

ANNUAL COMPLAINTS REPORT 2022-23

Analysis of 7928 Ads looked into by the Consumer Complaints Council in FY 2022-23



About The Advertising Standards Council of India

Company History

Established in 1985, The Advertising Standards Council of India (ASCI) is the self-regulatory body of the Indian advertising industry. ASCI resolves issues around

- Dishonest or misleading ads
- Indecent or offensive ads
- Harmful ads
- Ads that are unfair in competition

ASCI looks at advertisements across all media types and formats such as TV, print, digital, outdoor, radio, point of sale, claims made on packaging and so on.

ASCI works closely with different stakeholders in the matter of consumer protection. ASCI's code is part of The Advertising Code enshrined within the Cable TV Networks (Regulation) Act, 1994, providing it with a legal backstop.

Complaints Management

ASCI's speedy, independent, and low-cost complaint management approach ensures that both consumers and the industry have the opportunity for a fair resolution. All stakeholders can register their complaints at no cost via WhatsApp at 77100-12345 or at www.ascionline.in

- ASCI's independent jury (The Consumer Complaints Council or CCC) comprises of 40 eminent professionals, both from the industry and a large majority from the civil society, who review complaints on a weekly basis and provide their recommendations
- Four retired high court judges hear appeals from complainants or advertisers who may wish to contest a CCC recommendation
- Eminent technical experts from over 20 fields support the CCC and the Review Panel
- The AI-enabled online complaints management systems allow for swift and efficient processing of complaints against objectionable advertisements

Advisory Services

With a view to supporting the industry get it right, ASCI offers the 'ADVERTISING ADVICE' (AA) services. ASCI has long-established expertise in the area of advertising depictions, claims and representations, through its extensive panel of advertising and technical experts. ASCI's AA panel comprises of advertising experts and technical experts who are well-qualified and experienced specialists from several disciplines such as Ayurveda, Formulations, Microbiology, Electronics, Market Research, Nutrition, Financial services and so on. Many organisations voluntarily submit their ads at a pre-production stage to ASCI to receive non-binding advice on whether the ads potentially violates any ASCI code. Small changes at the production stage can save a lot of hassle later. The advisory services provided by ASCI are not binding on the advertiser or its independent jury - the CCC.

ASCI also offers an *Endorser Due Diligence* service to help endorsers meet their obligations of ensuring that the ads they feature in do not make misleading claims and potentially violate the law.

Training and Education

ASCI believes that focusing on the preventive footprint will allow for a more robust and responsible advertising ecosystem. ASCI has already introduced some programs that are aimed at raising standards of advertising through education, awareness and research, for eg., the in-depth *research and insight reports, faculty development programs, student workshops* as well as the *ASCI Corporate Masterclasses*, are some of the initiatives that have been already well established and well received by the industry.



Complaint Highlights - 22-23

75% of violative ads spotted on Digital media raising concerns about the online safety of consumers

7928 ads scrutinised by ASCI, 2x increase over 2 years, 88% taken up suo-motu

Gaming pips education to be the largest violator (15%), also least compliant (46%)

Healthcare, personal care, crypto other key violative sectors

Celebrities continue to mislead consumers- an 803% increase in ads processed against celebrities (503 ads)

1 in every 4 ads processed by ASCI had an influencer violation

Useful links:

List of violators - <https://bit.ly/ListofViolators22-23>

List of ads in non-compliance - <https://bit.ly/NonCompliantAds22-23>

List of celebrity non-compliance - <https://bit.ly/NonCompliantCelebrities22-23>

List of influencer non-compliance - <https://bit.ly/NonCompliantInfluencers-22-23>

Overview

According to the EY and FICCI 2023 report on India's Media and Entertainment sector, advertising outperformed the Indian GDP growth. At INR 1,049 billion, advertising exceeded the INR 1 trillion benchmark for the first time. In 2022, when India's nominal GDP grew 15%, advertising recovered 19%. It is now 0.4% of India's GDP, much lower than developed large markets like the US, Japan, and China, which are all between 0.6% and 1%. Digital advertising grew 30% to reach INR 499 billion, or 48% of total advertising revenues in comparison to Print and TV advertising which grew by 13% and 2% respectively.

Real Money Gaming takes the top spot in problematic ads



Gaming has tipped over education which has been the top violating sector at ASCI for the past few years and moved from fifth to first position.

ASCI launched the Guidelines for Real Money Gaming Ads in December 2021, keeping in mind the extent and seriousness of harm it could bring upon consumers considering the financial risk involved.

