

The union government on Friday issued fresh guidelines to curb misleading advertisements, particularly those targeting children with a warning that a violation of the guidelines could attract a penalty of up to 50 lakh on manufacturers, advertisers and endorsers by the Central Consumer Protection Authority (CCPA).

This comes after the government took note of misleading advertisements by several prominent companies such as Sairam, Asian paints, Lifebuoy, Kent Ro and Berger Paints claiming their products were "more than 99% effective" against the covid-19 virus "without scientific credibility", the government stated.

The spokespersons of the above-mentioned companies were not immediately available for a response.

"Every product during the peak of the covid-19 pandemic started claiming that it was effective against covid-19 and we noticed it and took action. Following several such misleading advertisements, the government felt the need to issue fresh guidelines," CCPA Chief Commissioner Nidhi Khare told reporters during a press conference.

Consumer Affairs Secretary Rohit Kumar Singh said that out of the 113 notices issued by CCPA since July 2020, 57 were pertaining to misleading advertisements and 47 were related to unfair trade practices. He added that as many as 14 companies that claimed their products had 99% efficacy against covid-19 withdrew their advertisements after the government notice.

Notably, the new guidelines say that advertisements targeting children shall not feature any personalities from the field of sports, music or cinema for products that under any law require a health warning or cannot be purchased by children.

"Guidelines forbid advertisements from exaggerating the features of product or service in such manner as to lead children to have unrealistic expectations of such product or service and claim any health or nutritional claims or benefits without being adequately and scientifically substantiated by a recognized body," Ministry of Consumer Affairs, Food & Public Distribution said.

Talking tough on the misuse of disclaimers, the government said that the disclaimers shall not attempt to hide material information. The guidelines bar the omission of material information that makes advertisements deceptive and helps conceal their commercial intent

"Similarly, clear Guidelines are laid for duties of manufacturer, service provider, advertiser and advertising agency, due diligence to be carried out before endorsing and others," the government said.

The Ministry further said that the guidelines aim to protect consumers' interests by bringing in more transparency and clarity in the way advertisements are being published so that consumers are able to make informed decisions based on facts rather than false narratives and exaggerations.

Meanwhile, the Consumer Affairs Secretary Rohit Kumar Singh also informed that

the government would come out with a framework to check fake reviews on e-commerce websites in the next two months.

"There are two big issues at the moment. One is traceability, ascertaining who wrote the review is challenging. Some websites have a check...only customers who bought the product can post a review. Another challenge that is rather difficult to handle is negative reviews posted by business rivals," Singh said during a press conference.

Singh had earlier said that consumers on e-commerce platforms heavily rely on reviews posted to see the opinion and experiences of users who have already purchased the goods or services which is why the fake reviews need to be curbed.

According to an EU-wide screening of online consumer reviews across 223 major websites, about 55% of the websites violate the unfair commercial practices directive of the EU which requires truthful information to be presented to consumers to make an informed choice.

The Ministry of Consumer Affairs has stated that fake and misleading reviews violate a consumer's right under the Consumer Protection Act, 2019.

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