THE CODE FOR SELF-REGULATION OF ADVERTISING CONTENT IN INDIA

ASCI

The Advertising Standards Council of India

THE ASCI PLEDGE
TO ADVERTISE WITH A CONSCIENCE

To my organisation, business associates, industry, and to society at large, I pledge:

To ensure Honesty, Truthfulness and Decency in advertising, Non-exploitation of vulnerable sections of society, especially children, and Fairness in Competition.

I commit myself to Advertising with a conscience.

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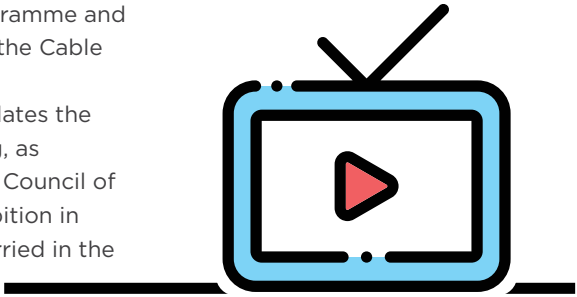
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ASCI'S RECOGNITIONS

Important provisions of the Acts of Government Of India & Recognition of ASCI Code by Key Stakeholders:

The ASCI Code is appended in the Cable Television Networks Rules, 1994, Programme and Advertising Codes, prescribed under the Cable Television Network Rules, 1994
Rule: 7 - 'No advertisement which violates the Code for self-regulation in advertising, as adopted by the Advertising Standard Council of India (ASCI), Mumbai, for public exhibition in India, from time to time, shall be carried in the cable service.'



दूरदर्शन
सत्यम् शिवम् सुन्दरम्

Codes of Advertising issued by Doordarshan acknowledge ASCI Codes. (Ref. Page 2, Item No.: 14)

JAGO GRAHAK JAGO

The Department of Consumer Affairs (DoCA) had partnered with ASCI to address all complaints pertaining to misleading advertisements received on Grievances Against Misleading Advertisements (GAMA) portal. (Ref.gama.gov.in)

आकाशवाणी

The ASCI Code is appended in the advertising guideline by All India Radio. (Ref. Item No.: 13)

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ASCI'S RECOGNITIONS

Important provisions of the Acts of Government Of India & Recognition of ASCI Code by Key Stakeholders:

The Food Safety and Standards Authority of India, through an MoU, had partnered with ASCI to address misleading advertisements in the Food & Beverages sector, April 2016. (Ref. fssai.gov.in)

Ministry of AYUSH, through an MoU, has partnered with ASCI to co-regulate misleading advertisements in the AYUSH sector, January 2017. (Ref. ayush.gov.in)

ASCI was a member of the Steering Committee formed by the Central Government to look into violations of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (Ref. Ministry of Health and Family Welfare Notification dated, 9th June 2010, G.S.R. 489 (E))



The Drug Controller General of India (DCGI) recognised self-regulation in advertising through ASCI's Code, 2006.

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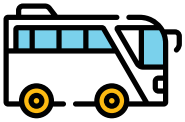
ASCI'S RECOGNITIONS

Important provisions of the Acts of Government Of India & Recognition of ASCI Code by Key Stakeholders:

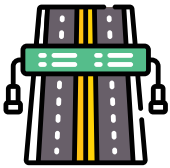


Insurance Regulatory and Development Authority Act mentions adherence for insurance companies to ASCI Codes. Ref. Item No.: 12 - Adherence to advertisement code — Every insurer or intermediary shall follow recognised standards of professional conduct as prescribed by the Advertisement Standards Council of India (ASCI), and discharge its functions in the interest of the policyholders.

Appended in the Maharashtra Directorate of Technical Education (DTE) Act
Ref. Item 13 - Every educational institution shall follow the self—imposed discipline required under the Advertising Standards Council of India Code for self-regulation in advertising.



Transport Department, Government of NCT, Delhi has recognised the ASCI Code.
Ref. Clause 2.3 - All advertisements must comply with the code of advertising practice issued by the Advertising Standards Council of India.



ASCI is a part of a committee constituted by NATIONAL HIGHWAYS AUTHORITY OF INDIA (NHAI) along with NCERT, SCERT to regulate the content of automobile advertisements.

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ASCI'S RECOGNITIONS

Important provisions of the Acts of Government Of India & Recognition of ASCI Code by Key Stakeholders:

The Supreme Court of India (SC), in its judgement dated, 12th January 2017, titled "Common Cause (A Regd. Society) vs. Union of India of India and ORS", affirmed and recognised the self-regulatory mechanism put in place for advertising content by ASCI. (Ref. Supreme Court of India order dated, 12th January 2017)

The Supreme Court Committee on Road Safety decided that ASCI and the Society of Indian Automobile Manufacturing (SIAM) will work out a mechanism to telecast only advertisements conforming to road safety. The Committee also complimented ASCI on the launch of their WhatsApp number for registration of complaints by consumers, and requested Director (Road Safety), Ministry of Road, Transport and Highway to publicise this number to increase awareness in the public.

ASCI's Code of Self-Regulation in Advertising is appended in the Press Council of India's Norms of Journalistic Conduct 2010 Edition. (Ref. Page 60, Appendix II)

The ASCI Code is appended in Indian Broadcasting Foundation's Self-Regulatory Guidelines for non-news and current affairs programme.
Ref. Page 19, Item No. 4 - As per the Cable TV Networks (Regulation) Act, all complaints related to advertisements shall be regulated by Advertising Standards Council of India (ASCI).

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KEY REGULATORY STAKEHOLDERS FOR ASCI

JAGO GRAHAK JAGO

Department Of Consumer Affairs
(Ministry of Consumer Affairs, Food & Public Distribution)
Government of India

Ministry of Information and Broadcasting

भारतीय प्रेस परिषद
PRESS COUNCIL OF INDIA

fssai

Since 1st July, 2021

THE INDIAN INSTITUTE OF PUBLIC ADMINISTRATION

CERC
SINCE 1978

FICCI

CONSUMER ONLINE FOUNDATION

cpc

National Apex Committee for Stem Cell Research and Therapy

Ministry of Health & Family Welfare
Government of India

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KEY REGULATORY STAKEHOLDERS FOR ASCI

सत्यमेव जयते
Ministry of Information and Broadcasting

उपभोक्ता मामले विभाग
DEPARTMENT OF
CONSUMER AFFAIRS

Since 23rd August, 2019

DEFENCE R&D ORGANISATION
MINISTRY OF DEFENCE

सत्यमेव जयते
Ministry of women and child development

भारत सरकार
GOVERNMENT OF INDIA
विधि एवं न्याय मंत्रालय
MINISTRY OF LAW & JUSTICE

सत्यमेव जयते
Ministry of Health & Family Welfare
Government of India

Ministry of Home Affairs
सत्यमेव जयते

भारत सरकार
GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
(MEA)

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INTRODUCTION TO ASCI

The Advertising Standards Council of India (ASCI), established in 1985, is committed to the cause of self-regulation in advertising, ensuring the protection of the interests of consumers. ASCI seeks to ensure that advertisements conform to its Code for Self-Regulation, which requires advertisements to be legal, decent, honest and truthful, and not hazardous or harmful, while observing fairness in competition.

ASCI is a voluntary self-regulation council, registered as a not-for-profit company under Section 25 of the Indian Companies Act. The sponsors of ASCI, who are its principal members, are firms of considerable repute within the Industry in India, and comprise of advertisers, media, advertising agencies and other professional / ancillary services connected with advertising practices. ASCI is not a government body, nor does it formulate rules for the public or relevant industries.

THE CODE FOR SELF-REGULATION IN ADVERTISING

PURPOSE

The purpose of the Code is to control the content of advertisements, not to hamper the sale of products which may be found offensive, for whatever reason, by some people. Provided, therefore, that advertisements for such products are not themselves offensive, there will normally be no ground for objection to them in terms of this Code.

DECLARATION OF FUNDAMENTAL PRINCIPLES

This Code for Self-Regulation has been drawn up by people in professions and industries in, or connected with, advertising, in consultation with representatives of people affected by advertising. It has been accepted by individuals, corporate bodies and associations engaged in, or otherwise concerned with, the practice of advertising, with the following as basic guidelines, and with a view to achieve the acceptance of fair advertising practices in the best interest of the ultimate consumer:



To ensure the truthfulness and honesty of representations and claims made by advertisements, and to safeguard against misleading advertisements.



To ensure that advertisements are not offensive to generally accepted standards of public decency.



To safeguard against the indiscriminate use of advertising for the promotion of products, which are regarded as hazardous to society or to individuals to a degree, or of a type which is unacceptable to society at large.



To ensure that advertisements observe fairness in competition so that the consumer's need to be informed of choices in the marketplace and the canons of generally accepted competitive behavior in business is both served.

The Code's rules form the basis for judgement whenever there may be conflicting views about the acceptability of an advertisement, whether it is challenged from within or from outside the advertising business. Both the general public and an advertiser's competitors have an equal right to expect the content of advertisements to be presented fairly, intelligibly and responsibly. The Code applies to advertisers, advertising agencies and media.

RESPONSIBILITY FOR THE OBSERVANCE OF THIS CODE

The responsibility for the observance of this Code for Self-Regulation in Advertising lies with all who commission, create, place or publish any advertisement, or assist in the creation or publishing of any advertisement. All advertisers, advertising agencies and media are expected not to commission, create, place or publish any advertisement which is in contravention of this Code. This is a self-imposed discipline required under this Code for Self-Regulation in Advertising from all involved in the commissioning, creation, placement or publishing of advertisements.

This Code applies to advertisements read, heard or viewed in India even if they originate, or are published abroad, as long as they are directed to consumers in India or are exposed to significant number of consumers in India.

THE CODE AND THE LAW

The Code's rule are not the only ones to affect advertising.

There are many provisions, both in the common law and in the statutes, which can determine the form or the content of an advertisement.

