

**GOVERNMENT OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
DEPARTMENT OF HEALTH AND FAMILY WELFARE**

**LOK SABHA
UNSTARRED QUESTION NO. 1143
TO BE ANSWERED ON 7th FEBRUARY, 2020**

MISLEADING ADVERTISEMENTS

**1143. SHRI PANKAJ CHAUDHARY:
SHRI SUMEDHANAND SARASWATI:**

Will the Minister of **HEALTH AND FAMILY WELFARE** be pleased to state:

(a) the details of the rules and guidelines laid down by the Government to regulate advertisements regarding the medicine, healthcare, food and beverages and edible products in the country, if so, the details thereof;

(b) whether the Government has paid attention to the advertisements of companies, selling the above said products, in print and electronic media, if so, the details thereof;

(c) whether Government is aware that people are suffering from many types of diseases by consuming such products being advertised;

(d) whether the Government has ascertained the authenticity of the claims made in the advertisements before granting approval to such products, if so, the details thereof and if not, the reasons therefor; and

(e) the action taken against such companies during the last three years along with other steps proposed/ taken by the Government to check/prohibit the misleading advertisements by the companies selling the said products?

**ANSWER
THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND
FAMILY WELFARE
(SHRI ASHWINI KUMAR CHOUBEY)**

(a) to (e): Advertisements concerning drugs are regulated under the provisions of Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 which is administered by the State Governments.

Section 24 of the Food Safety and Standards Act, 2006 places restriction on misleading advertisements relating to food. Section 52 prescribes penalty for misbranded food and Section 53 of the Act prescribes penalty for such advertisements. Further, Food Safety and Standards Authority of India (FSSAI) has notified the regulations pertaining to Claims and Advertisements by Food Business Operators in respect of their food products.

All advertisements telecast on private satellite TV channels are regulated in accordance with the Advertising Code prescribed in the Cable Television Networks (Regulation) Act, 1995 and rules framed thereunder.

In compliance of provisions of Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 and Drugs & Cosmetics Act, 1940, an advisory was issued by Ministry of Information and Broadcasting on 12.07.2017 in which all TV channels have been advised to advertise only products that have valid license issued by M/o AYUSH or State Drug Licensing Authorities.

The Drugs and Cosmetics Rules, 1945 were amended in 2015 making a provision to the effect that no advertisement of drugs specified in Schedule H, Schedule H1 and Schedule X (i.e. Prescription drugs) shall be made except with the previous sanction of the Central Government. State Licensing Authorities are empowered to take action in case of non-compliance. The sale and distribution of drugs in the country are regulated under the provisions of the Drugs & Cosmetics Act, 1940 and Rules, 1945 thereunder by the State Licensing Authorities (SLAs) through a system of inspection and licensing.

SLAs are legally empowered to take action in case violation of the conditions of license. As and when such complaints are received by Central Drugs Standard Control Organisation (CDSCO) under the Ministry of Health & Family Welfare, the same are forwarded to the respective State Licensing Authorities for taking necessary action.

Further, Advertising Standards Council of India (ASCI), a self-regulatory body of advertisement industry, has set up Consumer Complaints Council to deal with advertising content and decide on complaints against advertisements making misleading, false and unsubstantiated claims.

FSSAI has notified the Food Safety and Standards (Advertising and Claims) Regulation on 19.11.2018. Many claims, listed in various schedules of these regulations with related criteria, are permitted to be made by food business operators without the need for seeking prior approval of FSSAI. However, other types of claims not standardized under these regulations require approval from the Food Authority and should be supported with sound scientific basis. A detailed procedure is prescribed in these regulations for obtaining approval for non-standardised claims.

The details of samples analysed, found not conforming including misleading and misbranded food and action taken during the last three years is enclosed at **annexure**.

Annexure

Statement regarding number of samples of food products examined, found non-confirming including misleading and misbranded food and action taken during the last three years

Year	No. of samples analysed	No. of samples found non-confirming	No. of Civil/ Criminal cases Launched	Convictions	No. of cases in which Penalties imposed /Amount raised
2016-17	78,340	18,325	13,080	1,605	4,757/Rs.17,01,93,266
2017-18	99,353	24,262	15,121	5,198	7,627/Rs.26,35,41,067
2018-19	1,06,459	30,415	21,363	701	12,734/Rs.32,57,78,087