



2023-2024

Annual Complaints Report

ABOUT THE ADVERTISING STANDARDS COUNCIL OF INDIA

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

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

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

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

Complaints management

ASCI's speedy, independent and low-cost complaint management approach ensures that both consumers and industry have the opportunity for a fair resolution.

All stakeholders can register their complaints at no cost via WhatsApp at 77100-12345 or at www.ascionline.in

ASCI's independent jury (The Consumer Complaints Council or CCC) comprises 40 eminent professionals, both from the industry as well as from civil society, who review complaints on a weekly basis and provide their recommendations



Four retired high court judges hear appeals from complainants or advertisers who may wish to contest a CCC recommendation



Eminent technical experts from over 20 fields support the CCC and the Review Panel



ASCI Academy

With a view to supporting the industry get it right, the ASCI Academy is ASCI's flagship program to build the capacity of all stakeholders in creating responsible and progressive advertising. The academy proudly offers an array of services that are packed full of essential knowledge to raise standards of advertising content through training, education, outreach, and research on the preventive aspects of advertising self-regulation.

- E-learning Certification Courses help young as well as seasoned advertisers stay abreast with the changing regulatory/self-regulatory landscape and help save their campaigns and their brands from disruptions and disrepute.
 - The ASCI Guide to Responsible Advertising designed for the brand, marketing, regulatory compliance and creative teams of organisations to provide an in depth and nuanced understanding of the ASCI Codes and Guidelines.
 - The ASCI Responsible Influencing Playbook an easy to to learn 2-3 min nuggets based e-learning certification course specifically tailored for influencers to help them understand the need for responsibility in advertising when endorsing your brand.
- Masterclass, a carefully curated immersive workshop with in-depth case studies, group working sessions, role plays, quizzes and much more providing an in depth understanding on the applicability of the ASCI code and it's processes.
- The Advisory Services aim to make the process from script to screen smoother, more efficient and more responsible from the start. ASCI has a long-established expertise in the area of advertising depictions, claims and representations, through its extensive panel of advertising and technical experts who can evaluate ads pre-production. Many organisations voluntarily submit their ads at a pre-production stage to ASCI to receive non-binding advice on whether the ad potentially may violate any ASCI code.
- ASCI also offers an Endorser Due Diligence service to help endorsers meet their obligations to ensure that ads they feature in do not make misleading claims and potentially violate the law.

KEY HIGHLIGHTS

April 2023 -March 2024

8229

ads scrutinised by ASCI; **94%** resulted from our proactive work, much of it enabled by our internal ad monitoring team



98%

of the overall ads processed required some modification.
49% of the ads were not contested and promptly withdrawn or modified.



85%

of the ads scrutinised appeared on digital medium. ASCI's focused monitoring mechanisms has made it possible to ramp up our digital scrutiny.



39%

of the ads processed were in violation of the law as certain categories of products are either not allowed to be advertised or the categories are illegal in India. This includes ads in violation of the Drugs & Magic Remedies Act, 1954, as well as offshore betting ads.



19%

of all ads processed accounted to the **healthcare** sector. High volume of drugs and medicinal ads on digital media makes it the **most violative sector for the year**.



17%

ads belonged to **illegal offshore betting** ads making it the **second most violative sector of 23-24**.



13%

Personal care takes third spot as most violative sector.

55% of ads from the sector were **influencer disclosure violations**.



21%

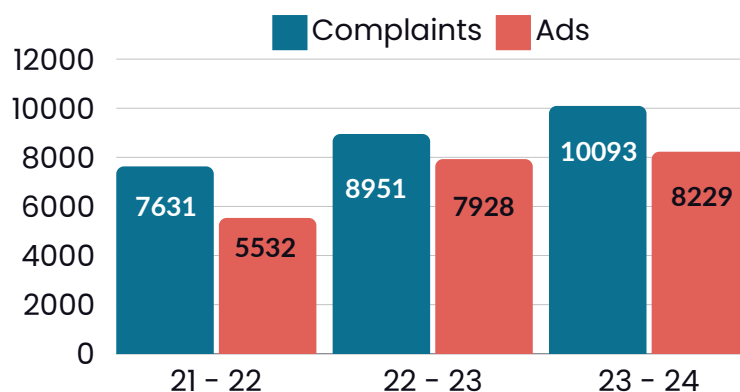
of the total ads processed by ASCI were for non-disclosure by influencers. Compliance rate with ASCI recommendations at **89%** was **observed Vs. 86%** the previous year.