The Code is not in competition with law. Its rules, and the machinery through which they are enforced, are designed to complement legal controls, not to usurp or replace them.

"The Code for self-regulation in advertising has been recognised by the Ministry of Information and Broadcasting, Government of India by inserting Rule 7(9) in the Cable Television Networks Rules, 1994 framed under Cable Television Networks (Regulation) Act, 1995."

Rule 7(9) substituted by G.S.R. 459(E), dated 2-8-2006 provides that 'No advertisement which violates the Code for self-regulation in advertising, as adopted by the Advertising Standards Council of India (ASCI), Mumbai for public exhibition in India, from time to time, shall be carried in the cable service.'

DEFINITIONS

DEFINITIONS

For the purpose of this Code:

- An advertisement is defined as a paid-for communication, addressed to the public or a section of it, the purpose of which is to promote, directly or indirectly, the sale or use of goods and services to whom it is addressed. Any communication which in the normal course may or may not be recognised as advertisement by the general public, but is paid for, or owned or authorised by the advertiser or their advertising agency would be included in the definition.
- A product is anything which forms the subject of an advertisement, and includes goods, services and facilities.
- A consumer is any person or corporate body who is likely to be reached by an advertisement, whether as an ultimate consumer, in the way of trade, or otherwise.
- An advertiser is anybody, including an individual or partnership or corporate body or association, on whose brief the advertisement is designed, and on whose account the advertisement is released.
- An advertising agency includes all individuals, partnerships, corporate bodies or associations, who or which work for planning, research, creation or placement of advertisements, or the creation of material for advertisements for advertisers, or for other advertising agencies.
- Media owners are organisations or individuals in effective control of the management of media, or their agents. Media are any means used for the propagation of advertisements and include press, cinema, radio, television, hoardings, hard bills, direct mail, posters, internet, digital etc.
- Children are defined as persons who are below the age of 12 years
- Any written or graphic matter on packaging, whether unitary or bulk, or contained in it, is subject to this Code in the same manner as any advertisement in any other medium.
- To publish is to carry the advertisement in any media, whether by printing, exhibiting, broadcasting, displaying, distributing, etc.

STANDARDS OF CONDUCT

Advertising is an important and legitimate means for the seller to awaken interest in his products. The success of advertising depends on public confidence. Hence, no practice should be permitted which tends to impair this confidence. The standards laid down here should be taken as minimum standards of acceptability which would be liable to be reviewed from time to time in relation to the prevailing norm of consumers' susceptibilities.


THE CODE

CHAPTER - I

TRUTHFUL & HONEST REPRESENTATION

To ensure truthfulness and honesty of representations and claims made by advertisements, and to safeguard against misleading advertisements

1.1. Advertisements must be truthful. All descriptions, claims and comparisons, which relate to matters of objectively ascertainable fact, should be capable of substantiation. Advertisers and advertising agencies are required to produce such substantiation as and when called upon to do so by The Advertising Standards Council of India.

1.2. Where advertising claims are expressly stated to be based on, or supported by independent research or assessment, its source and date should be indicated in the advertisement.

1.3. Advertisements shall not, without permission from the person, firm or institution under reference, contain any reference to such person, firm or institution, which confers an unjustified advantage on the product advertised or tends to bring the person, firm or institution into ridicule or disrepute. If and when required to do so by The Advertising Standards Council of India, the advertiser and the advertising agency shall produce explicit permission from the person, firm or institution to which reference is made in the advertisement.

1.4. Advertisements shall neither distort facts nor mislead the consumer by means of implications or omissions. Advertisements shall not contain statements or visual presentation, which directly, or by implication or by omission or by ambiguity or by exaggeration, are likely to mislead the consumer about the product advertised or the advertiser, or about any other product or advertiser.

1.5. Advertisements shall not be so framed as to abuse the trust of consumers, or exploit their lack of experience or knowledge. No advertisement shall be permitted to contain any claim so exaggerated as to lead to grave or widespread disappointment in the minds of consumers.

For example:

(a) Products shall not be described as `free' where there is any direct cost to the consumer other than the actual cost of any delivery, freight, or postage. Where such costs are payable by the consumer, a clear statement that this is the case shall be made in the advertisement.

(b) Where a claim is made that if one product is purchased, another product will be provided `free', the advertiser is required to show, as and when called upon by The Advertising Standards Council of India, that the price paid by the consumer for the product which is offered for purchase with the advertised incentive is no more than the prevailing price of the product without the advertised incentive.

(c) Claims which use expressions such as "up to five years guarantee" or "Prices from as low as Rs. Y" are not acceptable if there is a likelihood of the consumer being misled, either as to the extent of the availability, or as to the applicability of the benefits offered.

(d) Special care and restraint has to be exercised in advertisements addressed to those suffering from weakness, any real or perceived inadequacy of any physical attributes such as height or bust development, obesity, illness, impotence, infertility, baldness and the like, to ensure that claims or representations, directly or by implication, do not exceed what is considered prudent by generally accepted standards of medical practice and the actual efficacy of the product.

(e) Advertisements inviting the public to invest money shall not contain statements which may mislead the consumer in respect of the security offered, rates of return or terms of amortisation; where any of the foregoing elements are contingent upon the continuance of, or change in existing conditions, or any other assumptions, such conditions or assumptions must be clearly indicated in the advertisement.

(f) Advertisements inviting the public to take part in lotteries or prize competitions permitted under law, or which hold out the prospect of gifts, shall state clearly all material conditions as to enable the consumer to obtain a true and fair view of their prospects in such activities. Further, such advertisers shall make adequate provisions for the judging of such competitions, announcement of the results and the fair distribution of prizes or gifts according

to the advertised terms and conditions within a reasonable period of time. With regard to the announcement of results, it is clarified that the advertiser's responsibility under this section of the Code is discharged adequately if the advertiser and results in the media used to announce the competition, as far as is practicable and advises the individual winners by post.

1.6. Obvious untruths or exaggerations intended to amuse or to catch the eye of the consumer are permissible, provided that they are clearly to be seen as humorous or hyperbolic, and not likely to be understood as making literal or misleading claims for the advertised product.

1.7. In mass manufacturing and distribution of goods and services it is possible that there may be an occasional and unintentional lapse in the fulfilment of an advertised promise or claim. Such occasional and unintentional lapses may not invalidate the advertisement in terms of this Code. In judging such issues, due regard shall be given to the following:

(a) Whether the claim or promise is capable of fulfilment by a typical specimen of the product advertised.

(b) Whether the proportion of product failures is within generally acceptable limits.

(c) Whether the advertiser has taken prompt action to make good the deficiency to the consumer.

CHAPTER - II

NON-OFFENSIVE TO PUBLIC

To ensure that advertisements are not offensive to generally accepted standards of public decency.

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

CHAPTER - III

AGAINST HARMFUL PRODUCTS / SITUATIONS

To safeguard against the indiscriminate use of advertising in situations or of the promotion of products which are regarded as hazardous or harmful to society or to individuals, particularly children, to a degree, or of a type which is unacceptable to society at large.

3.1. No advertisement shall be permitted which:

(a) Tends to incite people to crime or to promote disorder and violence or intolerance.

(b) Derides any individual or groups on the basis of race, caste, colour, religion, gender, body shape, age, sexual orientation, gender identity, physical or mental conditions, or nationality.

(c) Presents criminality as desirable, or directly or indirectly encourages people - particularly children - to emulate it, or conveys the modus operandi of any crime.

(d) Adversely affects friendly relations with a foreign State.

3.2. Advertisements addressed to children shall not contain anything, whether in illustration or otherwise, which might result in their physical, mental or moral harm, or which exploits their vulnerability.

For example, advertisements:

(a) Should not encourage children to enter strange places or converse with strangers in an effort to collect coupons, wrappers, labels, or the like.

(b) Should not feature dangerous or hazardous acts which are likely to encourage children to emulate such acts in a manner which could cause harm or injury.

(c) Should not show children using or playing with matches or any inflammable or explosive substance; or playing with, or using sharp knives, guns or mechanical or electrical appliances, the careless use of which could lead to their suffering cuts, burns, shocks or other injury.

(d) Should not feature children for tobacco or alcohol-based products.

(e) Should not feature personalities from the field of sports and entertainment for products which, by law, require a health warning such as "..... is injurious to health" in their advertising or packaging.

3.3. Advertisements shall not, without justifiable reason, show or refer to dangerous practices, or manifest a disregard for safety, or encourage negligence.

3.4. Advertisements should contain nothing which is in breach of the law, nor omit anything which the law requires.

3.5. Advertisements shall not propagate products, the use of which is banned under the law.

3.6. Advertisements for products whose advertising is prohibited or restricted by law or by this Code must not circumvent such restrictions by purporting to be advertisements for other products, the advertising of which is not prohibited or restricted by law, or by this Code. In judging whether or not any particular advertisement is an indirect advertisement for a product whose advertising is restricted or prohibited, due attention shall be paid to the following:

(a) Whether the unrestricted product, which is purportedly sought to be promoted through the advertisement under the complaint, is produced and distributed in reasonable quantities, having regard to the scale of the advertising in question, the media used and the markets targeted.

(b) Whether there exist in the advertisement under complaint, any direct or indirect clues or cues which could suggest to consumers that it is a direct or indirect advertisement for the product whose advertising is restricted or prohibited by law or by this Code.

(c) Where advertising is necessary, the mere use of a brand name or company name that may also be applied to a product whose advertising is restricted or prohibited, is not a reason to find the advertisement objectionable, provided the advertisement is not objectionable in terms of (a) and (b) above.

CHAPTER - IV

FAIR IN COMPETITION

To ensure that advertisements observe fairness in competition such that the consumer's need to be informed on choice in the marketplace and the canons of generally accepted competitive behavior in business are both served.

4.1. Advertisements containing comparisons with other manufacturers or suppliers, or with other products, including those where a competitor is named, are permissible in the interests of vigorous competition and public enlightenment, provided:

(a) It is clear what aspects of the advertiser's product are being compared with what aspects of the competitor's product.