92% of ads missed adding the required disclaimer that informs consumers of the financial and addiction risks.

Real Money Gaming is also recorded as the most non-compliant sector for Yr 22-23. Over 50% of the ads that required modification have not complied with the Consumer Complaints Council recommendations and have been forwarded to relevant regulatory authorities for further action in accordance with the laws for consumer protection.

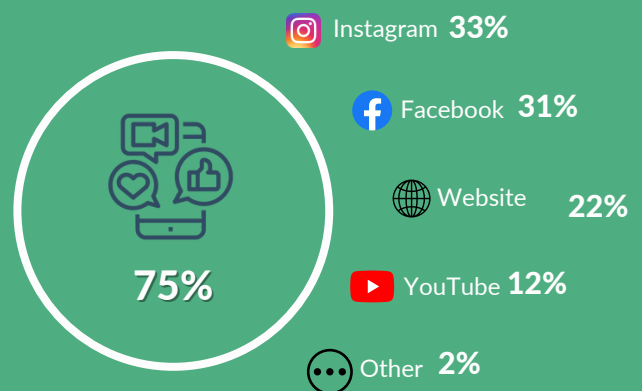
In 97% of cases, celebrities fail to provide evidence of due-diligence that is required by law



In spite of the Consumer Protection Act now legally requiring celebrities to do their due diligence when they appear in ads, in 97% of cases processed by ASCI featuring celebrities, they failed to provide any evidence of due-diligence.

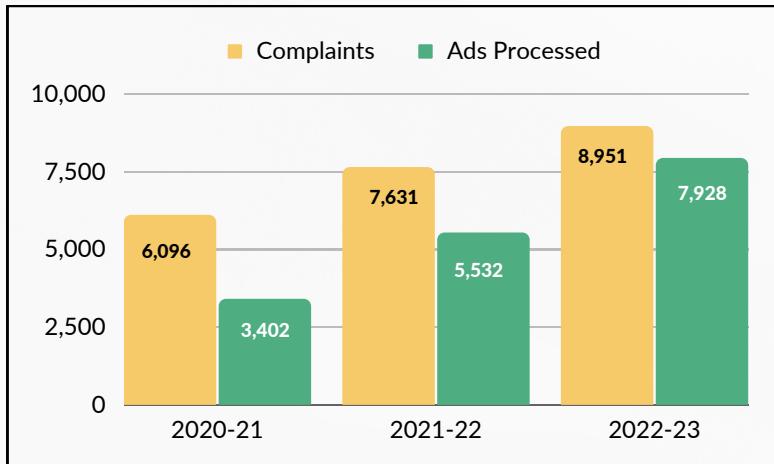
ASCI witnessed a massive rise in the number of complaints featuring celebrities in the year 2022-23. 503 ads featuring celebrities were processed as opposed to 55 ads the previous year.

Online safety of consumers a key concern- ASCI's suo-motu scrutiny of digital media throws up a high number of violations, compliance lower than TV/ Print

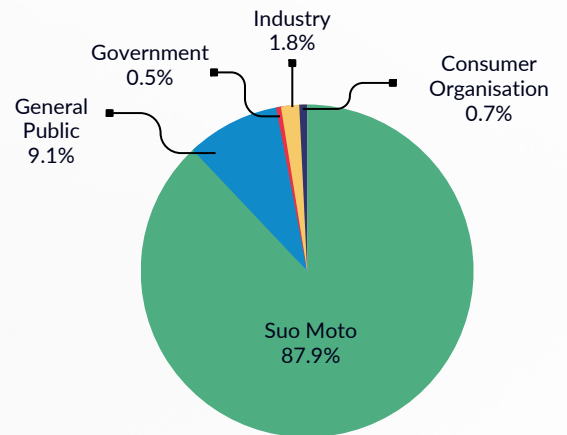


The high volume of ads, low campaign durations, and proliferation of formats on digital make it a challenge to regulate. ASCI's AI-based tracking has made it possible to ramp up our digital scrutiny to make an impact.

