consumer interests, advertising by celebrities and influencers in India is subject to an evolving regulatory framework by CCPA, ASCI as well as SEBI.

Know-Hows Issued under the CPA

The Department of Consumer Affairs issued the Endorsements Know-Hows expressly addressed to celebrities, influencers and virtual influencers using social media platforms.

Applicability

01

Famous personalities, including from the entertainment or sports industry who have the power to affect the decisions or opinions of their audience.

Celebrities

02

Creators who advertise products and services with a strong influence on the purchasing decisions or opinions of their audience.

Influencers

03

Fictional computer generated 'people' or avatars who have realistic characteristics, and behave in a similar manner as influencers.

Virtual Influencers

Disclosure Obligation

Celebrities, influencers and virtual influencers are required to disclose any material connection with the advertiser. Please refer to Chapter 22 (*Claims Substantiation Checklist and Disclaimer Toolkit*) for further details on the manner in which the disclaimer is required to be provided.



Material connection includes monetary compensation, free products including unsolicited discounts / gifts, trips or hotel stays, barters, coverage and awards, family, personal or employment relationship etc.

Due Diligence

Celebrities and influencers are also advised to satisfy themselves that the advertiser is able to substantiate the claims made by the advertiser as part of the advertisement. In practice, this is covered for through contractual representations and warranties obtained by the celebrity from the advertiser. The endorser is also recommended to have personally used the product / service.

Penalty

Failure to disclose a material connection or non-compliance with the guidelines will attract penalties under the CPA as discussed in Chapter 2 (*The Indian Legal Regime for Advertising*).



In Indian Medical Association v. Union of India (Supreme Court, 2024), the Supreme Court held that endorsers, including celebrities and public figures, are equally responsible for misleading advertisements and must conduct their due diligence.

Misleading Advertisement Guidelines

The Misleading Advertisement Guidelines require endorsers to carry out appropriate due diligence before lending their name to an advertisement.



Who is an endorser?

For the purpose of Misleading Advertisement Guidelines, an endorser is an individual or a group making an endorsement of any goods / services whose opinion, belief, finding or experience the endorsement seems to reflect.

Endorsements must not be misleading and should represent the endorser's genuine and reasonably current view, formed on the basis of adequate information about, or experience of, the relevant goods, products or services.

In order to ensure that customers are not mislead, where there is a "material connection" with the trader, manufacturer or advertiser that could affect the credibility of the endorsement, such connection should be disclosed / apparent in making the endorsement. While 'material connection' is not defined, in practice, this means that where an endorser has a stake (or other meaningful association) in the business behind the product or service, that relationship should be clearly disclosed / depicted in the advertisement.

Additionally, as per the Misleading Advertisements Guidelines, advertisements targeting or featuring children must not feature personalities from the fields of sports, music or cinema for goods or services which require a health warning or cannot be purchased by children.

SEBI Guidelines

Celebrity endorsements are not permitted in advertisements for individual mutual fund schemes or other related promotional material or communications. However, celebrity endorsements for mutual funds at the industry level to increase financial product awareness are permitted.



For the purpose of regulation of advertisements of mutual funds, SEBI defines a 'celebrity' an any person or virtual character who has:

- Been ranked in Top 50 celebrities in any national index within the last year
- Played a lead role in any prominent film or television show
- Over 10 lakh (1 million) followers on a social media account
- Been an athlete who has represented their country or participated in popular sports events telecast on television
- Been a host on TV or OTT hosts for at least a season or ten episodes
- Been a finalist of a prominent competitive program

Further, SEBI has issued circulars on Association with Persons Engaged in Unauthorised Advice or Return Claims dated 22 October 2024 and 29 January 2025 requiring SEBI-regulated entities (such as stockbrokers, mutual funds, investment advisors) to ensure that no persons associated with them and their agents engages in certain prohibited activities. These prohibited activities include:

- Making of any claims of returns or performance of any financial products related to securities, unless permitted by the SEBI
- Provision of any advice or recommendation related to securities without being registered with SEBI.



For the purposes of these circulars, "association" includes transactions involving money or money's worth, referral of clients, branding, marketing or promotional arrangements, interaction through information technology systems, or any other association of a similar nature.