(b) The subject matter of comparison is not chosen in such a way as to confer an artificial advantage upon the advertiser or so as to suggest that a better bargain is offered than is truly the case.

(c) The comparisons are factual, accurate and capable of substantiation.

(d) There is no likelihood of the consumer being misled as a result of the comparison, whether about the product advertised or that with which it is compared.

(e) The advertisement does not unfairly denigrate, attack or discredit other products, advertisers or advertisements directly or by implication.

4.2. Advertisements shall not make unjustifiable use of the name or initials of any other firm, company or institution, nor take unfair advantage of the goodwill attached to the trademark or symbol of another firm, its product or the goodwill acquired by its advertising campaign.

4.3. Advertisements shall not be similar to any other advertiser's earlier run advertisements in general layout, copy, slogans, visual presentations, music or sound effects, so as to suggest plagiarism.

4.4. As regards matters covered by sections 2 and 3 above, complaints of plagiarism of advertisements released earlier abroad will lie outside the scope of this Code, except in the under-mentioned circumstances:

(a) The complaint is lodged within 12 months of the first general circulation of the advertisements/campaign complained against.

(b) The complainant provides substantiation regarding the claim of prior invention/usage abroad.

Chairman,
Board of Governors, ASCI
April 21st, 2022



GUIDELINES

SELF-REGULATION GUIDELINES FOR ADVERTISEMENTS DEPICTING AUTOMOTIVE VEHICLES

Preamble

Advertisements have a significant influence on people's behaviour. As such, advertisers are encouraged to depict advertisements in a manner which promotes safe practices, e.g., wearing of helmets and fastening of seat belts, not using mobiles/cell phones when driving, etc.

Guidelines

Specifically, advertisements should not:

a) Portray violation of traffic rules.

b) Show speed maneuverability in a manner which encourages unsafe or reckless driving, which could harm the driver, passengers and/or the general public.

c) Show stunts or actions, which require professional driving skills, in normal traffic conditions, which in any case should carry a readable cautionary message drawing viewer attention to the depiction of stunts.

Chairman
Board of Governors, ASCI
April 1st 2008

GUIDELINES FOR QUALIFICATION OF BRAND EXTENSION-PRODUCT OR SERVICE

In order to evaluate the genuineness of an unrestricted product, or service brand extension of a product (e.g., liquor and tobacco) whose advertising is prohibited by law, The Advertising Standards Council of India (ASCI) has decided the following objective criteria to be used to qualify a correct brand extension product or service (see Chapter III Clause 3.6 (a) of ASCI code):

1. Brand extension product or service should be registered with appropriate Government authority e.g., GST/FDA/FSSAI/TM etc.

A) For a brand that is present in the market for >2 years, the following criteria would apply

I. Sales turnover of the product or service should exceed Rs. 5 crore per annum nationally, or Rs 1 crore per annum per state, where distribution has been established.

II. A valid certificate from an independent organisation such as NielsenIQ or category - specific industry association, or an independent and reputed CA firm would be required to prove the concerned criteria.

B) Brand extensions which have been launched in the market, but have not yet completed two years must meet any one of the following criteria:

I. Achieve a net sales turnover of Rs. 20 lakhs per month from launch. Such sales should not be to a subsidiary or sister concern.

II. Demonstrate fixed asset investments which are exclusive to the advertised brand extension of not less than Rs. 10 crore. Such assets could be land, machines, factory, software, etc., in case the product is being manufactured/ developed by the advertiser. No advertising related expense should be part of such investments.

III. In case the manufacturing/procurement of such brand extensions is being outsourced, then evidence may include board resolutions and purchase orders for long term (> 1 year) contracts with service providers/manufacturing entities, stating their capacities, and contracted volumes/Rupee value, which clearly demonstrate the possibility of achieving the turnover as laid out in criteria 2B (I).

IV. Give evidence of turnover greater than 10% of the turnover of the same brand in the restricted category (including sub brands in the restricted category).

All the above evidence should be certified by a reputed and independent CA firm.

Irrespective of the length of time the brand has been in the market, date of launch would be considered as date of the first invoice for sale for the said brand extension.

If a brand extension cannot meet the qualification criteria, for the purpose of the ASCI code it would not be considered a genuine brand extension, but rather a surrogate created to advertise a restricted category.

Chairman,
Board of Governors, ASCI
July 15th 2021

SELF-REGULATION GUIDELINES ON ADVERTISING OF FOODS & BEVERAGES (F&B)

Preamble

Communication and advertisements related to F&B can have significant impact on the lives of the public in general, and their physical and material well-being in particular. It is therefore imperative that F&B advertisements fulfil their intended roles, and advertisers adopt strict principles of self-regulation, and not mislead the general public in any manner detrimental to well-being. Caution and care should be observed in advertising of F&B, especially ones containing relatively High Fat, Sugar and Salt (HFSS). Recognising the need to promote high standards of business ethics, to ensure commercial communications to consumers are responsible and the need to provide honest and truthful information about food and beverage products are met, the following guidelines are issued.

Guidelines

1) Advertisements should not be misleading or deceptive. Specifically, advertisements should not mislead consumers to believe that consumption of product advertised will result directly in personal changes in intelligence, physical ability or exceptional recognition. Such claims, if made in advertisements, should be supported and substantiated with evidence and with adequate scientific basis.

2) Advertisements that include what consumer, acting reasonably, might interpret as health or nutritional claims, shall be supported by appropriate scientific evidence and meeting the requirement of basic food standards laid down under the Food Safety Standards Act and Rules, wherever applicable.

3) Advertisements should not disparage good dietary practice or the selection of options, such as fresh fruits and vegetables that accepted dietary opinion recommends should form part of the normal diet.

4) Advertisements should not encourage over or excessive consumption or show inappropriately large portions of any food or beverage. It should reflect moderation in consumption and show portion sizes appropriate to the occasion or situation.

5) Advertisements should also not undermine the importance of healthy lifestyles or mislead as to the nutritive value of the food or beverage.

6) Advertisement should not undermine the role of parental care and guidance in ensuring proper food choices are made by children.

7) Advertisements for food or beverages, unless nutritionally designed as such, should not be promoted or portrayed as a meal replacement.

8) Claims in advertisements should not be inconsistent with information on the label or packaging of the food or beverage.

9) Advertisement for food and beverages should not claim or imply endorsement by any government agency, professional body, and independent agency or individual in a particular profession in India, unless there is prior consent, the claim is current, the endorsement is verifiable, and the agency body is named.

Chairman
Board of Governors, ASCI
February 1st 2013

ASCI GUIDELINES FOR ADVERTISING OF EDUCATIONAL INSTITUTIONS, PROGRAMMES AND PLATFORMS

Preamble

Educational institutions such as universities, colleges, schools, coaching classes, Edtech platforms etc., which offer education and training programmes, play a vital role in building the intellectual capital of India. Parents place a very high value on the education of their children and are known to make great personal sacrifices to enable their children get the right education. Unlike a tangible product, where it is frequently possible to judge the value of what is being offered by inspection and demonstration, in the field of education and training, the value of a programme is judged mainly by means such as degrees, diplomas and other qualification nomenclatures, recognition, affiliations, testimonials, accreditations, admissions/job/compensation promises – of which, the variety being advertised are many.

The advertising of these products and services can have an impact on the minds of growing children and vulnerable parents. Therefore, in addition to being truthful and honest, and complying with Chapter I of the ASCI code that requires ads to be honest, ads must also consider any harm that can be caused through the depictions or messages. Chapter III of the ASCI Code requires advertisements addressed to children to not contain anything, whether in illustration or otherwise, which might result in their physical, mental or moral harm, or which exploits their vulnerability.

Guidelines

Further to complying with the general rules of ASCI's Code for Self-Regulation in advertising, the advertisements of educational institutions, programmes and platforms shall comply with the following guidelines:

1. The advertisement shall not state or lead the public to believe that an institution or course or programme is official, recognised, authorised, accredited, approved, registered, affiliated, endorsed or has a legally defined situation unless the advertiser is able to substantiate with evidence.

2.(a) An advertisement offering a degree, diploma or certificate, which by law requires to be recognised or approved by an authority shall have the name of that authority specified for that particular field.

2.(b) In case the advertised institution or programme is not recognised or approved by any mandatory authority, but is affiliated with another institution, which is approved or recognised by a mandatory authority, then the full name and location of the said affiliating institution shall also be stated in the advertisement.

2.(c) The name of the affiliating institution, as indicated in 2.(b), shall not be less than 50% of the font size as that of the advertised institution or programme in visual media such as print, internet, hoarding, leaflet, prospectus etc., including television. In audio media such as radio or TV, the name of the affiliating institution (if applicable), must be stated.

3. Advertisement shall not state or lead the public to believe that enrolment in the institution, programme or preparation course or coaching classes will guarantee the student a rank, high marks, temporary or permanent job, admissions to institutions, job promotions, salary increase, etc. unless the advertiser is able to submit substantiation to such effect. In addition, the advertisement must carry a disclaimer stating 'past record is no guarantee of future prospects.' The font size of the disclaimer should not be less than the size of the claim being made in the advertisements.

4. Advertisements shall not make claims with a numerical value of 100% with respect to claims that are abstract and non-quantifiable in nature. For eg: 100% Placement/Job assistance, 100% Job opportunities/Job oriented courses.

5.(a) Advertisements shall not make claims regarding the extent of the passing batch placed, the highest or average compensation of the students placed, enrolment of students, admissions of students to renowned educational institutes, marks and ranking of students passed out, testimonial of topper students, institution's or its programme's competitive ranking, size and qualification of its faculty, affiliation with a foreign institution, institute's infrastructure, etc. unless they are of the latest completed academic year and substantiated with evidence.

5.(b) Advertisement stating the competitive rank of the institution or its programme shall also provide the full name and date of the publication or medium, which released the rankings.

5.(c) Visuals of the infrastructure of any institution shown in an advertisement shall be real and existing at the time of the advertisement's release.