COMPLAINTS SNAPSHOT

Overall increase in total number of complaints and advertisements processed in '23-'24 in comparison to the previous years

12.75% increase in Complaints over previous year



SOURCE OF COMPLAINTS



General Public

20%



Intra-industry

1.5%



Govt

0.4%



Suo-Motu

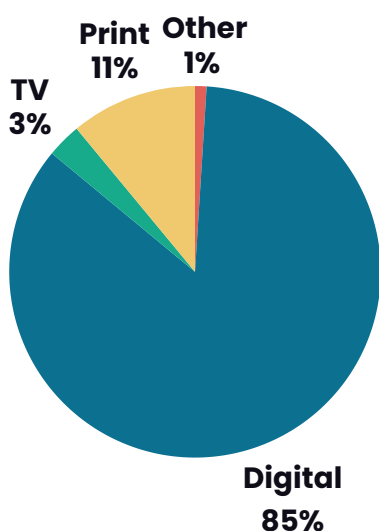
77.7%



Consumer Organisation

0.4%

MEDIA-WISE SPLIT



42% INSTA



30% WEBSITES



17% FACEBOOK



9% YOUTUBE



1% MAT Bulletin /E-Mailer /Google Ad Word



0.3% Mobile App



0.3% TWITTER



0.2% OTT



0.2% E-Commerce

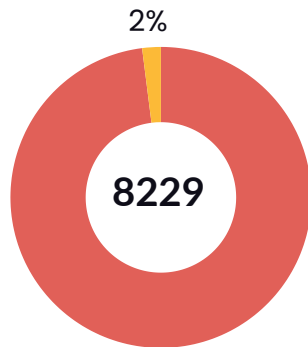


0.1% LINKEDIN

Base: 8229

COMPLAINT OUTCOMES

Ads that do not require modifications



Ads that required modification

49% of cases that required modification were not contested.

Overall voluntary compliance: 80%
Compliance on Print and TV remain high at 97%

CHAPTER-WISE POTENTIAL VIOLATIONS



Honest Representation 81%



Against Harmful Products & Situations 34%



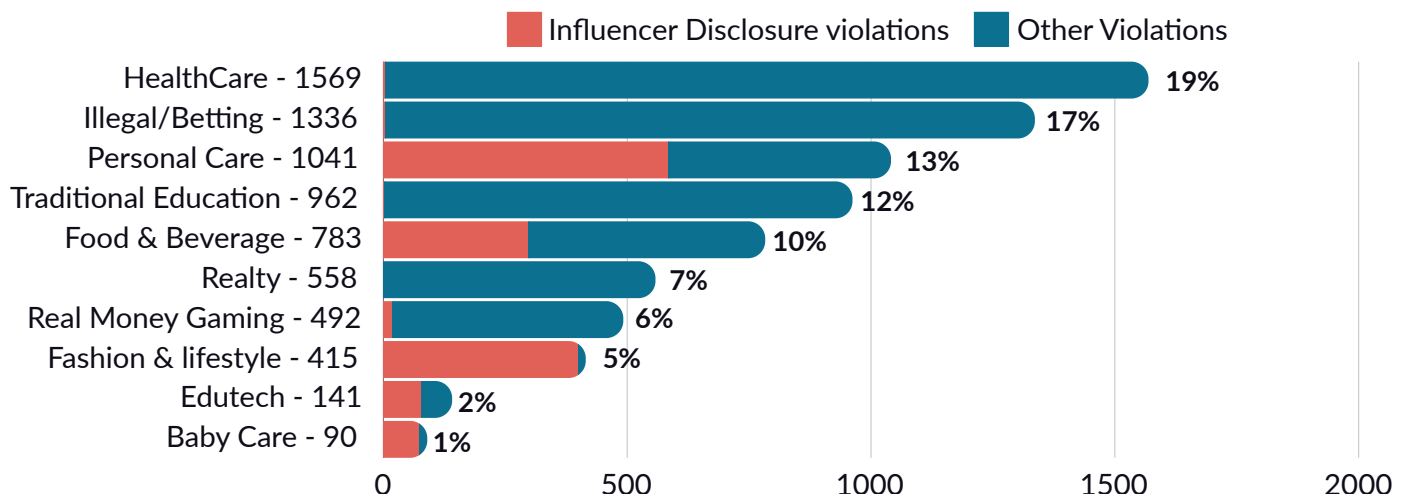
Non-Offensive to Public 1%



Fair in Competition 0.5%

Base: 8229 (count of ads may total to higher number because few ads violated multiple chapters)

TOP 10 VIOLATIVE CATEGORIES



Base: Total ads that required modification : 8062

INFLUENCER VIOLATIONS

76% of the cases were not contested; were modified on an average in 5 business days.