Consequently, SEBI-regulated entities and their agents cannot engage any persons (including celebrities or influencers) for promotion of securities for making claims of guarantees or promises of specific returns on mutual fund investments or securities, such as "guaranteed 20% annual returns" or engage marketing agencies or platforms that indirectly connect them with unregistered advisors.

Where a celebrity or influencer is involved in the promotion or marketing of financial services, securities or investment products and engages in any of the above activities without appropriate SEBI registration or permission, persons regulated by SEBI and their agents are required to avoid or terminate such association.

Non-compliance may be subject to penalties by SEBI as discussed under Chapter 11 (*Advertisements in the Financial Services and Insurance Sector*).

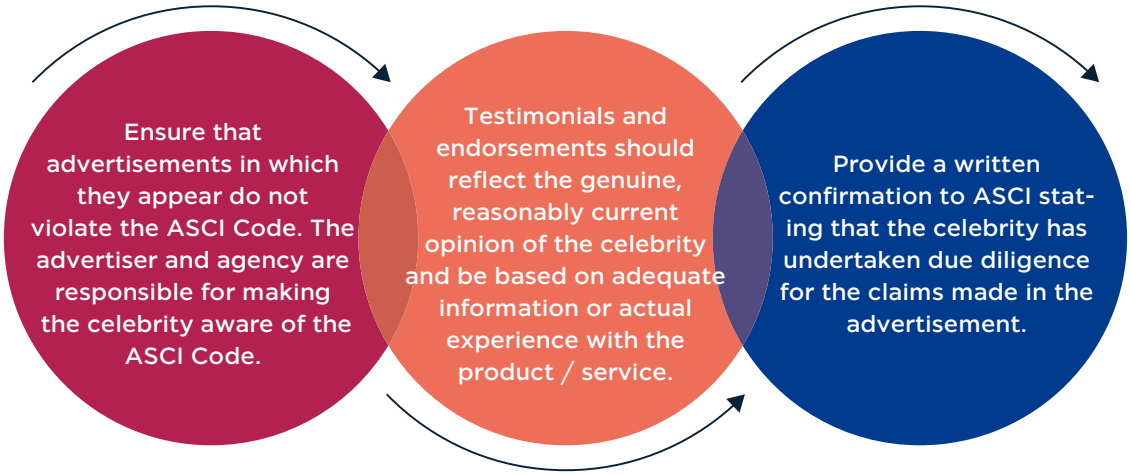
Guidelines issued by ASCI

On 13 April 2017, ASCI issued Guidelines for Celebrities in Advertising. Under these Guidelines

- **Celebrity:** Famous and well-known people, from the field of entertainment and sports, and other well-known personalities like doctors, authors, activists, educationists, etc. who:
    i. Get compensation INR 40 lakhs or equivalent annually for appearing in advertisements
    ii. Have a social media following of 5 lakhs or more an any single social media handle.

  Interestingly, ASCI assigns an objective threshold for determining if a person is a celebrity, unlike the CPA and guidelines issued thereunder.

- **Compliances by Celebrities:**



- **Prohibited advertisements:** Celebrities should not participate in advertisements for:
    i. Products or treatments prohibited under the DMRA and DCA
    ii. Products requiring a statutory health warning, such as tobacco

ASCI has also issued Guidelines for Influencers in Digital Marketing, on 27 May 2021 Regulating Ads by Influencers

- **Influencer:** 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:** fictional computer generated 'people' or avatars who have the realistic characteristics, features and personalities of humans and behave in a similar manner.

- **Disclosure Requirement**: Influencers to disclose all 'material connections', i.e. any connection that may affect the weight or credibility of the endorsement, including monetary or other compensation, free products (solicited or unsolicited), discounts, or gifts, trips, hotel stays. Disclosures are also required if evaluations are unbiased or fully originated by the influencer, but there is a material connection with the advertiser. Please refer to Chapter 22 (*Claims Substantiation Checklist and Disclaimer Toolkit*) for further details on how the manner in which the disclaimer should be provided.

In case there is no material connection, influencers are require to issue a declaration to ASCI stating that there is no material connection.

Additionally, virtual influencers, are required to prominently disclose that they are computer-generated avatars, so consumers know they are not interacting with a real human being.