5.(d) Testimonials of toppers in an advertisement shall be from students who have **completed the** testimony programme, exams or subject only from the advertising institute.

5.(e) An advertisement stating the number of passing out students placed for jobs shall also state the total number of students passing out from the placed class.

6. An advertisement may not show **school** students compromising on sleep or meals to study as this normalises unhealthy habits which are detrimental to student health.

7. While an advertisement may show disappointment with low scores, it must not portray an average or poor scorer as an unsuccessful student or a failure, or show him/ her/ them as demotivated, depressed or unhappy, or receiving less love or appreciation from parents, teachers or peers.

8. An advertisement must not create a false sense of urgency or fear of missing out that could accentuate anxieties amongst **school** students, or their parents.

9. While an advertisement may feature students of any gender, the advertisement must not suggest that certain subjects are associated with particular genders alone. Advertisements must also not suggest that students with high scores are always associated with stereotypical characteristics such as wearing thick glasses. This does not prevent advertisements from depicting such students so long as they do not suggest that only these students are successful.

Chairman
Board of Governors, ASCI
March 9th 2023

ASCI GUIDELINES FOR DISCLAIMERS MADE IN SUPPORTING, LIMITING OR EXPLAINING CLAIMS MADE IN ADVERTISEMENTS

Chapter I (4) of the ASCI code states that "Advertisements shall neither distort facts nor mislead the consumer by means of implications or omissions." Therefore it is important that certain claims be appropriately explained to ensure that consumers with average intelligence are not misled, nor deceived by means of implications or omissions. These guidelines are meant to help Advertisers, Agencies and the Media to better understand the rules in the ASCI Code for Self-Regulation in Advertising in so far as they relate to disclaimers used in Advertising.

Guidelines:

1) A Disclaimer can expand or clarify a claim, make qualifications, or resolve ambiguities, to explain the claim in further detail, but should not contradict/modify the material claim made nor contradict the main message conveyed by the advertiser or change the dictionary meaning of the words used in the claim as received or perceived by a consumer.

For Example

- If the claim is to offer a product or service for "free", then the disclaimer should not contradict the claim by seeking some form of payment for the product or service.
- If the claim is for giving "cash back", the disclaimer should not contradict the claim by giving the payback only in kind. However, the disclaimer can explain that "cash back" can be construed to mean virtual wallet or credit to be used as a form of online payment.
- If the claim in the advertisement is for a discount on all products, then the disclaimer should not limit the offer to only a few select products.

2) A disclaimer should not attempt to suppress material information with respect to the claim, the omission / absence of which is likely to make the advertisement deceptive or conceal its commercial intent.

For Example

- A claim of "best food processing equipment in India" should not be disclaimed by stating "for vegetable processing only" or "in major metros only"
- Disclaimer such as "T&C apply" should indicate where this information is available to consumers for further reference.

3) A disclaimer should not attempt to correct a misleading claim made in an Advertisement.

For Example

- 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) Legibility of Disclaimers

a) The aim is to achieve a level of legibility that will enable an interested viewer, who makes some positive effort, to read all the information contained in the disclaimers. The general principles in this section are recommendary in nature to aid Advertisers and the Agencies to better understand the rules provided in the more specific, technical guidance in the sections that follow in order to achieve this aim.

b) TV/ Video advertising is inherently limited by time and space. Viewers can only reasonably be expected to absorb information, if it is conveyed clearly. The use of disclaimer should, therefore, be kept to a minimum. Long or otherwise complex disclaimers with large blocks of text and difficult words are a deterrent to viewers attempting to read the contents of the disclaimer. This defeats the purpose of providing clarity regarding a material claim made in the advertisement and the ASCI may conclude that the advertisement, taken as a whole, does not comply with the Code.

c) In such cases, alternative improvements should be considered by the advertisers, for example:

i) Modification of the headline claim to reduce the need for further qualification through disclaimers.

ii) Removal or modification of words or phrases that are not simple and direct.

iii) Breaking messages down into shorter, more viewer-friendly phrases or sentences.

iv) 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.

v) 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.

vi) Provided for the cases where the disclaimer is lengthy owing to compliance with regulatory requirement or to adhere to ASCI's disclaimer guidelines, the same shall not be considered as an attempt by the advertiser to mislead or deter the legibility of the disclaimer.

Applicability:

The ASCI Guidelines for Disclaimers made in supporting, limiting or explaining claims apply to only disclaimers linked to product claims. Additional information provided in the advertisement which falls within following classification will not be treated as a disclaimer if:

a) Information not related to product claim i.e. if the information is delinked from the product claim or from a disclaimer related to the product claim (for instance, additional information provided in a different line); or

b) Information provided in connection with a legal or regulatory or ASCI code requirement; or

c) Information provided solely for consumer education / awareness

For eg: Claim is ""Product with 'X' removes malodor and kills germs for overall protection".

*Line 1- Tested under lab conditions on representative organisms.

Line 2- Please dispose of plastic packaging material responsibly and segregate plastic wastes from other biodegradable or compostable waste.

In the above illustration, Line 2 is additional information provided by a responsible manufacturer for consumer awareness.

Requirements for the disclaimers also cover the following:

I. A disclaimer shall be in the same language as that of the claim/s of the Advertisement. In case of bilingual advertisements, the disclaimer should be in the dominant language of the advertisement.

II. The font type should be the same as the claim or sans serif for better readability, and NOT in italics.

III. The placement position of disclaimers of a claim on packaging should be in a prominent and visible space and should ideally be on the same panel of the packaging as the claim.

IV. The direction of disclaimers should be along the direction of the majority of the copy, such that no rotation of head or medium would be needed to read it. Preferably, this should be along the natural reading direction of the medium. Exceptions could be for small packs with limited space (e.g., packaging less than 25 ml/gms).

V. For comparative claims, the basis of comparison must be stated in a font size that is at least 25% of the font size of the claim which is being made and positioned in close proximity of the claim i.e. immediately next to or immediately below the claim.

VI. If the claim is presented as a voice over (VO), then the disclaimer should be displayed in sync with the VO.

VII. A disclaimer should be clear, distinct from the background, prominent enough and legible. Disclaimer should be clearly readable to a normally-sighted person reading the marketing communication once, from a reasonable distance and at a reasonable speed.

- i. Text height of the disclaimer in television commercials or videos shall conform to the following:
  1. For standard definition images, the height of the text lower case elements shall be NOT LESS THAN 14 pixels [14 lines] in a 576 line raster.
  2. For high-definition images, the height of the text lower case elements shall be NOT LESS THAN 26 pixels [26 lines] in a 1080 line raster.
  3. For 4K/UHD images/video, the height of the text shall be NOT LESS THAN 57 pixels [57 lines] in a 2160 line raster.
- ii. In print advertising, the font size of disclaimers shall be 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.
- iii. In static medium like hoardings or point-of-sale advertising, disclaimers should have font sizes equivalent to 2.6% of the height of the medium and NOT LESS than 10 points font size. For large hoarding of 400 sq. feet or more, the font size should be NOT LESS than 100 points.

VIII. Visual presentation in terms of contrast and color, an advertiser shall ensure that all disclaimers:

i. Be in a colour that contrasts with the background, such that it allows the text to be clearly legible.

ii. Not be designed in a way such that the text keeps fading in and out of vision. In such cases, it will normally be necessary to place the text on an opaque single-coloured block.

IX. Comprehension - Disclaimers in advertisements should use simple words that are easy to understand and avoid the use of unfamiliar abbreviations or long and complex words that may not be readily understood by a consumer.

X. Hold duration and readability of disclaimer -

A. In television commercials or any other video advertisement on digital media, all disclaimers should be clearly readable to consumers. In a single frame in an advertisement:

i. There should not be more than one disclaimer. Provided, for an advertisement carrying combination claims, interlinked claims or more than 1 claim in a single frame, the disclaimers related to the said claims shall be published in the same frame as the claim.

ii. The disclaimer should be restricted to two full length lines (unless as mentioned in Clause 4(c)(vi)) and remain on screen for AT LEAST 4 seconds for every line

B. Disclaimers that take up more than two full length lines are likely to necessitate higher requirements for both size of text and the duration of hold. Viewers must be given an appropriate length of time to read the same. This part of the guidance outlines a method for establishing the duration of hold in the context of a particular advertisement.

In general, disclaimers should be held for a duration calculated at the rate of 5 words per second. An additional 'recognition period' should be added to the duration of hold calculated.

i. Where the disclaimers concerned contain:

(a) 9 words or fewer, the recognition period is 2 seconds; and

(b) 10 words or more, the recognition period is 3 seconds.

ii. For the purposes of calculating the duration of hold of a disclaimer, **all forms of text appearing on screen at any one point in time should be counted.** This includes both disclaimer text and any text content in the main ad creative

regardless of where on screen it appears and whether or not it is repeated in audio.

An advertiser may either follow the technical specifications of the hold durations or publish the disclaimer for the required duration spanning the entire length of the advertisement.

iii. However, the following information when appearing in an advertisement, will be excluded from being included within the requirement specified under this clause:

- a company name, brand name or logo;
- text that is included for reasons of a purely technical legal nature unrelated to consumer protection or the offer (in practice this will almost always apply only to film and video trailer credits and to copyright disclaimers or the like);
- text that is purely incidental to the advertisement and of such a kind that viewers will be unlikely to believe contains information (e.g., text on packaging where this is not being used to convey any part of the claim or offer); and
- abstract signs such as 'Rs' or '%' or decimal point, in numbers or prices.

iv. Furthermore, the following miscellaneous expressions should usually be counted as one word:

- e-mail addresses;
- internet URLs; and
- common abbreviations.

The factors influencing readability of disclaimers can work in combination to frustrate viewers' attempts to read and understand them. Advertisers are cautioned that the ASCI will consider the factors individually and cumulatively when investigating complaints.

XI. Speed for audio disclaimer - In advertisements in Radio / TV / Internet etc., the speed of spoken disclaimers should not exceed 6 syllables per second and its volume should be at the same volume level as the rest of the audio.

