

ASCI upheld complaints against 67 out of 141 advertisements for violating code

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In April 2016, the Advertising Standard Council of India's (ASCI) Consumer Complaints Council (CCC) upheld complaints against 67 out of 141 advertisements.

Out of 67 advertisements against which complaints were upheld, 27 belonged to the Healthcare & Personal Care category – this included a few ads on sex/sexual enhancement products, ten in the Food & Beverages category, seven in the E-commerce Category, four depicting Automotives, followed by four in the Education category and 15 advertisements from other categories.

The CCC found the claims in 27 health and personal care product advertisements to be either misleading or false or not adequately or scientifically substantiated and hence violating ASCI's code. Some of the health care products or services advertisements also contravened provisions of the Drug & Magic Remedies Act and Chapter 1.1 and III.4 of the ASCI Code. Complaints against the following advertisements which included Razorbill, Colgate-Palmolive (India), Pantene Shampoo, L'Oreal India Limited, Patanjali Ayurved Limited , and Hindustan Unilever Ltd were upheld

The list below is not the complete list

Some of the complaints against ads in the healthcare segment that were upheld included

Razorbill (RazorSlimAyurvedic Instant Slimming Capsules): The advertisement's claims, 'RazorSlimAyurvedic Instant Slimming Capsules' and 'No Exercise and No Diet' were not substantiated and the before and after visuals in the advertisement were grossly misleading.

Colgate–Palmolive (India) Ltd. (Colgate Herbal): The ambiguous presentation of the trademark 'Colgate Herbal' on packaging as two separate words and omission of the reference to trademark was misleading.

Procter & Gamble Hygiene & Health Care Ltd. (Pantene Shampoo): The advertisement's claim, Pantene is the 'World's No. 1 Hair Care Brand', regardless of the disclaimer, is misleading by implication and ambiguity. It was not accepted, that

the qualifier in the advertisement stating 'Hair Care Category sirf shampoo aur conditioner se sambandhit' is appropriate to validate the advertiser's own categorisation of Hair care category which comprises of Shampoo, Conditioner and Hair Oils.

L'Oreal India Limited (New Garnier White Complete Double Action Facewash): The advertisement on the pack claims, 'instant whitening' and 'Gives 1 tone fairer looking skin in one wash' were not substantiated. The TVC claim, 'You think only cream can give you visible fairness? Think again This fights dark spots and gives instant whitening', was misleading by implication.

Hindustan Unilever Ltd. (Rexona Roll On): The advertisement of Rexona Roll On claim, 'Ten times (10X) Protection', was misleading by omission of qualifiers and reference to the comparison to talcum powder.

Rajnish Hot Deals Pvt. Ltd. (Play Win Plus Capsules): The claim in the advertisement (in Marathi) 'And, what continues the whole night? Quick results, one capsule one hour prior, get a surge of energy, for better results use PlayWin oil', in the advertisement read in conjunction with the pack visual and the advertisement visual is misleading and implies that the product is meant for enhancement of sexual pleasure, which is in breach of the law as it violated The Drugs & Magic Remedies Act.

Rajnish Hot Deals Pvt. Ltd. (Play Win Capsules): The advertisement's claim, 'Effect start from First Day Only', was not substantiated with supporting product efficacy data, and is misleading. Also, the claims (in Marathi) as translated into English, 'If you want to make your life happy! Then make your wife happy!!!', 'Play Win Capsules are effective for this kind of problems. Which can help you gain your power, stamina, strength' and 'Make your relationship stronger', read in conjunction with the advertisement visual and pack visual implies that the product is meant for enhancement of sexual pleasure, which is in breach of the law as it violated The Drugs & Magic Remedies Act.

Ayuway Herbal (Noni Wellness Drink): The claims in the advertisement (in Gujarati) as translated into English, 'By taking Ayuway Herbal Noni daily in appropriate dose, the following stubborn diseases can be brought under control – Cancer, Arthritis, Blood circulation, Stomach ulcers, Muscle pain, Thyroid, Gas trouble, Diabetes, H.I.V., Skin problem', 'In many such diseases Ayuway Noni is beneficial' and '100% money back guarantee', were not substantiated and are misleading. Also, specific to the claims with money back guarantee implying treatment/cure for Cancer, Arthritis, Diabetes, the advertisement is in breach of the law as it violated The Drugs & Magic Remedies Act.

Babuline Pharma Pvt. Ltd. (Babuline Carminative Water): The advertisement's claim, 'Five times faster than churan or tablet' was not substantiated as there was no authentic

evidence comparing the speed of action of the product versus any marketed product. Also, the claim in the advertisement, 'Fit and Healthy' was considered to be misleading by ambiguity.

Vaidya Pritam Singh (Shiva Aushadhalaya): The advertisement (in Hindi) claiming to 'Cure childless women with guarantee', was not substantiated and is misleading by exaggeration. Also, specific to the claims implying guaranteed cure for childless women (infertility), the advertisement is in breach of the law as it violated The Drugs & Magic Remedies Act.