- **Health and Financial Influencers:** Influencers who provide, promote, or comment on technical advice in the health and financial services areas must possess relevant professional qualifications and clearly disclose them upfront in their content.

  In the financial services sector, influencers offering investment, insurance, or other financial advice must hold appropriate registrations or certifications, such as SEBI registration for investment-related content or recognised credentials (e.g., CA, CS, IRDAI licence) for other financial advice, and comply with all applicable regulatory disclosure requirements.

  Similarly, influencers discussing health or nutrition-related prevention, treatment, or wellness claims must hold relevant medical or allied health qualifications.

  These qualifications and registration details must be prominently disclosed at the start of the content. Influencers are also required to substantiate their credentials if requested by ASCI. Influencers who lack the necessary qualifications may only share non-technical, generic information and must refrain from providing expert or advisory opinions.

This framework aims to balance influencer marketing with consumer protection by ensuring transparency, credibility, and trust in high-risk sectors. For further details on the disclaimers required by influencers with respect to advertisements in various sectors, please see Chapter 22 (*Claims Substantiation Checklist and Disclaimer Toolkit*).

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20

Regulations Governing Dark Patterns

Overview

User interfaces which are crafted to trick or manipulate users into making choices that are prejudicial to their interest, such as buying a more expensive product, paying more than what was initially disclosed, sharing data or making choices based on false or paid reviews are colloquially called 'dark patterns'.

What are Dark Patterns

The CCPA defines 'dark patterns' as "any practices or deceptive design pattern using user interface or user experience interactions on any platform that is designed to mislead or trick users to do something they originally did not intend or want to do, by subverting or impairing the consumer autonomy, decision making or choice, amounting to misleading advertisement or unfair trade practice or violation of consumer rights."

To regulate 'dark patterns', ASCI issued its Guidelines For Online Deceptive Design Patterns In Advertising (**ASCI Guidelines on Dark Patterns**) on 15 June 2023. Subsequently, in November 2023, the CCPA issued The Guidelines for Prevention and Regulation of Dark Patterns 2023 under the CPA (**CCPA Dark Pattern Guidelines**), which incorporate the provisions of the ASCI Guidelines on Dark Patterns.

Dark Pattern Guidelines

Applicability

All platforms systematically offering goods or services in India, advertisers and sellers.

Types of Prohibited Dark Patterns

DRIP PRICING

- Not revealing elements of prices upfront or revealing prices surreptitiously within the user experience;
- Revealing the price post-confirmation of purchase, i.e. charging an amount higher than the amount disclosed at the time of checkout
- Advertising a product or service as free without appropriate disclosure that the continuation of use requires in-application purchase
- Preventing a user from availing a service which is already paid for unless something additional is purchased.

ILLUSTRATION

An application which was advertised as 'play chess for free' seeks payment to continue playing chess after 7 days of a user downloading the application.

FALSE URGENCY

Where a platform falsely implies a sense of urgency, scarcity, or popularity to mislead a user into making an immediate purchase or taking immediate action.

ILLUSTRATION

- Falsely describing a sale as 'exclusive' or for a limited time/group
- Untrue statements such as: "Only 2 rooms left! 30 others are looking at this right now"
- Showing false popularity data to manipulate decisions

BAIT AND SWITCH

Advertising an outcome based on the user's action but deceptively serving an alternate outcome.

ILLUSTRATION

A seller offering a quality product at a cheap price but when the consumer is about to pay, the seller states that the product is no longer available and instead offers a similar looking product but at a higher price.

DISGUISED ADVERTISEMENT

Posing, masking advertisements as other types of content.

ILLUSTRATION

Masking of advertisements as user generated content or new articles or false advertisements, which are designed to blend in with the rest of the interface in order to trick customers into clicking on them.

BASKET SNEAKING

Including additional items, services, or donations to the checkout basket without user consent, increasing the total payable amount. This excludes necessary statutory/delivery fees or charges that are explicitly disclosed upfront during the time of the purchase.

ILLUSTRATION

- Automatic addition of travel insurance while purchasing a flight ticket
- Auto-adding a subscription when a user purchases a single service
- Pre-ticked boxes for paid ancillary services



The CCPA recently issued a notice to a ticket-booking platform for automatically adding INR 1 per ticket toward its charity initiative without consumer consent. After CCPA's intervention, the platform addressed the issue of 'Basket Sneaking' by giving customers are an option to choose whether or not they wish to contribute towards the initiative.