Chairman
Board of Governors, ASCI
July 13th 2023

VALIDITY & DURATION OF CLAIMING NEW/IMPROVED

	DEFINITION	PERIOD OVER WHICH CAN BE CLAIMED
New	The words "new" or "improved" must specify what aspect of the product/service is new or improved- viz the product's utility, function, product design, package design, etc.	The word "new", "improved" or an 'improvement' of a product may be used in advertisements only for a period of one (1) year from the time the new or improved product/service has been launched/introduced in the market.

Chairman
Board of Governors, ASCI
June 1st 2014

GUIDELINE FOR SAVING FOR LARGE PACK COMPARISON

Marketers may claim saving for a larger pack, provided the comparison is made without any ambiguity by highlighting number of smaller pack units versus the larger promotional pack (viz., “Save INR XX for a 2 KG pack as compared to four 500 gm packs”). Words to be used “save” and not “off”.

Chairman
Board of Governors, ASCI
June 10th 2014

GUIDELINES FOR ADVERTISING OF SKIN LIGHTENING OR FAIRNESS IMPROVEMENT PRODUCTS

Preamble

While all fairness products are licensed for manufacture and sale by relevant state Food & Drug Administrations (FDA) under the Drugs & Cosmetics Act, there is a strong concern in certain sections of society that advertising of fairness products tends to communicate and perpetuate the notion that dark skin is inferior and undesirable. ASCI code's Chapter III 1(b) already states that advertisements should not deride race, caste, colour, creed or nationality. Yet, given how widespread the advertising for fairness and skin lightening products is, and the concerns of different stakeholders in society, ASCI, therefore, felt a need to frame specific guidelines for this product category.

Guidelines:

The following guidelines are to be used when creating and assessing advertisements in this category.

1) Advertising should not communicate any discrimination as a result of skin colour. These advertisements should not reinforce negative social stereotyping on the basis of skin colour. Specifically, advertising should not directly or implicitly show people with darker skin, in a way which is widely seen as, unattractive, unhappy, depressed or concerned. These advertisement should not portray people with darker skin, in a way which is widely seen as, at a disadvantage of any kind, or inferior, or unsuccessful in any aspect of life, particularly in relation to being attractive to the opposite sex, matrimony, job placement, promotions and other prospects.

2) In the pre-usage depiction of product, special care should be taken to ensure that the expression of the models in the real and graphical representation should not be negative in a way which is widely seen as unattractive, unhappy, depressed or concerned.

3) Advertising should not associate darker or lighter colour skin with any particular socio-economic strata, caste, community, religion, profession or ethnicity.

4) Advertising should not perpetuate gender-based discrimination because of skin colour.

Chairman
Board of Governors, ASCI
August 14th 2014

GUIDELINES FOR CELEBRITIES IN ADVERTISING

Preamble

Celebrities have a strong following and hence high credibility among consumers. Therefore, advertisements featuring celebrities need to doubly ensure that claims made in it are not misleading, false or unsubstantiated; so as not to harm the interests of the consumers, especially for products or services which can cause serious financial loss and physical harm. These guidelines are developed so that the advertiser is guided to produce and release appropriate advertisements featuring celebrities in it. Advertisements featuring celebrities or involving celebrity endorsements would be subject to the following guidelines:

Guidelines:

a) Celebrities, for the purpose of these guidelines are famous and well-known people, who are from the field of entertainment and sports, and would also include other famous and well-known personalities like doctors, authors, activists, educationists, etc. who

- Get compensated Rs. 40 lakhs or equivalent value annually for appearing in advertisements or campaigns on any medium and any format OR
- Has a social media followership of 500,000 or more on any single social media handle

b) All advertisements featuring celebrities should ensure that it does not violate any of the ASCI code in letter and spirit. Celebrities are expected to have adequate knowledge of these Codes and it is the duty of the advertiser and the agency to make sure that the celebrity they wish to engage with, is made aware of them.

c) Testimonials, endorsements or representations of opinions or preference of celebrities must reflect genuine, reasonably current opinion of the individual(s) making such representations, and must be based upon adequate information about, or experience with, the product or service being advertised.

d) Celebrity should do due diligence to ensure that all description, claims and comparisons made in the advertisements they appear in, or endorse, are capable of being objectively ascertained and capable of substantiation, and should not mislead or appear deceptive.

The celebrity or his/her agent/manager must give a duly signed written confirmation to ASCI that the celebrity has undertaken due diligence for the claims and representations made claims/endorsements made in a given advertisement in which the celebrity appears.

e) Celebrities should not participate in any advertisement of a product or treatment or remedy that is prohibited for advertising under

i) The Drugs & Magic Remedies (Objectionable Advertisements) Act 1954 as updated from time to time (Link for preliminary guidance http://cghealth.nic.in/CFDA/Doc/Acts&Rules/Drugs%20and%20Magic%20Remedies%20(Objectionable%20Advertisement)%20Act,%201954.pdf or

ii) The Drugs & Cosmetic Act 1940 and Rules 1945: (Schedule J) as updated from time to time (Link for preliminary guidance https://cdsco.gov.in/opencms/export/sites/CDSCO_WEB/Pdf-documents/acts_rules/2016DrugsandCosmeticsAct1940Rules1945.pdf

f) Celebrities should not participate in any advertisements for products which, by law, require a health warning such as "..... is injurious to health" in their advertising or packaging.

g) The celebrity can either directly, or through their concerned agency, choose to seek Endorser Due Diligence (EDD) from ASCI on whether the advertisement potentially violates any provisions of the ASCI code and any other legal statutes pertaining to advertising. If the advertisement is developed fully following the EDD provided by the ASCI, then the celebrity would be considered as having completed due diligence.

You may contact ASCI at advisory@ascionline.in for seeking details regarding EDD procedure or refer www.ascionline.in.

*Compensated Rs. 20 lakhs or above as per current limit for appearing in a single advertisement or a campaign, or per year, whichever is more, AND / OR is listed in top 100 celebrities as per any one of the current and immediate past list of Forbes or the Times or Celebrity track report of Hansa Research, or any such list which is intended to be indicative and not exhaustive.

Chairman
Board of Governors, ASCI
July 13th 2023

ASCI GUIDELINES FOR USAGE OF AWARDS/RANKINGS IN ADVERTISEMENTS

Preamble

Awards and rankings are increasingly being used by advertisers to make superiority claims for their products and services in advertising.

Consumers, owing to a lack of knowledge, may be led into believing that an award or ranking which is given to a brand, product, institute or service makes it superior and/or more authentic. Some of the awards and rankings are likely to mislead the consumer by communicating that the product or service is a recognised one, and raise its esteem in the mind of the consumer as evaluated by experts or by a large body of experts, whereas this actually may not be the case.

It is, therefore, accordingly necessary, that awards and rankings used in advertising should be sourced from credible, recognised, independent bodies, which employ ethical processes, rigour and appropriate research, so that superiority claims made by advertisers are substantiated and do not mislead consumers.

This is particularly important for claims made by educational institutions, which affect children's education, career opportunities and future job prospects. In the healthcare services area, this can severely impact patients' health and wellbeing. The guidelines are applicable for all Awards and Rankings claims made in advertisements across categories.

Key reference for applicable ASCI chapters

Chapter I - To ensure the Truthfulness and Honesty of representations and claims made by advertisers and to safeguard the consumer against misleading advertisements:

1.1 Advertisements must be truthful.

1.2 Where advertising claims are expressly stated to be based on, or supported by, independent research or assessment, the source and

date of such independent research or assessment must be indicated in the advertisement.

1.3 Advertisements shall not, without permission from the person, firm or institution under reference, contain any reference to such person, firm or institution, which confers an unjustified advantage to the product advertised, or which tends to bring the person, firm or institution into ridicule or disrepute.

1.4 Advertisements should disclose all material facts, which if suppressed or distorted, would mislead the consumer by implication or omission.

1.5 Advertisements should be framed in such manner as to gain consumer trust, and not exploit his/her lack of understanding or knowledge.

Guidelines

These guidelines are developed to guide advertisers for appropriate reference to award/s or ranking/s, claim/s in advertising, and will assist the advertiser to understand why ASCI's Consumer Complaints Council (CCC) may accept or reject the mention of a certain award or ranking.

1. Awards/rankings should not be used as an alternative for consumer or scientific research or testing, which is required to substantiate a superiority claim about the effective use or performance of products or services.

2. Advertisements that refer to awards/rankings should indicate clearly the name of the organisation that has provided the award/ranking and the month and year in which the award/ranking was pronounced.

3. The validity of the award/ranking so used to substantiate a claim should be of a period preceding the advertisement by not more than 12 months in case the award follows an annual awarding cycle. For awards that are valid for a longer period, claim substantiation documents should provide evidence of validity of the same. In case the awarding organisation has conducted another ranking exercise, the previous ranks would automatically cease to be valid. In some cases if the year of the award period is self-explanatory, then such reference to the award being current is not applicable.

4. The permission or consent of the person, institution or organisation conferring the award/ranking should be obtained in writing before being used in the advertisement.

5. Photographs of the award/certificate/awards function, or the list of invitees to the award function, is by itself not sufficient evidence to support the award. Additionally, details on the protocol/process followed by the awarding/ranking organisation is required to substantiate the claim.

6. Awards/rankings based on surveys done in one area (say, a city or state) cannot be extrapolated to include a larger territory (say, India, Asia, the world). Institutions cannot extrapolate data to substantiate their claim. Additionally, awards/rankings given in one category cannot be used to promote an institution in another category. For example –

- If a university is ranked 25th on a national level, it cannot claim that it is in the 'Top 5' in say, the North zone, unless the awarding organisation publishes a zonal ranking as well.

- If the award is given to a particular department of a college or to a college under a university, then the same cannot be attributed to the college or university respectively.

