



The Advertising Standards Council of India

REGISTERED OFFICE & SECRETARIAT: 219 Bombay Market, 78 Tardeo Road, Mumbai 400 034.
Tel: 23513982, 23521066 Fax: 23516363; E-mail: asci@vsnl.com; Website: www.ascionline.org; Toll Free no. 1-800-22-2724

ASCI is a voluntary Self-Regulation council, registered as a not-for-profit Company under section 25 of the Indian Cos. Act. The sponsors of the ASCI, who are its principal members, are firms of considerable repute within Industry in India, and comprise Advertisers, Media, Ad. Agencies and other Professional/Ancillary services connected with advertising practice. The ASCI is not a Government body, nor does it formulate rules for the public or the 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, and 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, with a view to achieve the acceptance of fair advertising practices in the best interest of the ultimate consumer:

- I. To ensure the truthfulness and honesty of representations and claims made by advertisements and to safeguard against misleading advertisements.
- II. To ensure that advertisements are not offensive to generally accepted standards of public decency.
- III. 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.
- IV. To ensure that advertisements observe fairness in competition so that the consumer's need to be informed on choices in the market-place and the canons of generally accepted competitive behaviour in business are 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 so 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 rules 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.

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 influence the opinions or behaviour of those to whom it is addressed. Any communication which in the normal course would be recognised as an advertisement by the general public would be included in this definition even if it is carried free-of-charge for any reason.
- 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 include 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, hand bills, direct mail, posters, internet, etc.
- minors are defined as persons who are below the age of 18 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 it be 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.

CHAPTER-I.

To ensure the Truthfulness and Honesty of Representations and Claims made by Advertisements and to Safeguard against misleading Advertisements

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.
2. Where advertising claims are expressly stated to be based on or supported by independent research or assessment, the source and date of this should be indicated in the advertisement.
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.
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.
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 prevalent price of the product without the advertised incentive.
- (c) Claims which use expressions such as "Upto 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 publicizes the main results in the media used to announce the competition as far as is practicable, and advises the individual winners by post.
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.
7. In mass manufacturing and distribution of goods and services it is possible that there may be an occasional, unintentional lapse in the fulfilment of an advertised promise or claim. Such occasional, 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 fulfillment 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

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

CHAPTER III

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 minors, to a degree or of a type which is Unacceptable to Society at Large.

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 race, caste, colour, creed, gender or nationality”
 - (c) Presents criminality as desirable or directly or indirectly encourages people - particularly minors - to emulate it or conveys the modus operandi of any crime.

- (d) Adversely affects friendly relations with a foreign State.
2. Advertisements addressed to minors 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 minors to enter strange places or to 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 minors to emulate such acts in a manner which could cause harm or injury.
 - (c) Should not show minors 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 minors for tobacco or alcohol-based products.
 - (e) Should not feature personalities from the field of sports, music and cinema for products which, by law, either require a health warning in their advertising or cannot be purchased by minors.
 3. Advertisements shall not, without justifiable reason, show or refer to dangerous practices or manifest a disregard for safety or encourage negligence.
 4. Advertisements should contain nothing which is in breach of the law nor omit anything which the law requires.
 5. Advertisements shall not propagate products, the use of which is banned under the law.
 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 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 reason to find the advertisement objectionable provided the advertisement is not objectionable in terms of (a) and (b) above.

CHAPTER IV

To ensure that Advertisements observe fairness in competition such that the Consumer's need to be informed on choice in the Market-Place and the Canons of generally accepted competitive behaviour in Business are both served.

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.
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 trade mark or symbol of another firm or its product or the goodwill acquired by its advertising campaign.
 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. 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.



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Self-Regulation in Advertising

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.

Self - Regulation Guidelines on Advertising of Foods & Beverages (F&B)

Preamble

Communication and Advertisements related to F&B can have significant impact on 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) ... Recognizing the need to promote high standards of business ethics to ensure commercial communication 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, ads 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 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 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, independent agency or individual in particular profession in India unless there is a prior consent, the claim is current and endorsement verifiable and agency body named.



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ASCI Guidelines for Advertising of Educational Institutions and Programs

Preamble

Educational Institutions such as Universities, Colleges, Schools, Coaching Classes etc. which offer programs of education and training 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 to 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 program 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. A significant amount of advertising activity is currently happening reflecting the vast variety of educational programs which are being offered.