Similarly, a fine of INR 2 lakhs was imposed on an online pharmacy platform for automatically adding a membership subscription to a consumer's cart and automatically renewing such subscriptions.

CONFIRM SHAMING

Where a platform uses fear, shame, ridicule, or guilt to nudge a user into purchasing a product or service.

ILLUSTRATION

A site asking for a donation and using the reject button: "Charity is for the rich, I don't care."



In 2024, the CCPA issued a notice to an airline company that prompted passengers opting out of add-on insurance services with the message "No, I will take risk", on the grounds that it amounted to confirm shaming. Subsequently, the company revised the wording to "No, I will not add to the trip"

FORCED ACTION

Forcing a user to take an unrelated action (such as buying additional goods, or sharing unnecessary data) to buy the product they originally intended to purchase.

ILLUSTRATION

- Forcing a user to subscribe to a newsletter in order to purchase a product
- Forcing a user to share details of his contacts or social networks in order to access products or services purchased or intended to be purchased by the user
- Forcing a user to download an unintended or unrelated separate application to access a service originally advertised on another application

SUBSCRIPTION TRAP

Designing the subscription process to make cancellation impossible, complex, confusing or hidden, or trapping users into auto-debits without clear consent.

ILLUSTRATION

Where a consumer signs up for a paid subscription service with an auto-debit feature, which allows for cancellation but the cancellation option is buried within multiple layers of account settings, or directs the user to contact customer support through limited channels, where despite.

INTERFACE INTERFERENCE

Manipulating the user interface to highlight specific information while obscuring relevant information to misdirect the user. For instance, this includes:

ILLUSTRATION

- Designing a light colored option for selecting "No" in response to a pop-up asking a user if they wish to make a purchase
- A 'X' icon on the top-right corner of a pop-up screen leading to opening-up of another advertisement rather than closing it

NAGGING DISRUPTING

A user's experience by repeated and persistent interactions, in the form of requests, information, options, or interruptions, to effectuate a transaction and make some commercial gains, unless specifically permitted by the user.

ILLUSTRATION

Platforms sending constant requests to turn on or accept notifications or cookies with no option to say "NO".

TRICK QUESTION

Deliberately using confusing or vague language like double negatives in order to misguide or misdirect a user into taking a specific response or action.

ILLUSTRATION

A company should use phrases like, "Yes. I would like to receive updates ", when seeking consumer consent, instead of phrasing the option as a trick question, such as "Do you wish to opt out of receiving updates on our collection and discounts forever?"

SAAS BILLING

Generating and collecting payments from consumers on a recurring basis in a software as a service (SaaS) business model without clear consent from the user.

ILLUSTRATION

Where a no notification is given to a user when free trial is converted to paid

ROGUE MALWARES

Using a ransomware or scareware to mislead or trick user into believing there is a virus on their computer aimed at convincing them to pay for a fake malware removal tool that actually installs malware on their computer.

Penalties

Violations of the Dark Patterns Guidelines are punishable under the CPA, as discussed in Chapter 2 (*The Indian Legal Regime for Advertising*).

Recent Developments

In June 2025, the CCPA issued an advisory, recommending e-commerce platforms to undertake self-audits for identifying and addressing dark patterns and providing self-declarations to the CCPA confirming that the platform is not indulging in dark patterns. Pursuant to this advisory, 26 leading e-commerce platforms have submitted self-declarations, confirming the absence of dark patterns.

The CCPA has also established a Joint Working Group consisting of representatives from concerned Ministries, regulators, Voluntary Consumer Organisations and NLUs to identify violations of dark patterns on e-commerce platforms.

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21

Regulation of AI-Generated Advertisements and Use of AI in Targeted Advertising

Overview

The rapid adoption of artificial intelligence in the advertising ecosystem marks a structural shift, with artificial intelligence being used for generating AI-generated visuals, synthetic voices, hyper-personalised ads, deepfake endorsements, virtual influencers, and for targeted advertising. Deploying automated tools is also driving efficiency and scale.