7. To substantiate the award/ranking claim, the advertiser needs to give an undertaking that there is no commercial relationship or conflict of interest between the awarding organisation/the research agency/ jury members and the advertiser, and that they are two independent entities. To be specific, there should be no direct or indirect payment made by the advertiser to the institution or organisation granting such award.

8. For a complaint lodged at ASCI against an advertisement claiming award/ranking, the concerned advertiser would be required to provide details on the protocol/process followed by the awarding/ ranking organisation for conferring the award/ranking on the product/service. This would mean and include, but shall not be limited to:

i. The criteria for granting award/ranking, which should be published and available in the public domain.

ii. The process followed, i.e., either via market research or by a panel decision.

(a) If it is by means of a market research then its authenticity needs to be supported for the following:

- The market research agency is a member of a recognised market research association, such as Market Research Society of India (MRSI) or ESOMAR.
- The sample size and methodology adopted.

(b) If there has been no market research, but the award granted is based on a panel/jury decision, then in such cases:

(1) The credentials and qualifications of the panel/jury judging the subject of the claim made for the brand.

(2) The detailed process followed by the panel in arriving at the decision.

(3) How many brands/products were assessed? What was the criteria used, and what was the methodology deployed by the panel in arriving at its decision?

9. For a complaint lodged at ASCI against an advertisement claiming award/ranking for a school/college/university/educational enterprise, the concerned advertiser would be required to provide details on the protocol/process followed by the awarding/ranking organisation for conferring the award/ranking on the institution. This should include:

i. The evaluation parameters, which must be clearly specified and the respective scores obtained by the educational institutions on each parameter so specified.

ii. The parameters should cover various aspects, such as infrastructure, students per class, faculty strength and profile, outcomes (academic results/awards/higher studies), teaching methodology, sports education, co-curricular activities, leadership and life-skills, etc.

iii. Only when a multi-faceted evaluation is done, can there be a fair evaluation of the quality of education provided by an educational institution.

iv. Where multiple parameters are used, the weightages between the various parameters need to be indicated.

10. For a complaint lodged at ASCI against an advertisement claiming award/ranking for a healthcare enterprise/hospital/treatment, the concerned advertiser would be required to provide details on the protocol/process followed for conferring the award/ranking on the product/service. This should include:

i. Evaluation parameters, which are clearly specified and the scores obtained by leading healthcare providers on each parameter is published.

ii. The parameters should cover various aspects such as, infrastructure, number and profile of doctors, their experience and qualifications, patient care outcomes, innovation in treatment/protocols, and impact on business operations or patient care outcomes and medical KPIs.

iii. Where multiple parameters are used, the weightages between various parameters needs to be indicated.

iv. Where doctor, patient or general public perception is incorporated in the evaluation process, the study should be collected by an independent reputable agency. The sample size and spread, target group definition, sampling method and the field control procedures should be clearly specified.

v. The questionnaire and data collection records should be available to ASCI for review.

Chairman
Board of Governors, ASCI
April 21st, 2022

ASCI GUIDELINES FOR ADVERTISING OF ONLINE GAMING FOR REAL MONEY WINNINGS

Preamble:

Online gaming, where consumers are required to put up money for a possibility of cash or equivalent winnings, has become immensely popular. Such games are called "ONLINE GAMING FOR REAL MONEY WINNINGS". Vast amounts of resources are being spent to establish new brands and new formats in this category. Such games fall under state jurisdictions, and from time to time, they may be allowed or disallowed through notifications or enactment of laws. It is not within ASCI's jurisdiction to decide the legality of such games, and objections related to the legality of such games, and the appearance of their advertisements in specific media are outside of ASCI purview, and must be taken up with the concerned sector regulators within the government. ASCI can process complaints regarding the advertising content of 'Online Gaming for Real Money Winnings', when such advertisements potentially violate the ASCI code. Such games entail an element of risk through financial losses. Such games may also be addictive in nature. Some advertisers have proactively put disclaimers to warn the public on both issues. However, there is a need to standardise the same as well as ensure that all advertisements in the category carry the required warnings.

For advertisements of 'Online Gaming for Real Money Winnings' the following specific guidelines have been developed to guide advertisers to so that their advertisements do not violate the ASCI code pertaining to misleading advertisements (Chapter I), or of being harmful to society or individuals (Chapter III). These guidelines would be applicable to the content of all advertisements of 'Online Gaming for Real Money Winnings'.

Guidelines:

1. No gaming advertisement may depict any person under the age of 18 years, or who appears to be under the age of 18, engaged in playing a game of **'Online Gaming for Real Money Winnings'** or suggest that such persons can play these games.

2. Every such gaming advertisement must carry the following disclaimer:

   a. Print/static: This game may be habit-forming or financially risky. Play responsibly.

      i. Such a disclaimer should occupy no less than 20% of the space in the advertisement.

      iI. It should also **SPECIFICALLY** meet disclaimer guidelines 4 (i) (ii) (iv) (viii) laid out in the ASCI code.

   b. Audio/Video: This game may be habit-forming or financially risky. Play responsibly.

      i. Such a disclaimer must be made at a normal speaking pace at the end of the advertisement and be presented for a minimum of 4 seconds.

      ii. It must be in the same language as the advertisement.

      iii. For audiovisual mediums, the disclaimer needs to be in both the audio and visual formats.

      iv. The disclaimer should be presented in a way that is clear from other actions/effects/claims/text/audio that may distract the consumer.

3. The advertisements should not present 'Online Gaming for Real Money Winnings' as an income opportunity or an alternative employment option.

4. The advertisement should not suggest that a person engaged in gaming activity is in any way more successful as compared to others.

Chairman
Board of Governors, ASCI
April 21st, 2022

GUIDELINES FOR INFLUENCER ADVERTISING IN DIGITAL MEDIA

DEFINITIONS

Influencer

An Influencer is 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

Virtual influencers, are fictional computer generated 'people' or avatars who have the realistic characteristics, features and personalities of humans, and behave in a similar manner as influencers.

Material connection

A material connection is any connection between an advertiser and influencer that may affect the weight or credibility of the representation made by the influencer. Material connection could include, but is not limited to benefits and incentives, such as monetary or other compensation, free products with or without any conditions attached including those received unsolicited, discounts, gifts, contest and sweepstakes entries, trips or hotel stays, media barters, coverage, awards, or any family or employment relationship, etc.

Digital media

Digital Media is defined as a means of communication that can be transmitted over the internet or digital networks, and includes communication received, stored, transmitted, edited or processed by a digital media platform. Digital media includes but is not limited to:

1) Internet (advergames, sponsored posts, branded content, promotional blogs, paid-for links, gamification, in-game advertising, teasers, viral advertising, augmented reality, native advertising, connected devices, influencers, etc.)

2) On-demand across platforms, including near video on demand, subscription video on demand, near movie on demand, free video on demand, transactional video on demand, advertising video on demand, video on demand, pay per view, etc.

3) Mobile broadcast, mobile, communications content, websites, blogs, apps, etc./digital TV (including digital video broadcasting, handheld and terrestrial), etc.

4) NSTV (non-standard television)

5) DDHE (digital delivery home entertainment)

6) DTT (digital terrestrial television)

Preamble:

As digital media becomes increasingly pervasive and more consumers start to consume advertising on various digital platforms, it has become important to understand the peculiarities of these advertisements and the way consumers view them. With lines between content and advertisements becoming blurry, it is critical that consumers must be able to distinguish when something is being promoted with an intention to influence their opinion or behaviour for an immediate or eventual commercial gain. Consumers may view such messages without realising the commercial intent of these, and that becomes inherently misleading, and in violation of clause 1.4 (misleading by omission) and 1.5 (abuse trust of consumers or exploit their lack of experience or knowledge).

Guidelines:

1. **Disclosure**

   All advertisements published by social media influencers or their representatives, on such influencers' accounts must carry a disclosure label that clearly identifies it as an advertisement.

1.1 The following criteria must be used to determine if disclosure is required:

a. Disclosure is required if there is any material connection between the advertiser and the influencer.

b. Material connection is not limited to monetary compensation. Disclosure is required if there is anything of value given to mention or talk about the advertiser's product or service. For example: If the advertiser or its agents gives free or discounted products or service, or other perks, and then the influencer mentions one of its products or services, a disclosure is needed even if they were not specifically asked to talk about that product or service.

c. Disclosures are required even if the evaluations are unbiased or fully originated by the influencer, so long as there is a material connection between the advertiser and influencer.

d. If there is no material connection and the influencer is telling people about a product or service they bought and happen to like, that is not considered to be an advertisement and no disclosure is required on such posts.

1.2 Disclosure must be upfront and prominent so that it is not missed by an average consumer

a. It should be placed in a manner that is hard to miss.

b. Disclosures are likely to be missed if they appear only on an ABOUT ME or profile page, or bios, at the end of posts or videos, or anywhere that requires a person to click MORE.

c. Disclosure should not be buried in a group of hashtags or links.

d. Using a platform's disclosure tool should be considered in addition to an influencer's own disclosure.

e. If the advertisement is only a picture or video post without accompanying text (such as Instagram stories or Snapchat), the discloser label needs to be superimposed over the picture/

video, and it should be ensured that the average consumer is able to see it clearly.

I. For videos that last 15 seconds or lesser, the disclosure label must stay for a minimum of 3 seconds.

II. For videos longer than 15 seconds, but less than 2 minutes, the disclosure label should stay for 1/3rd the length of the video.

III. For videos which are 2 minutes or longer, the disclosure label must stay for the entire duration of the section in which the promoted brand or its features, benefits etc., are mentioned.

f. In live streams, the disclosure label should be announced at the beginning and the end of the broadcast. If the post continues to be visible after the live stream is over, appropriate disclosure must be added to the text/caption.

g. In the case of audio media, the disclosure must be clearly announced at the beginning and at the end of the audio, and before and after every break that is taken in between.