89% Compliance

*As on May 13 , 2024



Dismissed
0.5%



Not Contested
76%



Complaint Upheld
23%

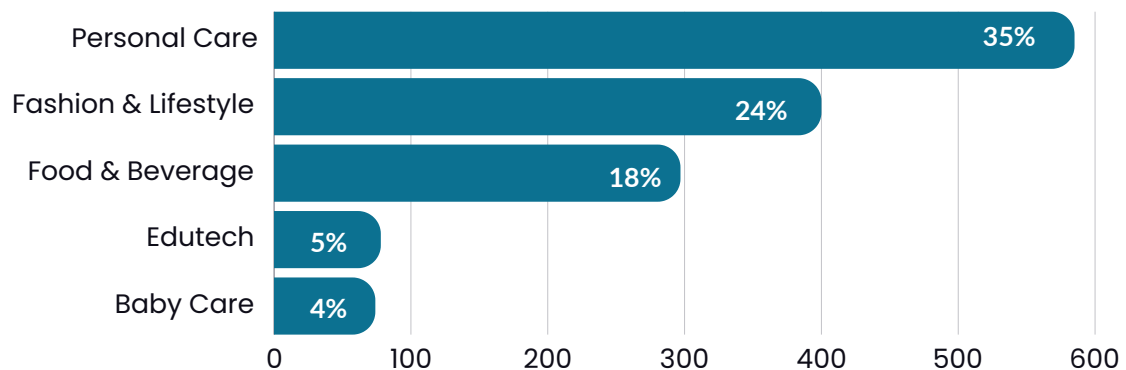


Direct Violation
0.5%

99% ads were in violation of the Influencer Guidelines

Total complaints processed against Influencer Guidelines: 1702

Influencer Violations - Top 5 Categories





CELEBRITY GUIDELINE VIOLATIONS



89% Compliance
*As on May 13, 2024



Dismissed
9%



Not Contested
32%



Complaint Upheld
48%



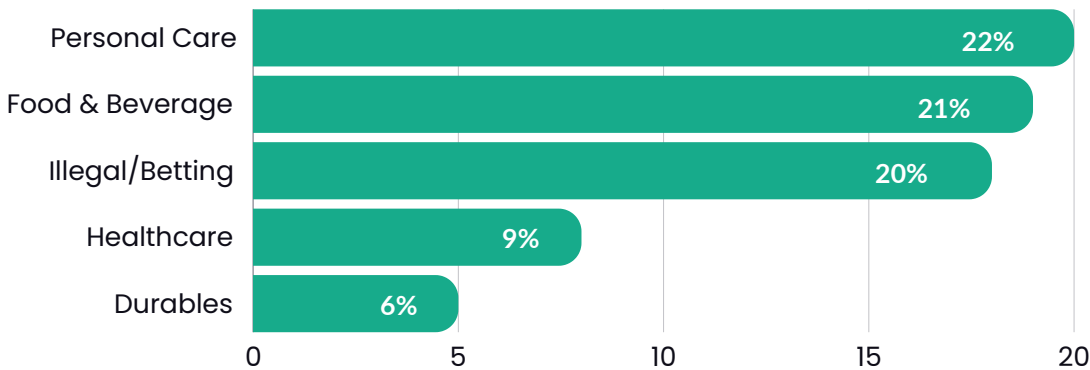
Direct Violation
12%



91% ads were in violation of the Celebrity Guidelines

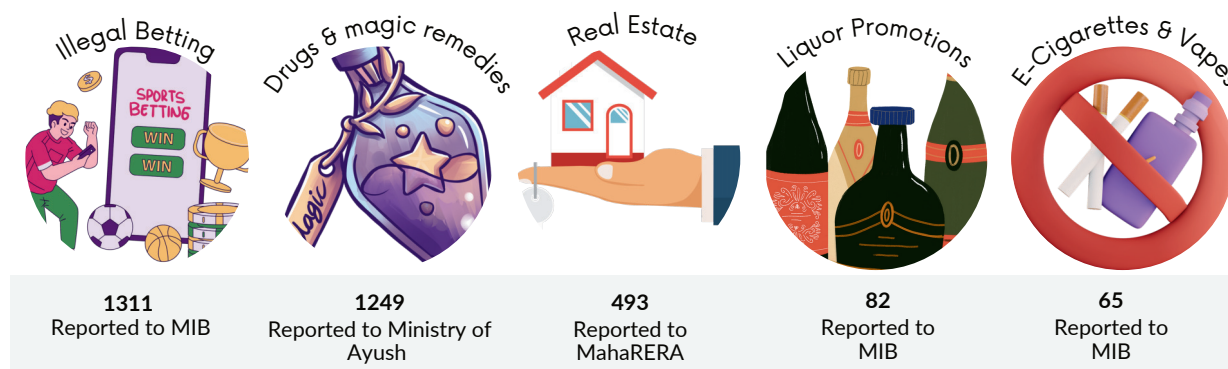
Total ads processed featuring celebrities: 101