A few complaints about ads in the F&B segment that were upheld included

Patnajali Ayurved Ltd. (Patanjali Kachi Ghani Mustard Oil): The advertisement's claim, 'mustard oils are being adulterated with oil made by solvent extraction process with neurotoxin containing Hexane', was not substantiated. Also, the claim is grossly misleading by exaggeration.

Kamla Kant & Company LLP (Rajshree Pan Masala): The advertisement themed blood donation features Anu Kapoor – a celebrity from the field of cinema for a product which has a health warning 'Pan Masala is injurious to health' and which cannot be purchased or used by minors, who are very likely to be exposed to the advertisement. The celebrity in the advertisement would have a significant influence on minors who are likely to emulate the celebrity in using the product. The advertisement contravened Chapter III.2 (e) of the ASCI Code which specifically states that advertisements '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'. Also, the supers/statutory warning in the Hindi TVC were not legible and not in the same language as the audio of the TVC.

DJ Group (Pan Bahar Pan Masala): The advertisement features Saif Ali Khan – a celebrity from the field of cinema for a product which has a health warning 'Pan Masala is injurious to health' and which cannot be purchased or used by minors, as minors are very likely to be exposed to the advertisement. The celebrity in the advertisement would have a significant influence on minors who are likely to emulate the celebrity in using the product. The advertisement contravened Chapter III.2 (e) of the ASCI Code which specifically states that advertisements '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'. Also, the advertisement is misleading by omission of an appropriate disclaimer/statutory warning.

Meeka Restaurants Private Limited (Nando's Chicken): The statements in the advertisement, 'Try something you can grab with both hands' and 'We don't mind if

you go on to touch our buns, breasts or thighs', are sexually suggestive and objectifies female body parts, which is likely in the generally prevailing standards of decency to cause grave and widespread offence.

Kellogg India P. Ltd. (Kellogg's Chocos Mascot in Chota Bheem): The advertisement's claim, 'Kellogg's chocos – Isse behetar kya ho sakta hai' implies that Kellogg's Chocos is recommended as a better food option and can be had several times. The advertisement hence contravened the Guidelines on Advertising of Food and Beverages (Clause # 3 and #7 – ('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', 'Advertisements for food and beverages unless nutritionally designed as such should not be promoted or portrayed as meal replacement.')).

Hindustan Unilever Ltd. (Knorr Classic Thick Tomato Soup): The advertisement's claim, 'Knorr chefs have handpicked the best quality vegetables' was not substantiated and is misleading by implication, given that the product is made on a mass production scale and not customized or personalized.

A few complaints about ads in the eCommerce segment that were upheld included

One Mobikwik Systems Pvt. Ltd. (Mobikwik Rs. 20 Cashback Offer): The advertisement's claim, 'Rs 20 cashback' was misleading by ambiguity and omission of complete disclaimer.

One Mobikwik Systems Pvt. Ltd. (Mobikwik) (Get Rs 500 Cashback): The advertisement's claim, 'Pay via Mobikwik (Get Rs. 500 Cashback)' was misleading by ambiguity and omission of a qualifier.

Uber India (Uber Taxi Service – Distance Surcharge): The advertisement was misleading by omission of the mention of applicable additional charges (i.e. distance surcharge) per trip along with the fares on the website.

One97 Communications Limited (Paytm): The advertisement's claim, '24/7' is misleading by ambiguity and omission of the details of the specific services for which the claim is valid.

Astrologerad.com: The claims in the advertisement (in Gujarati) guaranteeing sure solutions for problems such as infertility, marital discord, winning a lottery, were false and misleading by exaggeration. The advertisement exploits the consumers' lack of knowledge and is likely to lead to grave or widespread disappointment in the minds of consumers.

Bankbazaar.com (Bhartiya Jan Dhan Credit Scheme): The advertisement of Bhartiya Jan Dhan Credit Scheme was posing like a Government scheme and was misleading the consumers by ambiguity and implication.

A few complaints about ads depicting Automotives that were upheld included

Nissan Motors India Pvt. Ltd. (Nissan Sunny): The scenes in advertisement showing the 'driver speaking on the phone', 'vehicles coming from the wrong sides', 'car overtaking from the wrong side', and the last scene of the 'driver not wearing the seat belt', shows / encourages dangerous / unsafe practices and manifests a disregard for safety.

Apollo Tyres Ltd. (Apollo Tyres for Scooters): The scene in the advertisement showing, albeit for a short time, the 'protagonist riding the scooter on the footpath to get ahead of the blocked traffic', shows / encourages an unsafe practice, and also portrays violation of Traffic Rules.

Hamilton Housewares Pvt. Ltd. (Milton i Fresh–100 percent Leakproof Lunch Boxes): The advertisement showcasing rash driving to demonstrate 100 percent Leakproof Lunch Boxes depicts speed and manoeuvrability in a manner which encourages unsafe and reckless driving and manifests a disregard for safety and encourages negligence.

Amazon.com Inc. (Amazon – Friendly Customer Service): The visual in advertisement, 'a pillion rider on a bike without a helmet' as depicted in the advertisement shows violation of traffic rules and also is an unsafe practice.

