

Misleading Advertisements

What is a misleading advertisement?

An advertisement becomes false or misleading, when false or misleading statements are used in advertising. Misleading advertising is any published claim that gives a consumer an incorrect understanding of the product or service. Consumers have the right to know what they are buying. All necessary information on the label as well as in the content of the advertisement should be correct.

What are the types of misleading advertisements?

Misleading advertisements can be categorized into two groups:

- Advertisements that violate consumers' right to information and choice and thereby have the potential to cause the consumer financial loss and even mental agony.
- Advertisements of health cures and drugs of questionable efficiency and health gadgets of unknown values, which may have severe repercussions on the health and safety of the consumer.

What are the existing laws dealing with misleading advertisements?

- Drugs and Cosmetics Act, 1940
- Emblems and Names (Prevention of Improper Use) Act, 1950
- Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954
- Young Persons (Harmful Publications) Act, 1956
- Consumer Protection Act, 1986
- Indecent Representation of Women (Prohibition) Act, 1986
- Infant Milk Substitute, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992
- Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
- Transplantation of Human Organs Act, 1994
- Cable Television Networks (Regulation) Act, 1995
- Trade Marks Act, 1999.
- Food Safety and Standards Act, 2006

Who have the power to regulate advertising in their respective domains?

- Insurance Regulatory and Development Authority
- Telecom Regulatory Authority of India
- Securities and Exchange Board of India
- Reserve Bank of India
- Medical Council of India
- Food Safety and Standards Authority