1.3 The disclosure must be made in a manner that is well understood by an average consumer.

a. Following is the list of disclosure labels permitted. Any one or more can be used:

- Advertisement
- Ad
- Sponsored
- Collaboration
- Partnership
- Employee
- Free gift

- "Paid Partnership" tag on Instagram
- Affiliate
- "Includes Paid Promotion" tag on YouTube

b. The disclosure should be in English OR in the language as the advertisement itself, in a way that is easy for an average consumer to understand.

1.4 A virtual influencer must additionally disclose to consumers that they are not interacting with a real human being. This disclosure must be upfront and prominent.

1.5 Responsibility of disclosure of material connection and also of the content of advertisement is upon the advertiser for whose product or service the advertisement is, and also upon the influencer. For clarity, where advertiser has a material connection with the influencer, advertiser's responsibility will be to ensure that the posted influencer advertisement is in line with the ASCI code and its guidelines. While the influencer shall be responsible for making disclosures required under the guidelines, the advertiser, shall, where needed, call upon the influencer to delete or edit an advertisement or the disclosure label to adhere to the ASCI Code and Guidelines.

2. Due Diligence

The influencers are advised to review and satisfy themselves that the advertiser is in a position to substantiate the claims made in the advertisement.

Addendum (Date 15.07.2021)

If an influencer/advertiser disputes that the piece of communication in question is not an advertisement as there is no material connection, the following evidence will be required to be submitted to ASCI:

1. A declaration from the advertiser stating that there is no material connection between them and the influencer as on the date of the post. This declaration needs to be signed by a senior member of the advertiser's organisation such as the Marketing Head, Legal/ Compliance Head, and Digital Marketing Head or similar.

2. In the event that the advertiser of the brand featured is difficult to trace in spite of reasonable efforts, or if the piece of communication features brands of multiple advertisers, then proof of purchase of featured products and brands, provided by the influencer, would be considered adequate evidence to refute material connection.

Chairman
Board of Governors, ASCI
April 21st, 2022

GUIDELINES FOR ADVERTISING OF VIRTUAL DIGITAL ASSETS AND LINKED SERVICES

Preamble:

A Virtual Digital Asset (VDA) has been defined as any information or code or number or token (not being Indian currency or foreign currency), generated through cryptographic means or otherwise, by whatever name called, providing a digital representation of value exchanged with or without consideration, with the promise or representation of having inherent value, or functions as a store of value or a unit of account including its use in any financial transaction or investment, but not limited to investment scheme, and can be transferred, stored or traded electronically.

These products are more commonly referred to as "crypto products" or Non-Fungible Tokens (NFTs)

Such products are a relatively new and an evolving form of investments. There is a need to protect consumer/investor interests, as users may not be aware of risks arising from this form of trading and investment. The market for VDAs is not regulated and can be very volatile, since it is usually not backed by any tangible assets. In order to ensure that consumers who deal in VDA products are fully aware of the risks, and are not misled, ads must comply with the ASCI "Guidelines for Virtual Digital Assets and Linked Services", so as not to Violate Chapter 1 of the ASCI code, particularly clauses 1.1, 1.4, 1.5. that require advertisements to be truthful, and not mislead consumers by implication, ambiguity, exaggeration or omission, and not framed in a way that abuse their trust or exploit their lack of knowledge.

Guidelines:

(1.1) All ads for VDA products and VDA exchanges, or featuring VDAs, must carry the following disclaimer.

"Crypto products and NFTs are unregulated and can be highly risky. There may be no regulatory recourse for any loss from such transactions."

Such a disclaimer must be made in the following manner so that it is PROMINENT and UNMISSABLE by an average consumer:

(a) In print or static, equal to at least 1/5th of the advertising space at the bottom of the advertisement in an easy-to-read font, against a plain background, and to the maximum font size afforded by the space.

(b) In video, the disclaimer should be placed at the end of the advertisement against a plain background. A voiceover must accompany the disclaimer in text. The voiceover should be at a normal speaking pace and must not be hurried. In the case of long format video of over two minutes, the said disclaimer should be repeated at the beginning and at the end of the video. The disclaimer must remain on screen for a minimum of five seconds.

(c) In audio, the disclaimer must be spoken at the end of the advertisement. The voiceover should be at a normal speaking pace and must not be hurried. In the case of long format audio of over 90 seconds, the said disclaimer should be repeated at the beginning and at the end of the audio.

(d) In social media posts, such a disclaimer must be carried in both - the caption as well as any picture or video attachments. The disclaimer within the caption must be placed upfront at the beginning of the post. Where social media posts or advertisements have restrictions on text in the static picture, the disclaimer must be carried upfront in the caption before the fold.

(e) In disappearing stories or posts unaccompanied by text, the said disclaimer will need to be voiced at the end of the story in the manner laid out in points (a) or (b) above. If the video is 15 seconds or lesser, then the disclaimer may be carried in a prominent and visible manner as an overlay.

(f) In formats where there is a limit on characters, the following shortened disclaimer must be used “Crypto products and NFT’s are unregulated and risky” followed by a link to the full disclaimer.

(g) The disclaimer must be made in the dominant language of the advertisement

(h) In addition to the above, all disclaimers must meet the minimum requirements laid down in the ASCI guidelines for disclaimers.

(2) The words "currency", "securities", "custodian" and "depositories" may not be used in advertisements of VDA products or services as consumers associate these terms with regulated products.

(3) The information contained in advertisements shall not contradict the information or warnings that the regulated entities provide to customers in the marketing of VDA products from time to time.

(4) Advertisements that provide information on the cost or profitability of VDA products shall contain clear, accurate, sufficient and updated information. For example, "zero cost" will need to include all costs that the consumer might reasonably associate with the offer or transaction.

(5) Information on past performance shall not be provided in any partial or biased manner. Returns for periods of less than 12 months shall not be included.

(6) Every advertisement for VDA products must clearly give out the name of the advertiser and provide an easy way to contact them (phone number or email). This information should be presented in a manner that is easily understood by the average consumer.

(7) No advertisement for VDA products or exchanges may show a minor, or someone who appears to be a minor, directly dealing with the product, or talking about the product.

(8) No advertisement may show that VDA products or VDA trading could be a solution to money problems, personality problems or other such drawbacks.

(9) No advertisement shall contain statements that promise or guarantee future increase in profits.

(10) No advertisement may show that understanding VDA products is so easy that consumers do not have to think twice about investing. Nothing in the ad should downplay the risks associated with the category.

(11) VDA products may not be compared to any other asset class which is regulated.

(12) Since this is a risky category, celebrities or prominent personalities who appear in VDA advertisements must take special care to ensure that they have done their due diligence about the statements and claims made in the advertisement, so as not to mislead consumers.

The guidelines will be applicable to all advertisements released or published on or after 1st April 2022. Advertisers and media owners must also ensure that all earlier advertisements must not appear in the public domain unless they comply with the guidelines, post 15th April 2022.

Chairman
Board of Governors, ASCI
February 23rd, 2022

GUIDELINES ON HARMFUL GENDER STEREOTYPES

Preamble:

The guidelines on harmful stereotyping follow the release of ASCI's study GenderNext, conducted along with Futurebrands in October 2021. The study examined the depiction of women in advertising and identified several stereotypes and tropes. While the report encourages advertisers and creators to demonstrate more progressive roles based on the insights revealed, it also identified some stereotypical depictions that could negatively reinforce how people think they should look and behave, and how others think they should look and behave, based on their gender. This can have negative consequences for individuals and for society as a whole, and over a period of time. As society progresses and evolves, norms on what is acceptable to consumers and other stakeholders also evolve. While harmful stereotypes are not only present in advertising, and advertising is not the only factor that reinforces these stereotypes, it is important for advertising to play its rightful role and not contribute to the perpetuation of such stereotypes.

As the gender landscape is a complex issue, the following guidelines provide a specific interpretation of ASCI Chapter III (against harmful situations) as it relates to harmful gender stereotyping. While the guidelines lay down the boundaries of what is unacceptable, advertisers and creators are encouraged to be inspired by the spirit of the GenderNext report and deploy the SEA framework and the 3S checklist to create more progressive gender depictions when it comes to the depiction of women. (https://ascionline.in/gendernextreport/index.html)

Guidelines

Note:

1. ASCI will consider an ad's likely impact when taken as a whole, and in context

2. ASCI will consider stereotypes from the perspective of the group of individuals being stereotyped.

3. The use of humour or banter is not likely to overcome the underlying issue of such harmful stereotypes.

4. The guidelines do not intend to prevent ads from featuring:

    a. glamorous, attractive, successful, aspirational or healthy people or lifestyles;

    b. one gender only, including in advertisements for products developed for and aimed at a particular gender;

    c. gender stereotypes as a means to challenge their harmful effects.

Advertisements must not include gender stereotypes that are likely to cause harm or serious or widespread offence.

1. While advertisements may feature people undertaking gender-stereotypical roles e.g., a woman cleaning the house or a man going to an office, or displaying gender-stereotypical characteristics e.g., a man being assertive or a woman being sensitive to others' needs, they must not suggest that stereotypical roles or characteristics are:

    - always uniquely associated with a particular gender

    - the only options available to a particular gender

    - never carried out, or displayed by, another gender(s).

    1.1 Advertisements that are aimed at or depict children may target and feature a specific gender, but should not convey that a particular children's product, pursuit, behaviour, or activity, including choice of play or career, is inappropriate for one or another gender(s). For example, ads suggesting that a boy's stereotypical personality should be "daring" or that a girl's stereotypical personality should be "caring", or someone chiding a boy playing with dolls or girls from jumping around, because it is not the typical activity associated with the gender, are likely to be problematic.

2. While advertisements may feature glamorous and attractive people, they must not suggest that an individual's happiness or emotional wellbeing depends on conforming to these idealised gender-stereotypical body shapes or physical features.

3. Advertisements should not mock people for not conforming to gender stereotypes, their sexual orientation or gender identity, including in a context that is intended to be humorous, hyperbolic or exaggerated. For example, an ad may not belittle a man for carrying out stereotypically female roles or tasks or make fun of a same-sex relationship.