Celebrity Violations - Top 5 Categories



3200 ADS REPORTED FOR DIRECT VIOLATION OF LAW

Advertising of certain products is banned under various laws. For example, drugs claiming magic remedies or cures to certain health conditions, betting and gambling products, alcoholic beverages, tobacco and tobacco-based products are some of the categories whose advertising amounts to direct violation of the law. Most of these ads were seen on digital media which is the playground for brands to advertise these products. Besides categories that are banned from being advertised, ads of categories like realty are required by law to carry certain information, for example, registration numbers and QR codes on their ads. The absence of such mandatory information would also amount to a violation of the law.



1249 ads of drugs and magic remedies were reported

1249 ads of drugs and magic remedies from 239 advertisers were reported to the Ministry of AYUSH during the year for potential violation of the Drugs and Magic Remedies Act, 1954 (DMR). Most of these were website advertisements (from marketplaces) and 91% of these ads were in violation of clause 3(b) maintenance and enhancement of Sexual prowess.

The DMR Act prohibits the advertisement of certain drugs for the treatment of certain diseases and disorders. Ads that refer to drugs that suggests or is intended to encourage the use of drugs for maintenance or enhancement of a person's ability for sexual pleasure, or for the treatment of illnesses and ailments (under whatever name they may be called) claiming to prevent or cure 56 diseases as mentioned in the list are prevented under the Act.

Despite the presence of the DMR Act, there continues to be a proliferation of advertisers promoting medicines/ayurvedic products, claiming the cure and treatment of these ailments. These advertisements misuse the trust of vulnerable consumers and could be detrimental to their health.



1311 betting ads were reported

1131 ads from 282 advertisers were identified as possible violations of the law. Betting is not permitted in many parts of India, making its advertising impermissible. ASCI closely monitored offshore betting ads across digital media. These entities are registered outside India, while their websites are accessible to Indian audiences. These offshore betting ads, featuring prominent Indian celebrities being served to Indian audiences is of serious concern with regards to consumer protection.

ASCI has also encountered offshore betting entities promoting their platforms via individual/community Instagram posts in the form of 'tags/stickers/tickkers'. The bios of these individual/community pages also contain the website links of these betting platforms for easy viewer access.



SPOTLIGHT ON SECTORS

Over the years at ASCI, **HEALTHCARE** has been a sector of concern with regards to misleading advertisements. In an era where healthcare choices are abundant and information is readily accessible, it is crucial to acknowledge the potential harm caused by misleading ads that abuse the trust of consumers and take advantage of their vulnerability.

ASCI looked at a total of **1575 ads out of which 99% required modification**. While **1249 ads** were processed for **violating the law (DMR act)**, from the remaining 326 ads, **190 were from clinics/hospitals/wellness centres** making tall misleading claims about their services, care and cure to chronic conditions. **129 ads from pharma companies for drugs and medicines** with claims around prevention and cure, superior quality and leadership. **Medical supplies and health apps** constituted the remaining **7 ads**.

86% of these ads featured on digital medium.



PERSONAL CARE continues to be among the top violators 3 years in a row. Over the past few years, there has been a noticeable surge in new D2C brands stepping into the beauty and personal care sector. This uptick can be attributed to an enhanced consumer consciousness coupled with a notable rise in disposable income. These factors have sparked a diverse array of preferences, ranging from customised, eco-friendly, to luxury product offerings, thereby presenting attractive opportunity to cater to new demands and growth prospects for both established and emerging players in the market. The digital landscape, in particular, has emerged as a fertile ground for brands to flourish. From placement to marketing, social media today is a lucrative platform for brands.

ASCI looked into **1064 ads** and **98%** of them **required modification**. **67% of these ads were not contested**. These are instances where advertisers acknowledge the error made in the ad and promptly modify it or take it down. **95%** of these ads appeared **on the digital medium** with **55%** picked for **influencer disclosure violations**. **20 ads** featuring celebrities were found to be **misleading**.