Guidelines

Further to complying with the general rules of The ASCI's Code for Self - Regulation in Advertising, the Advertisements of Educational Institutions and Programs shall comply with the following Guidelines:

1. The Advertisement shall not state or lead the public to believe that an institution or course or program is official, recognized, authorized, accredited, approved, registered, affiliated, endorsed or has a legal defined situation, unless the advertiser is able to substantiate with evidence.
- 2a) Advertisement offering a Degree or 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
- 2b) In case the advertised Institution or Program is not recognized or approved by any mandatory Authority, but is affiliated to another Institution which is approved or recognized by a mandatory Authority, then the full name and location of the said Affiliating Institution shall also be stated in the Advertisement

- 2c) The name of the Affiliating Institution, as indicated in 2b, shall not be less than 50% of the font size as that of the Advertised Institution or Program 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 or program or preparation course or coaching classes will provide the student a 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 job prospects. The font size of the disclaimer should not be less than the size of the claim being made in the Advertisements.
- 4a) Advertisement shall not make claims regarding extent of the passing batch placed, 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 program'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.
- 4b) Advertisement stating competitive rank of the institution or its program shall also provide full name and date of the publication or medium which released the rankings
- 4c) Visual of Infrastructure of the Institution shown in Advertisement shall be real and existing at the time of ad's release
- 4d) Testimonial of toppers in an Advertisement shall be from students who have participated in testimonied program, exams or subject only from the advertising institute.
- 4e) Advertisement stating number of passing out students placed for jobs shall also state total number of students passing out from the placed class.



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Self - Regulation Guidelines on Advertisements for 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, eg wearing of helmets and fastening of seatbelts, not using mobiles/cell phones when driving, etc.

Guidelines

Specifically, Advertisements should not

- a) portray violation of the Traffic Rules,
- b) show speed maneuverability in a manner which encourages unsafe or reckless driving, which could harm the driver, passengers and/or 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



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Communicating Disclaimers and Qualifications of claims through “Supers” in an Advertisement

“Supers” should be clearly legible and on TV ads should be held long enough for the full message to be read by average viewer on a standard domestic TV set. Therefore following minimum size of lettering of “Supers” and its holding time on screen for TV ads is required.

- 1) For Print Ads the font size of the “Supers” shall be minimum 6 and 7 points for 100 cc or less and more than 100 column centimeter or equivalent size ads respectively
- 2) For TV Ads the size of the “Supers” shall be of minimum 12 pixel height and stay not less than 4 seconds duration on the screen for up to 2 lines of “Supers”. For every additional line of “Super” additional 2 seconds of hold time would be required. Script of the “Supers” should be in the same language as the audio of the advertisement.



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GUIDELINES ON RADIO MANDATORIES

The following are the Guidelines on Radio Mandatories.

1. The speed of mandatory messages should not exceed 6 syllables per second as this is easily comprehended.
2. The volume should be at the same level as the rest of the radio spot.



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VALIDITY & DURATION OF CLAIMING NEW / IMPROVED

	<u>Definition</u>	<u>Period over which can be claimed</u>
<u>New</u>	The words New/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

April 20, 2014



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GUIDELINES FOR QUALIFICATION OF BRAND EXTENSION PRODUCT OR SERVICE

In order to evaluate genuineness of a unrestricted product or service brand extension of a product (eg 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 6 a) of ASCI code)

1. Brand Extension Product or Service should be registered with appropriate Government authority eg. CENVAT / VAT/FDA/FSSAI/TM etc.,
 - 2a. In store availability of the product must be at least 10% of the leading brand in category the product competes as measured in the Metro Cities where the product is advertised.
 - 2b. Sales Turnover of the product or Service on should exceed Rs.5 cr per annum nationally or Rs 1 cr per annum per state where distribution has been established.
3. A valid certificate from independent organization such as ACNielsen or category specific industry association (for distribution and sales turnover) would be required to prove the concerned criteria.



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ASCI's policy on complaints against Political and Government advertisements

ASCI does not accept and process complaints against political and non-commercial government advertising for the following reasons:

- 1) ASCI's self regulation system is established as an industry initiative with the objective of regulating commercial communication i.e. advertising which, directly or indirectly, solicits exchange of money for goods and services. ASCI's code specifically states that "The code for self-regulation has been accepted by individuals, corporate bodies and associations engaged in or otherwise concerned with the practice of advertising in the best interest of the ultimate consumer." Therefore, political, and non-commercial government advertising attempting to influence voters does not come under the ambit of ASCI.
- 2) It is important to ASCI's integrity that it is seen as an impartial adjudicator free from the perception of political bias. It is not possible to make decisions about whether a political or non commercial government advertisement breaches the Code without the potential for being seen as taking a political viewpoint.
- 3) ASCI has mandates from industry associations such as ISA, AAI, INS, IBF, etc. representing India's advertisers, advertising agencies and media to self-regulate advertising content. ASCI currently has no mandate to regulate government or political advertising. Complainants need to be aware that the ASCI is an industry funded body. It is inappropriate for ASCI to assume jurisdiction over the content of political or government advertising in the absence of political parties' or government's support for such advertising to be regulated by ASCI.

ASCI recommends that anyone who has complaints against any political advertisements should write to the Election Commission of India. And send complaints against non-commercial government-released TV advertisements to Ministry of Information and Broadcasting, New Delhi which is the regulator for TV content and for press advertisements to the Press Council of India, New Delhi which is the regulator for print content.