Education sector

The CCC found following claims in the advertisements by 4 different advertisers were not substantiated and, thus, violated ASCI Guidelines for Advertising of Educational Institutions. Hence complaints against these advertisements were UPHELD.

New Delhi Institute of Management: The advertisement's claim, 'A+++ with Average Salary in S2 Grade (Rs.5.0-Rs.9.9 Lakh)', was not substantiated with evidence to prove that the individual students were indeed given the salary offer. Further, the advertisement's claim, '100 percent Finest Placements since Inception', was not substantiated with authentic data. In addition, the advertisement's claim, '15th Best Placements in India' was not substantiated with authentic comparative data. Also, the claims are misleading by ambiguity in the absence of any disclaimers.

Test Cracker Education Private Limited (Test Cracker–CAT 2016 coaching): The advertisement's claims, '95 % Guarantee in CAT 2016', 'Srikant is the Bangalore topper in CAT 2015', 'Best Results in CAT 2015' and 'Ashank Dubey the best Quant faculty in India', were not substantiated and are misleading by exaggeration.

S.Tech Group of Education (S Tech I.T School): The advertisement's claim, 'No. 1 Biggest Campus', was not substantiated and is misleading.

British Fort Foundation (British Institute): The advertisement's claim, 'Award in USA', was not substantiated and is misleading.

Others

Reckitt Benckiser (India) Pvt. Ltd. (Mortein Insta5): As for the absence of the word 'mosquitoes' in the tagline of the advertisement of Mortein Insta5, the claim, 'Relief from Dengue in just 5 minutes' was misleading by ambiguity.

Pernod Ricard India P. Ltd. (Seagram's Royal Stag): The advertiser did not provide the annual market sales data of the product/service 'Royal Stag Mega Music', which was advertised. It was concluded that the advertisement was a surrogate advertisement for a promotion of a liquor product–Royal Stag.

Whirlpool of India Ltd. (Whirlpool 3D Cool Xtreme AC): The advertisement's claim, '3 times more powerful cooling' is proven in terms of air throw distance, but not in terms of speed of cooling the room. The claim was not adequately substantiated and is misleading by ambiguity. Further, the advertisement's claim, '6th Sense Climate control' was not adequately substantiated and is misleading by implication. The advertisement also claims, 'cools the room instantly' which was not substantiated and misleading by exaggeration. Also, the advertisement's claim, 'Health protection' was not adequately substantiated and is misleading by implication.

Idea Cellular Ltd. (Idea 3G 900): The advertisement's claims, 'Jam free network' and 'Adwiteeya internet indoor coverage (second to none internet indoor coverage)', were not substantiated by comparative data of other service providers and were misleading by ambiguity.

Idea Cellular Ltd. (Idea 3G): The advertisement states, 'Idea 3G' in Baharpur village where the 3G service is not being offered was misleading by omission of an appropriate disclaimer. Also, the advertisement exploits the consumers' lack of knowledge and is likely to lead to grave or widespread disappointment in the minds of consumers.

Reliance Industries Ltd. (Reliance Jio Infocomm): The advertisement's claim, 'Financial year 2016-17 will be the first full year of commercial operations of its Reliance Jio', is factually wrong and likely to mislead the consumers as the advertiser has not started their commercial services.

Aircel Ltd. (Aircel): The advertisement's claim, 'RC 32 1.2p/2 sec STD+LOC 90 D', was false and misleading.

Suzuki Motorcycle India Pvt. Ltd. (Suzuki Gixxer): The advertisement's claim, Suzuki Gixxer is 'Most Awarded Bike of the Year 2015-16', with the picture of 19 awards shown at the bottom of the advertisement, was false and misleading, as Suzuki Gixxer has won only 6 awards in 2015-16.

Shwas Homes Pvt. Ltd: The advertisement's claim, 'Aluva Railway station & Metro station is just a cigarette distance away' was not adequately substantiated and is misleading by ambiguity.

12. Sri Vedic Pratisthan (Rashi Bhagya Ratna): The advertisement's claims, 'If you possess RashiRatna (5.25 'Rati' RashiRatna) thousands of rupees, you can become quickly fortunate and receive miraculous betterment, health, accomplishment and 'Buy our talisman in just Rs.525/- and become fortunate to get your wishes fulfilled. Be profited by using it for job, success in business, conquest of enemy, dream marriage and love', were not substantiated and are misleading by exaggeration. The advertisement exploits the consumers' lack of knowledge and is likely to lead to grave or widespread disappointment in the minds of consumers.

Agarwal D2D Packers and Movers: The advertisement's claim, '60 percent of the people in the country shift through us', was not substantiated and is misleading.

Tata Motors Ltd. (Tata Signa): The advertisement's claims, 'Higher Productivity through improved comfort and fleet utilization', 'Superior incab experience', 'Fleetman. Fleet telematics for higher productivity. In-built telematics' and 'Proven and reliable driving', were not substantiated by submission of claim support data as to how the advertised product is better as claimed. Also, the claims were misleading by omission of a reference to the comparison being made.