While there is no single regulatory framework, several existing frameworks apply to use of artificial intelligence in the advertising sector, including as set out below.

Regulatory Framework

Information Technology Rules

As explained in Chapters 4 (*Advertising on Social Media*), the Intermediary Rules regulate all intermediaries, including social media intermediaries and online gaming intermediaries. In February 2026, the MeitY notified The Information Technology (Intermediary Guidelines and Digital Media Ethics

Code) Amendment Rules, 2026 (**SGI Amendments**), introducing specific regulations for 'synthetically generated information' (**SGI**).



SGI means "audio, visual or audio-visual information which is artificially or algorithmically created, generated, modified or altered using a computer resource, in a manner that such information appears to be real, authentic or true and depicts or portrays any individual or event in a manner that is, or is likely to be perceived as indistinguishable from a natural person or real-world event."

However, SGI excludes information which arises from certain routine and good-faith uses of AI, such as routine editing, formatting, enhancement, technical correction, colour adjustment, noise reduction, transcription, or compression that does not materially alter the substance of the underlying content or create a false electronic record.

The SGI Amendments Require Intermediaries to:

- Deploy technical measures to prevent creation of unlawful SGI, as discussed in Chapter 4 (*Advertising on Social Media*)
- Ensure that permitted SGI must carry labels that are prominent, easily noticeable, and adequately perceivable that the content is synthetically generated
- Ensure that SGI is embedded with permanent metadata or other appropriate mechanisms, to the extent technically feasible, including a unique identifier
- Deploy technical measures to verify compliance with such user declarations.
- Periodically inform users every 3 months about the intermediary's right to suspend or terminate user access or remove unlawful content for breach of platform policies, and the user's exposure to penalties under applicable laws for legal violations; and

In order to ensure compliance, intermediaries will be required to amend their social media policies such that use of prohibited or unlabelled SGI may lead to content removal, account suspension, or loss of platform access. Accordingly, all advertisements generated using AI will also be labelled as such, and will provide full disclosure to consumers. For advertisers, in relation to the deployment of technical measures, failure to accurately declare SGI could trigger immediate, automated campaign rejections, launch delays, and potential account penalties, depending upon the policies of the concerned social media intermediaries. Such advertising will also have to continue to be compliant with content regulation laws.

MeitY Advisory to Guide AI Development and Use

In March 2024, the MeitY issued an advisory requiring intermediaries to:



Ensure that AI systems do not generate unlawful or biased content and to exercise due diligence under the Information Technology Act 2000



Label the inherenent fallibility or unreliability of the AI generated output for untested on unreliable AI foundational models,



Inform users about generating or sharing unlawful content



Label or embed synthetically generated content that may potentially be used as a deepfake as 'synthetically generated'

Additionally, AI Governance Guidelines 2025 recommend content authentication mechanisms such as watermarks, metadata, and provenance tools to identify AI-generated or modified content, particularly to combat deepfakes and misinformation, including in advertising.

The underlying principle across this framework remains that persons remain liable for violations regardless of AI creation. If a human signs off on AI-generated advertising content, they own that decision as if AI had never been used. Thus, any violations of the law discussed in various chapters will continue to be dealt with in the same manner in spite of usage of AI. This will also not mislead users into believing that results achieved in an advertisement are real and will clarify that any usage or content generated is synthetic.

AI-Generated Advertising: Intellectual Property Concerns

AI models trained on copyrighted material without authorization, may create infringement exposure for the advertisers. For instance, use of AI to generate advertising content mimicking copyrighted styles (such as prompts requesting content 'in the style of an artist') or incorporating copyrighted elements (such as registered trademarks) is likely to expose advertisers to infringement risks. Accordingly, it is important for businesses to ensure that the AI tool being used to create the advertising material and the advertising material created by the AI tool does not infringe upon another entity's copyrighted material.