Complaints snapshot

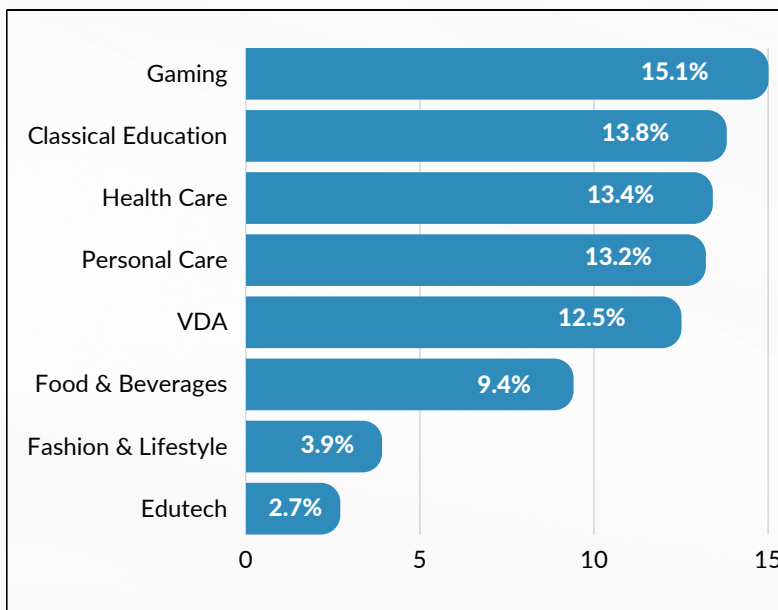


Complaints source



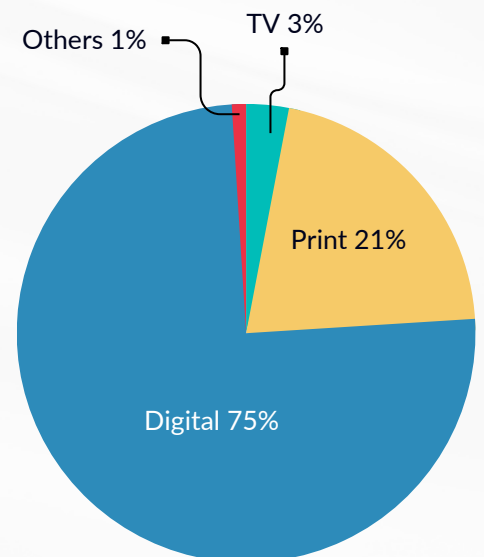
Base: Total ads processed: 7928

Top violative categories



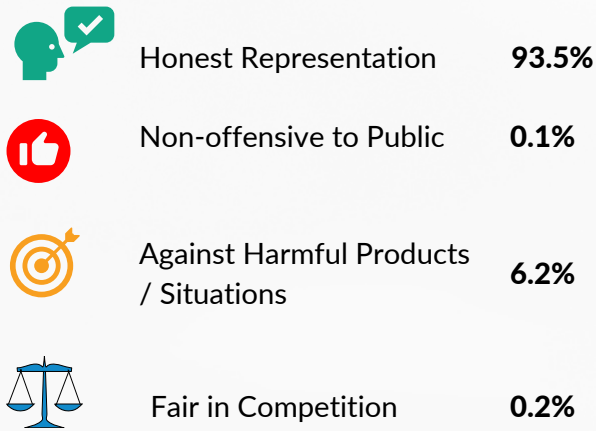
Base: Total ads that required modification: 7581

Media wise split



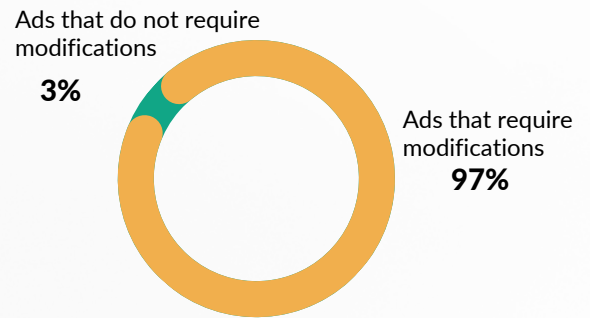
Base: Total ads processed: 7928

Chapter-wise violations



*Base: 7928 (count of ads may total to higher number because few ads violated multiple chapters)