The **ED-TECH** industry is known to have taken a hit in the last two years and there has been a decrease in advertising on mediums like TV, print and OTT particularly during IPL. Ed-tech emerged as a key sector of concern during the pandemic when a large number of players entered the market with misleading advertising claims riding on the vulnerability of parents and young children. While there is a decrease in advertising on other mediums, there has been a significant rise in the number of ads where influencers are promoting Ed-tech platforms pulling the category into the top 10 most violative categories. **57% of the 142 ads** processed were for **influencers not disclosing collaborations** on social media. **99% of all the ads were misleading and required modification**. **64%** of these ads **were not contested**.

98% of these ads featured on digital medium.



BABYCARE in India is witnessing significant growth, driven by a number of factors including a rising population, increasing disposable incomes, and growing awareness about baby care, parents today want the best for their babies. Misleading ads could cause harm to the parents' trust and baby's health. For the first time **Babycare** has made it to the top 10 violators list owing to influencers promoting products and services without disclosing material connections. **81% of the 91 ads** processed were from **influencer promotions without disclosure**. **99%** of these ads **required modification** and **76%** were **not contested** by the advertisers.

91% of these ads appeared on digital medium.



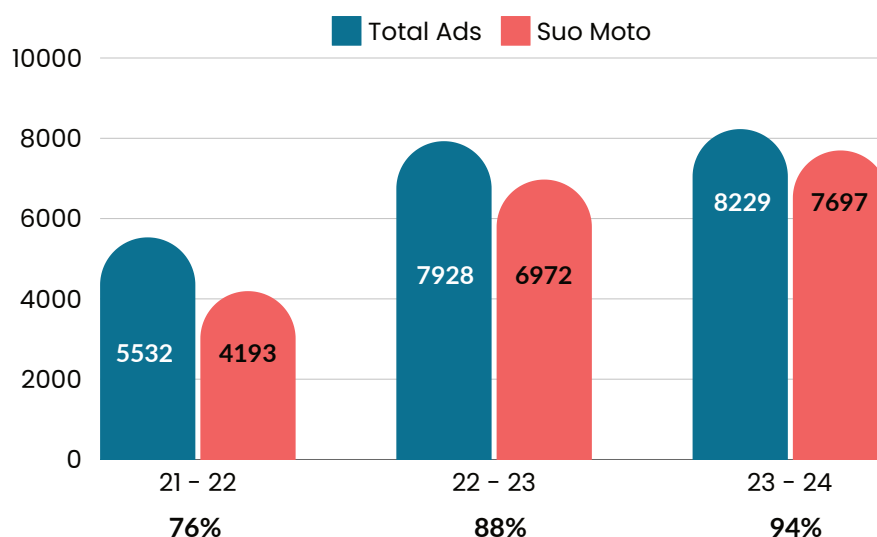
THE INCREASING CHALLENGE OF MONITORING THE DIGITAL SPACE: IMPACT OF ASCI'S AMPED UP PROACTIVE EFFORTS

The ASCI's internal proactive monitoring team geared up its surveillance by using online tools such as ad libraries, along with systematic learning and the inputs from our sector experts, to scrutinize violations from key sectors. As a first step to enhance and further improve our internal proactive monitoring, we have a dedicated screening team that is constantly scrutinizing the digital space to flag objectionable advertisements. As a result, 94% of the overall ads investigated in the year were scrutinised by our internal ad monitoring team. Over 25000 advertisements were screened during the year and 87% of these were from the digital medium.

Under our digital suo moto initiative we have covered a wide range of ads across categories for any objectionable and misleading content, such as ads in direct violation of law, ads appearing on OTT for key categories, green washing claims and influencers violating disclosure guidelines etc.

Monitoring the digital space comes with a multitude of challenges such as ads with shorter life spans, sometimes only 24 hours, ads that mimic content, a large number of new age D2C digital brands being born everyday and smaller hard to locate advertisers. As a result, thousands of ads created everyday get away without being monitored. The digital space is dynamic and ads continue to remain, are frequently re-published and available for public consumption with unsubstantiated claims. The compliance rate is lower, with digital ads being 75% compliant in comparison to a 97% on print and TV.

Suo Moto ads processed in the last 3 years



Important Link: [List of cases handled - https://bit.ly/Listofcases-2023-24](https://bit.ly/Listofcases-2023-24)



COMPLAINT FAQs

Who can complain against an advertisement to ASCI?

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

The General Public
The Industry
Consumer Organisations
Government

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

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

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

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

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

What kind of complaints does ASCI handle?

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

- Misleading or untruthful
- Indecent or vulgar
- Unsafe or can cause physical or societal harm
- Unfair to other products or brands

What kind of complaints against ads does ASCI NOT handle:?

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

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

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

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



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022 35121000 / 02 | E-mail: contact@ascionline.in | Website: www.ascionline.in
Whatsapp Complaints on 7710012345