Data Protection Concerns with respect to Targeted Advertising

Advertisers and data service providers may use several AI tools to track an individual's activity across the web, mobile apps, and devices. These tools collect and process large volumes of personal data that provide business insights about the individual's interests, habits, preferences, and thereby enable advertisers to 'target' the individual. Such processing of data may face various concerns under the DPDPA, which is set to be enforced by the Government of India from November 2027. Certain key issues include:

- **Absolute Prohibition on Targeting Children:** Prohibition on tracking, behavioural monitoring, or targeting advertisements to children below 18.
- **Consent Requirements for Adult Targeting:** Processing personal data for AI-based targeted advertising requires free, specific, informed, unconditional, unambiguous consent.
- **Data Security Requirements:** Under DPDPA, the obligation to ensure 'reasonable security safeguards' rests on the 'data fiduciary' who determines the means and purpose for processing the digital personal data, and not the AI tool service providers that process such data in accordance with the data fiduciary's instructions. Non-observance of the security safeguards under the DPDPA may expose the advertiser to penalties up to INR 250 crores.

Disclosure Requirements

Additionally, ASCI and the 'Endorsements Know-hows!' issued by the Department of Consumer Affairs require entities using 'virtual influencers' (computer-generated fictional avatars who have the realistic characteristics, features and personalities of humans that are used for advertising purposes) to disclose that they are 'virtual influencers' and not human.

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Claim Substantiation / Disclaimer Toolkit



Claims Substantiation Checklist

Advertising regulations in India inter alia require claims to be adequately substantiated and not be misleading. In this light, the CCPA has issued the Misleading Advertisement Guidelines, as discussed in Chapter 2 (*The Indian Legal Regime for Advertising*) and on 13 July 2023, ASCI issued the Guidelines for Disclaimers made in Supporting, Limiting or Explaining Claims made in Advertisements. Based on these guidelines and various other laws discussed across chapters, we have set out below a claims substantiation checklist and a disclaimer toolkit.

Part A provides for general principles of claim substantiation in an advertisement. Part B provides a check list of the key action items to be undertaken prior to release / launch of an advertising or marketing campaign.

PART A | GENERAL PRINCIPLES OF CLAIM SUBSTANTIATION

Key factors to ensure that your advertisement is not misleading and the claims made are adequately substantiated:

- Advertisement claims should not be made where there is significant division of informed opinion pertaining to such claims
- There is no distortion of facts which may mislead consumers through implication or omission
- All claims which relate to matters of objectively ascertainable facts should be truthful and capable of substantiation
- There are no claims which are so exaggerated as to lead to grave or widespread disappointment in the inds of consumers
- Obvious untruths or exaggerations to amuse consumers should be understood as hyperbolic and not making literal or misleading claims
- Claims of global leadership should be substantiated (eg global market share or sales reports)
- If claims expressly state to be based on or supported by research or assessments the source and date should be mentioned

PART B | CLAIMS SUBSTANTIATION PROCESS CHECKLIST

#	ACTION ITEM	PARTICULARS
1	Classification of the claim (fact vs puffery)	■ Identify the likely consumer takeaway. ■ If the claim is objectively ascertainable (performance, ranking, efficacy, price, guarantee, market position), treat it as a substantiation claim. ■ Hyperbole may not be a defence if consumers may take it literally or be misled.
2	Prepare evidence prior to publication	■ Evidence must match the actual claim wording and context: same product / version, use conditions, target audience, market / geography, time period, and metric. ■ Avoid making broad claims from weak, outdated, irrelevant, or non-comparable data.
3	Check evidence fit and quality	■ Evidence must match the actual claim wording and context: same product / version, use conditions, target audience, market / geography, time period, and metric. ■ Avoid making broad claims from weak, outdated, irrelevant, or non-comparable data.
4	Superlatives / comparative / ranking claims	■ For superlative claims ie the "best," "No.1," "most loved," "safest," "fastest," etc., define comparator set, benchmark criteria, methodology, data period, and territory. ■ If based on survey/research, ensure methodology is defensible and reproducible.
5	Scientific claims	■ Avoid exaggerating scientific validity, practical usefulness, performance, or safety. ■ If informed / scientific opinion is divided, do not present the claim as universally accepted.
6	Research / survey claims	■ If the ad expressly says "based on independent research/assessment," the ad should indicate the source and date. ■ Keep the full report, underlying data, and permissions to use any third-party research or logos.
7	Misleading omission, ambiguity, or hidden limitations	■ Material limitations (eligibility, stock limits, geography, timing, exclusions, conditions, risk, quantity/quality limits) must be disclosed clearly. ■ "Free," price-from, guarantee, contest/gift, and bait-style require due diligence and clear T&Cs.
8	Disclaimers	■ A disclaimer cannot contradict the main claim, hide material information, or "correct" a misleading claim. ■ Disclaimer should be in the same language as the claim, with matching font, prominent placement, and adequate legibility / timing (including sync with voice-over claims). ■ Refer to Disclaimer Toolkit
9	Endorsements / testimonials / references need due diligence	■ Testimonials / endorsements must reflect genuine, reasonably current opinion and be based on adequate information / experience. ■ Disclose material connections. If referencing a person / institution in a way that gives advantage, obtain permission. Endorsers should verify claim veracity.
10	Run a final legal-risk and record-keeping review	■ Confirm compliance with other applicable sectoral laws and advertisement restrictions. ■ Maintain a substantiation file which may include: i. claim matrix; ii. evidence; iii. approvals; iv. scripts / artwork versions; v. disclaimers; vi. T&Cs; and vii. a rapid modify / withdraw protocol. ■ Classify the regulatory and associate risks in relation to take down / regulatory actions such as direction to discontinue / modification and imposition of penalties.

