

ASCI broadens the definition of celebrities in its code, to include social media influencers with high following

Mumbai, August 9, 2023: The Advertising Standards Council of India (ASCI) has updated the definition of celebrities in its code to include social media influencers having a following of 500,000 or more.

The ASCI code has a specific guideline for celebrities which requires advertisements featuring celebrities to not violate the ASCI Code, and for celebrities to be familiar with the code in letter and spirit. Testimonials of celebrities must reflect their genuine, recent opinion and must be based on adequate information or experience about the product or service being advertised. The guidelines mandate that celebrities conduct due diligence to ensure that claims featured in the advertisements can be objectively verified and substantiated. Celebrities, when called upon, need to produce evidence of due diligence. Alternatively, the advertiser should have developed the advertisement following ASCI's advertising advice. Additionally, the ASCI code requires celebrities not to participate in the advertisement of a product, treatment or remedies that are prohibited for advertising under the Drugs & Magic Remedies (Objectionable Advertisements) Act, 1954; and the updated Drugs & Cosmetic Act, 1940, and Rules 1945 (Schedule J).

Historically, celebrities who could lend credibility for brands and influence large masses of people largely comprised popular actors and sports personalities. However, in the recent years, the phenomenon of social media influencers has created new centers of mass-influence. In this scenario, it was necessary to broaden the definition of celebrities to include such influencers too.

The ASCI code now defines celebrities as individuals that:

- Get compensated **Rs 40 lakh** or equivalent value annually for appearing in advertisements or campaigns on any medium and any format
- Or
- Have a social media following of **500,000 or more** on any single social media handle

It may be noted that the Consumer Protection Act, 2019 puts the responsibility of due diligence on all endorsers, whether they are celebrities or not. However, due to the disproportionate influence and impact of individuals with large followership, ASCI requires celebrities to demonstrate a much greater responsibility in making sure that their followers do not get deceived or misled. ASCI has noticed a massive increase in ads featuring celebrities that are misleading. Versus the 55 ads that it processed in 2021-22, ASCI processed over 500 misleading ads featuring celebrities in 2022-23. This shows that in spite of their legal obligations, several celebrities continue to feature in ads that make misleading claims.

Manisha Kapoor, CEO and Secretary General, ASCI, said: "With the advent of social media and the increasing popularity of influencers on digital media, the definition of celebrities has come to change drastically. Earlier, only personalities from the world of sports or entertainment were considered celebrities. Today, however, the scenario is different. We have a range of personalities who are extremely popular on social media and share a close personal connection with consumers. These personalities affect the spending habits of consumers who trust them. So, it's vital to ensure consumer protection – especially when celebrities endorse products or services that can cause serious financial loss and physical harm. This update widens ASCI's ambit and includes all those personalities who have a notable influence as celebrities. With this, we have taken yet another important step in furthering the cause of consumer safety with regard to advertising."

PRESS RELEASE

For the updated guidelines, please visit the link: <https://www.ascionline.in/wp-content/uploads/2023/08/guidelines-for-celebrities-in-advertising.pdf>

About the Advertising Standards Council of India (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 consumer interests. 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 looks into complaints across ALL MEDIA such as Print, TV, Radio, hoardings, SMS, Emailers, Internet/website, product packaging, brochures, promotional material and point of sale material etc. In January 2017, the Supreme Court of India in its judgement affirmed and recognised the self-regulatory mechanism as an effective pre-emptive step to statutory provisions in the sphere of advertising content regulation for television and radio in India. ASCI's role has been acclaimed by various Government bodies including The Department of Consumer Affairs (DoCA), the Food Safety and Standards Authority of India (FSSAI), the Ministry of AYUSH as well as the Ministry of Information and Broadcasting (MIB). MIB issued an advisory for a scroller providing ASCI's WhatsApp for Business number 77100 12345, to be carried by all TV broadcasters for consumers to register their grievances against objectionable advertisements. On the international front, in 2023, ASCI CEO and Secretary General, Ms Manisha Kapoor was re-elected as one of the four Vice-Presidents on the Executive Committee of the International Council on Ad Self-Regulation (ICAS). Among several awards bestowed by the European Advertising Standards Alliance (EASA), ASCI bagged a Gold Global Best Practice Award for the Mobile App "ASCI online" (2016), special recognition for its "Guidelines for Celebrities in Advertising"; at the first-ever 'Global Awards for Effective Advertising Self-Regulation' hosted by the ICAS (2019). 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-moto monitoring through the 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 received the ICAS Global "Inspiration Award" in April 2023 for successfully promoting ASCI as a thought leader and developing impactful engagement with various stakeholders.

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