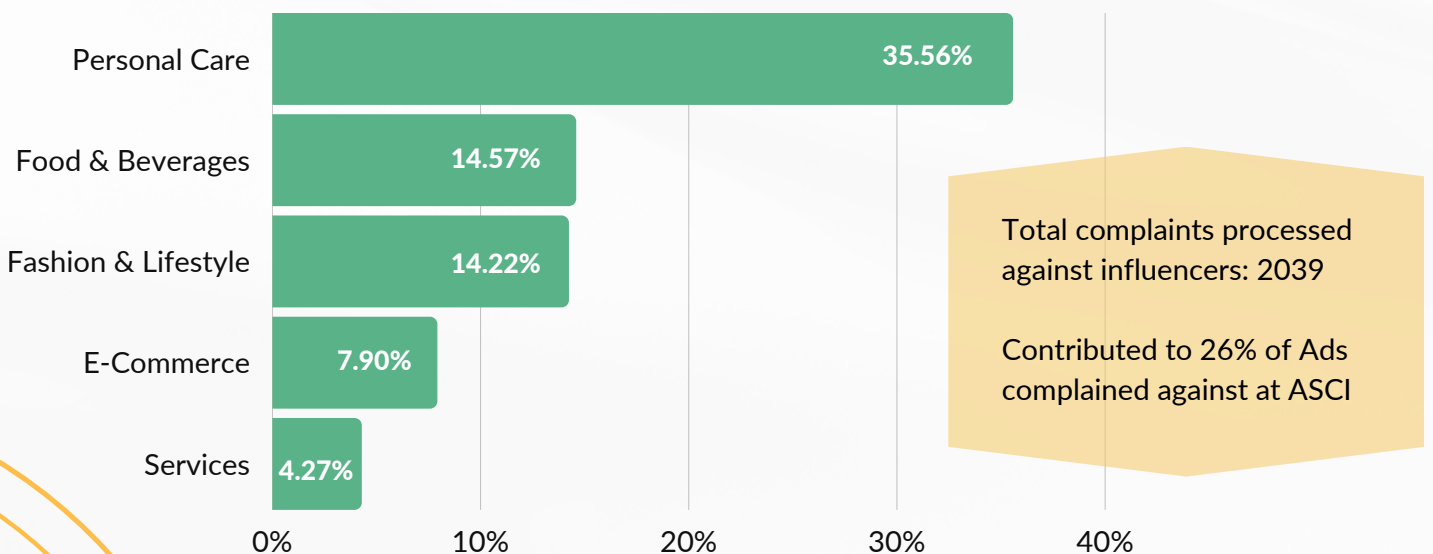
Complaint outcomes



For total ads processed: 7928

Overall voluntary compliance: 81%.
Compliance in Print and TV remains high at 94%.

Influencer violations - Top 5 categories



Total complaints processed against influencers: 2039

Contributed to 26% of Ads complained against at ASCI

Complaint FAQs

Who can complain against an advertisement to ASCI?

ASCI accepts complaints from everybody. A complainant can be a member of:

- The General Public
- The Industry
- Consumer Organisations
- Government

What information do I have to provide in order to register a complaint?

In order to successfully register a complaint with ASCI, the following information is required:

- The name of the advertiser or brand
- The time, date and medium in which the ad appeared
- The name of the product or service that was being advertised
- A copy of the ad or a brief description of it.
- Your specific objections including any specific claims/visual frames you have an objection to and the reasons.
- Your name and contact details (we keep this information confidential if you are a member of the public, and this information is only used for ASCI's communication with you)

How long does it take for a decision on a complaint to be taken?

The time to take a decision on a complaint varies depending on the nature of the case. The average lead time for a non-technical case is 15 working days from the date of receipt of a complaint complete in all respects. In cases that need investigation by technical experts, most cases at ASCI reach a resolution within 8-10 weeks.

What kind of complaints does ASCI handle?

You can complain to ASCI when you come across an advertisement that is

- misleading or untruthful
- indecent or vulgar
- unsafe or can cause physical or societal harm
- unfair to other products or brands

What kind of complaints against ads does ASCI NOT handle?

ASCI self-regulates the CONTENT of advertising for the advertising industry. Even though the following relate to ads, these are NOT covered by the ASCI code and hence we cannot process complaints related to the following:

- Duration/frequency/volume of advertisements
- Product or service deficiency cases
- Fraud cases
- Refund issues
- Counterfeit products
- Issues with content of programme
- Network quality issues
- Political, non-commercial government advertising
- Violation of law, for eg. emblems and names (Prevention of Improper Use) Act, 1950; Prevention of Cruelty to Animals Act]
- Direct liquor/tobacco advertising
- Violation of code of medical ethics
- Pop-up stores
- Spam emails
- Unsolicited SMS
- Sub-judice cases
- Advertisements not meant for Indian audiences (cross-border complaints)
- Pricing issues
- Public notice, news articles and press releases
- Sponsorships

Does ASCI publish details of recommendations made by the Consumer Complaints Council (CCC)?

Yes, the independent Consumer Complaints Council (CCC) recommendations are published on our website once the complaint is resolved/closed.



402/A, Aurus Chambers, S.S. Amrutwar Marg, Worli, Mumbai 400 013

022 24955076 / 77 | E-mail: contact@ascionline.in | Website: www.ascionline.in

Whatsapp Complaints on 7710012345