Disclaimer Style Guide

Set out below is a style-guide and toolkit for the best practices for making disclaimers to claims in advertisements. Part A provides guidance applicable to the content and style of disclaimers for all advertisements regardless of medium. Part B provides guidance applicable to the format and presentation of disclaimers specific to medium on which the advertisement is made on.

PART A | CONTENT AND STYLE OF DISCLAIMERS

#	BASIS	KEY CONSIDERATIONS
1	Modification of material claim	■ Disclaimer should not change the consumer's received / perceived meaning. ■ Disclaimer may clarify / qualify / resolve ambiguity but should not contradict / modify the material claim made or the main message conveyed by the advertiser; and must not change dictionary meaning. Contravention: Contradicting "free", "cash back", "all products" claims via disclaimer.
2	Material information	■ Disclaimer must not suppress material information about the claim where omission makes the ad deceptive or conceals commercial intent. ■ If using "T&C apply", indicate where consumers can access the information. Contravention: Using "T&C apply" without indicating where information is available.
3	Misleading Claims	■ Disclaimer must not attempt to correct a misleading claim. Contravention: A contravention of this guidance would be using a disclaimer to narrow / condition a claim in a way that "corrects" a misleading claim: ■ A claim of internet speeds of "up to 10 mbps" 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	Visual presentation Language of disclaimer Font	■ Disclaimer colour must contrast with background for legibility; avoid designs where text fades in / out; if designs of fade-in and fade-out are included, place on opaque single-coloured block. ■ Disclaimer must be in the same language as the claim; for bilingual advertisement, disclaimer should be in the dominant language. ■ Font type should be same as the claim or sans serif; not in italics. Contravention: If the visual presentation of the text is designed as a fading in / out text design. Contravention: Use of Italic in disclaimers.
5	Comprehension	■ Use simple, easy-to-understand words; avoid unfamiliar abbreviations; avoid long / complex words not readily understood.
6	Comparative claims	■ Basis of comparison must be positioned in close proximity (immediately next to / below the claim). ■ Basis of comparison font size must be at least 25% of the claim font size.