4. Advertisements should not reinforce unrealistic and undesirable gender ideals or expectations. For example, an advertisement must not depict a man with his feet up and family members creating a mess around a home, while a woman is solely responsible for cleaning up the mess, or a woman overly grateful for the man helping her in everyday chores. Similarly, a woman returning from work may not be shown as solely responsible for doing household duties, while others around her are at leisure.

5. An advertisement may not suggest that a person fails to achieve a task specifically because of their gender e.g., a man's inability to change nappies; or a woman's inability to park a car. In categories that usually target a particular gender, care must be taken to not depict condescension towards any other gender, or show them as incapable of understanding the product or unable to make decisions. This does not prevent the advertisement from showing these stereotypes as a means to challenge them.

6. Where an advertisement features a person with a physique or physical characteristics that do not match an ideal stereotype associated with their gender, the advertisement should not imply that their physique or physical characteristics are a significant reason for them not being successful, for example, in their romantic, social or professional lives. For example, an ad may not suggest that a man who is short, a woman who is dark, or any individual who is overweight has difficulty finding a job or a partner due to this aspect of their physique.

7. Advertisements should not indulge in the sexual objectification of characters of any gender or depict people in a sexualised and objectified way for the purposes of titillating viewers. This would include the use of language or visual treatments in contexts wholly irrelevant to the product. For example, an online takeaway service featuring an image of a woman wearing lingerie lying back in a provocative pose behind various fast-food items would be considered problematic. Even though the image may not be sexually explicit, by using a suggestive image of a woman that bears no relevance to the advertised product, the ad would be considered objectifying women by presenting them as sexual objects, and therefore is a gender stereotype that is likely to cause harm.

8. No gender should be encouraged to exert domination or authority over the other(s) by means of overt or implied threats, actual force, or through the use of demeaning language or tone. Advertisements cannot provoke or trivialise violence (physical or emotional), unlawful or anti-social behaviour based on gender. Additionally, advertisements should not encourage or normalise voyeurism, eve-teasing, stalking, emotional or physical harassment or any similar offences. This does not prevent the advertisement from showing these depictions as a means to challenge them.

Chairman
Board of Governors, ASCI
June 8th, 2022

GUIDELINES FOR ONLINE DECEPTIVE DESIGN PATTERNS IN ADVERTISING

Preamble

Online Deceptive Design Patterns commonly known as "Dark Patterns" is an umbrella term referring to a wide variety of practices commonly found in online user interfaces that lead consumers to make choices that often are not in their best interests. Developing a universally accepted definition of Dark Patterns is a challenge, owing in part to the wide variety of practices referred to as such and different views on whether certain practices should be considered Dark Patterns.

The OECD Committee on Consumer Policy proposes the following working definition intended to facilitate near-term discussion about such practices among regulators and policymakers across jurisdictions: *"Dark commercial patterns are business practices employing elements of digital choice architecture, in particular in online user interfaces, that subvert or impair consumer autonomy, decision-making or choice. They often deceive, coerce or manipulate consumers and are likely to cause direct or indirect consumer detriment in various ways, though it may be difficult or impossible to measure such detriment in many instances."*

Dark Patterns share one or more end-goals – for example getting consumers to purchase, purchase more of, or continue to purchase, a good or service that they would otherwise not purchase or purchase in lesser quantity; to spend more money on a purchase or time on a service than desired; or to give up more personal data than desired – with the ultimate purpose of increasing business revenue. There are many instances of Dark Pattern executions which are unrelated to advertisements such as users being guilted into opting for something which they would otherwise not have, or, when consumers purchase something, additional products are added into the basket of the consumer, without their knowledge - like donations to relief funds, etc. However as ASCI's remit is limited to self-regulation of Advertising content these guidelines cover only advertising in digital media including e-commerce, airline, food delivery etc. apps and websites.

Chapter 1 of the ACSI code requires ads to be honest, and not abuse the trust or lack of expertise of the consumer. The code requires ads to not mislead by omission, exaggeration, implication or ambiguity. To ensure that advertisements do not breach Chapter 1, the following guidelines are to be applied to digital advertising.

Guidelines

1. Drip Pricing:

   Quoted prices in advertisements and e-commerce sites must include non-optional taxes, duties, fees and charges that apply to all or most buyers so as to prevent drip pricing. Drip pricing refers to a practice whereby elements of the prices are not revealed upfront, and the total price is only revealed at the very end of the buying process or post-confirmation of purchase. This creates ambiguity around the final price as well as prevents easy price comparisons. Hence incomplete price representations upfront would be considered misleading.

   Example: A consumer orders a snack from an online food delivery platform where a price of Rs. 100 is shown, but the final amount payable comes to Rs. 175 as it additionally includes taxes, delivery fees, platform convenience fees and other such charges. If such charges are common for all or most consumers, they must be included in the displayed prices on the listing ad itself.

2. Bait and Switch:

   When an ad or an element in the ad directly or indirectly implies one outcome based on the consumer's action, but instead serves an alternative outcome, the same would be considered misleading. Examples:

   a. A consumer may select a product offered at a certain price but is thereafter only able to access the same product at a higher price.

   b. Another example is offering an attractive product and later revealing that it is out of stock, offering an alternative product.

c. Changing the meaning of key symbols to mean the opposite. For example, an X on the top right corner of the ad, instead of closing an app, may open up the app, or do the very action that the user was trying to avoid. The X on the top right is commonly understood by consumers to mean "close". But in this specific interaction, the X means "accept/ proceed". This would be deemed to mislead the consumer.

3. False Urgency:

   Stating or implying that quantities of a particular product or service are (e.g. airline seats available at a certain price) more limited than they actually are would amount to misleading consumers. In the case of any complaint, the advertisers would be required to demonstrate that the stock position at the time of the appearance of the limited quantity message was of a level where the urgency communicated could not be considered misleading.

4. Disguised Ads:

   An advertisement that is of a similar format as editorial or organic content must clearly disclose that it is an ad. Examples could be influencer posts, paid reviews, and ads placed in a manner to appear like editorial content.

These guidelines will be applicable from 1st September 2023.

Chairman
Board of Governors, ASCI
May 11th, 2023

GUIDELINES FOR ADVERTISEMENTS FOR CHARITABLE CAUSES

Preamble:

In recent years, charities have been active advertisers, particularly on digital media, and especially for the purpose of seeking funds and crowdfunding on behalf of their beneficiaries. It may be noted that many such beneficiaries may not have an active social network to reach and tap donors. Charities, including crowdfunding platforms, provide this reach through sponsored ads and organic posts, which tap potential donors.

However, there have been some concerns about ads that create donor distress through the use of images that may be too graphic. While the intent of such posts is undoubtedly to nudge donors to contribute, such posts may cause undue distress to ordinary consumers who may be surfing through their news feeds.

Charities can have a challenging job explaining the nature of the important, and often sensitive, work they do in a way that educates, but doesn't distress, their audience. While many people may feel a powerful and sometimes negative reaction to these types of ads, conversely, many could feel that the worthwhile nature of the charities means that greater scope should be afforded to them to use hard-hitting themes and images.

It's perfectly understandable that charitable organisations want to do everything possible to raise awareness and funds for their causes. However, they must take care not to overstep the mark by misleading consumers or causing unjustified distress. ASCI's Chapter 1 requires ads to be honest and truthful, and Chapter 2 requires them not to cause grave or widespread harm or offence. In order for ads to be compliant with the ASCI code, advertisements related to charitable causes must adhere to the following guidelines.

1. An advertisement for a charitable organization or crowdsourcing platform for charity shall not overtly or pointedly suggest that anyone who doesn't support the charity fails in their responsibility or should feel ashamed.

2. Advertisements must not disrespect the dignity of those on whose behalf an appeal is being made, by any means, including showing graphic images of victims in distress, particularly children and minors. An advertiser must be able to produce evidence of express consent for the use of images of beneficiaries if asked to do so.
3. In digital advertising, any image shown in the ad that could cause unjustified distress to an ordinary consumer, must be blurred and made visible only to those interested in clicking and knowing more.
4. When an appeal is made for a specific case or a specific beneficiary, the ad must disclose if the funds could potentially be used for other purposes or other beneficiaries. Ads must not mislead consumers about where or to whom their donations are going.
5. If a crowdsourcing platform collects a percentage or fee for managing or raising donor funds, it must be made clear what such amounts are in the advertisement itself.

Chairman
Board of Governors, ASCI
June 13th 2023

NOTES

AWARDS

European Advertising Standards Alliance - Global Best Practice Awards

Gold 2016 ASCI Mobile App "ASCIOnline" for prompt and efficient complaint handling at no cost to the consumer.

Gold 2013 Reduced the time taken to process complaints

Silver 2012 National Advertising Monitoring Service (NAMS)

Bronze 2011 Three Pronged Awareness Campaign (Regulators, Ad Agencies, Consumers)

Bronze 2010 Guidelines for Advertising of Educational Institutions

Silver 2008 Collaboration with the Indian Government to spread Self-Regulation

Maddies Mobile Awards 2015
ASCIOnline Mobile App wins a bronze at E4M's. The Maddies Mobile Awards 2015 for the Social/ Not for Profit Campaign Category.

International Recognitions
ASCIOnline Mobile App wins a bronze at E4M's. The Maddies Mobile Awards 2015 for the Social/ Not for Profit Campaign Category.

Special Recognition awarded by ICAS in 2019
For ASCI's "Guidelines for Celebrities in Advertising" at the first-ever 'Global Awards for Effective Advertising Self-Regulation'

Special Category awarded by ICAS in 2021
In 2021 , ASCI also won two ICAS awards, one for the ASCI scroll telecast across television in the 'Best Awareness Raising Initiative' and for its extensive digital suo-motu monitoring through NAMS initiative, in the 'Special Category'. It also got a special mention in the 'Best Sectoral Initiative' category for its efforts and regulatory recognition of its Gaming Guidelines.

ASCI The Advertising Standards Council of India

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