PART B | FORMAT AND PRESENTATION FOR MEDIUM-SPECIFIC DISCLAIMERS

#	MEDIUM	BASIS	KEY CONSIDERATIONS
1	Audio-visual	General legibility	■ Keep disclaimer use to a minimum in time / space constrained formats. ■ Aim for legibility enabling an interested viewer making positive effort to read all disclaimer information. ■ Keep disclaimers straightforward and simple to comprehend. ■ Disclaimer must be clear, distinct from background, prominent enough, and legible. ■ Should be readable by a normally-sighted person from reasonable distance and speed. Contravention: A contravention of this guideline would be using long / complex disclaimers with large text blocks / difficult words as such a format deters reading and defeat clarity. Compliance: ■ Modification of the headline claim to reduce the need for further qualification through disclaimers. ■ Removal or modification of words or phrases that are not simple and direct. ■ Breaking messages down into shorter, more viewer-friendly phrases or sentences. ■ Removal of words, phrases or sentences from the disclaimer that serve no essential purpose but might detract from more important information in the disclaimer or ad creative more generally. ■ Advertisers should take all steps to ensure that the disclaimer/s is/ are kept to a minimum and are as straight forward and simple to comprehend.
2		Text height technical minimums	■ Text height minimums: i. SD 14 px (576 lines) ii. HD 26 px (1080 lines) iii. 4K/UHD 57 px (2160 lines)
3		Single-frame advertisements	■ Disclaimers related to combination / interlinked / multiple claims in a single frame must be in the same frame as the claim(s) to which the disclaimers are applicable. ■ In a single frame: no more than one disclaimer. Disclaimer restricted to two full length lines (unless it detracts from the main message of the disclaimer) and must remain on screen at least 4 seconds per line. Contravention: Multiple disclaimers in a single frame relating to different claims.
4		Voice-over claims (VO)	■ Disclaimer should be displayed in sync with the VO. reproducible.
5		Hold duration method for longer disclaimers	■ Hold duration: Generally at 5 words per second plus recognition period (2 seconds if 9 words or fewer; 3 seconds if 10 words or more). ■ For hold-duration calculation, count all forms of text on screen at any one time, including disclaimer text and main creative text; advertiser may follow technical specs or publish disclaimer for required duration spanning entire advertisement. Exclude from hold-duration count: company/brand name/logo; purely technical legal text unrelated to consumer protection/offer; purely incidental text unlikely to be believed as information; abstract signs (Rs, %, decimal point). Count as one word: email addresses, URLs, and common abbreviations

6	Radio / TV / Internet etc.	Audio disclaimers	▪ Spoken disclaimer speed must not exceed 6 syllables / second; volume must be at same level as rest of audio. Contravention: Too-fast spoken disclaimers; lower volume than main audio
7	Hoardings, point-of-sale	Static media	▪ Font sizes equivalent to 2.6% of medium height and not less than 10 points. For hoardings ≥400 sq ft, font size not less than 100 points.
8	Print	Font size by ad size	▪ Not less than 7 points for advertisements of 50 cc or less; ▪ Not less than 9 points for advertisements of 100 cc or less; and ▪ Not less than 10 points for advertisements of more than 100 cc.
9	Packaging	Claims on pack	▪ Disclaimer placement should be prominent / visible and ideally on same panel as the claim
10		Orientation	▪ Direction should follow majority of the copy such that no head / medium rotation is needed; preferably natural reading direction; exception for small packs (<25 ml/gms)



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About Khaitan & Co

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The Technology, Media and Telecom practice of Khaitan & Co specialises in regulatory, transactional, commercial and policy matters across the media, entertainment and technology sectors including music, filmmaking, sports, gaming, advertising, digital, satellite and print media. The Firm also regularly a dvises on evolving digital regulations and emerging technologies and has led several high-value mergers, acquisitions, private equity transactions, and strategic investments that are shaping the future of digital and live entertainment.

To know more, visit www.khaitanco.com

Editorial Team

Tanu Banerjee
Partner
Technology, Media and Telecom
tanu.banerjee@khaitanco.com

Ishan Johri
Partner
Technology, Media and Telecom
ishan.johri@khaitanco.com

Akriti Sirsalewala
Senior Associate
Technology, Media and Telecom
akriti.sirsalewala@khaitanco.com

Sankalp Jain
Associate
Technology, Media and Telecom
sankalp.jain@khaitanco.com

Pulkit Khare
Associate
Technology, Media and Telecom
pulkit.khare@khaitanco.com

Other Contributors

Prarthna Nachappa | Aman Nayar | Ranjul Malik | Jay Shah | Vishal Gupta

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Established in 1985, the Advertising Standards Council of India (ASCI) is the self-regulatory body of the Indian advertising industry. ASCI addresses concerns related to misleading or dishonest advertising, indecent or offensive content, harmful advertisements, and advertising that is unfair in competition.

ASCI examines advertisements across all media and formats, including television, print, digital, outdoor, radio, point of sale, and claims made on packaging. It works with a range of stakeholders in the interest of consumer protection. ASCI's Code forms part of the Advertising Code under the Cable Television Networks (Regulation) Act, 1994, providing a legal backstop to the self-regulatory framework.

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