



The Advertising Standards Council Of India

CCC Recommendations - April 2019

1903-C.44

COMPANY: Meenakshi Mission Hospital & Research Centre

Complaint: “Meenakshi Mission Hospital & Research Centre.... Hi I am Hari (live in the UK). Today I saw an advertisement in Sun TV during Illyaraja 75 event program about this hospital. This brand advertisement are misleading. In one of its advertisement they suggest that that they were the first in global to do a laparoscopic surgery for some treatments etc. This can't be true and misleading customers. Could you please investigate this ensure such advertisement are stopped and don't fool people. This program was telecast from 3 pm IST...but these advertisement was coming during each of the commercial breaks.”

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim, to the advertiser with a request to respond to the same. The Advertiser was offered an opportunity for Personal Hearing with the ASCI Secretariat which they did not avail, but submitted their written response. Advertiser stated that they are a 30-year-old institution providing world-class care to the people of South Tamil Nadu at affordable prices. They have been recognised by various global and national organisations for their work in the healthcare sector. They stated that their free cleft lip/palate programme has benefited more than 12000 children, the free cancer programme has benefited more than 1000 economically underprivileged children, while their hospice centre provides palliative care for the unaffordable. The advertiser asserted that their advertisements are conceptualised based on facts. They demanded to know the identity of the complainant who was responsible for spreading such news.

The CCC viewed the TVC (in regional language) and considered the advertiser's response. The CCC observed that as per complaints procedure, while the ASCI secretariat does not process anonymous complaints, the identity of individual consumer is required to be protected and hence cannot be disclosed to the advertiser. The complaint appears to have merit whereas the advertiser has made only assertions regarding their hospital but did not provide any support data or evidence in support of their claims. In the absence of claim support data, the CCC concluded that the claims (as translated in English), “.....in our Meenakshi Mission hospital, first laparoscopy treatment was done in world level”, “In 1993, world's first laparoscopy treatment was done to remove lung and liver tumours” and “..... Always first,” were not substantiated with verifiable data such as comparison with other hospitals worldwide to prove that they are the first in performing laparoscopic surgery to remove lung and liver tumours, or any audited market survey data, or through a third-party validation. The claims are misleading by exaggeration and implication and are likely to lead to grave or widespread disappointment in the minds of consumers. The TVC contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was UPHELD.





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1903-C.53

COMPANY: RSPL Limited

PRODUCT: Xpert Dishwash Bar

Claim objected to:

“Aam hare bar ke muqable behtar safai” (better cleaning compared to common green bar).

Complaint: “This is in reference to the Advertiser’s dish washing bar product ‘Xpert Dishwash Bar’ and advertisements of the product being aired on TV and the Manufacturer’s website (http://www.gharidetergent.com/xpert_cake.html) wherein the advertiser is claiming its product provides better cleaning than the commonly used ‘green bar’. We have attached a copy of the TVC, along with the storyboard and translations of the disclaimer as Annexure I (collectively) and screen shots of the Advertiser’s websites as Annexure II.

From 00:15 seconds into the said advertisement where the celebrity is explaining the product’s “Double Action Formula”, she states that the formula provides ‘aam hare bar ke muqable behtar safai’ (better cleaning compared to common green bar). It is submitted that this statement is a comparison with the most commonly available green bar in the market – the complainant’s VIM Dishwash Bar, which has an all-India market share of close to 60%; and is available across the country. We submit that though this type of comparison in advertisements is usually substantiated by laboratory testing using commonly-known protocols, the Advertiser has mentioned no such comparative testing; or in any way explained or clarified the claim.

Instead this statement is accompanied by an ambiguous disclaimer which translates to - “Reference to common green bar for creative clarification and it does not intend to point to any other brand”. This disclaimer clearly contradicts the material claim made by the celebrity in the VO, wherein a comparison has been made with the most commonly available green bar – VIM Dishwash Bar. The disclaimer does not provide material information on the comparison and conceals the advertisement’s true commercial intent – an unsubstantiated and unfair comparison with the marketleading product. It is therefore submitted that this advertisement due to its unfair comparison is not in the interest of fair competition and should be withdrawn on that count alone.”

CCC RECOMMENDATION: NOT UPHELD

The ASCI approached the advertiser for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim, to the advertiser with a request to respond to the same. The Advertiser was offered an opportunity for Personal Hearing with the ASCI Secretariat which they did not avail, but submitted their written response. Advertiser stated that their brand communication for the product has been rooted in product efficacy and the brand promise is encapsulated in the tagline “*kare chutki mein chaka chak*” for years. A product evaluation survey by Consumer Voice, an independent agency, rated the advertiser’s product in the top most category for tough soil removal. Further, the advertiser’s product has a strong market share in many parts of the country. The advertiser stated that the product contains abrasive particles and functional materials which help remove tough stains on the utensil. The product also has a special ingredient / system permitting easy removal of stains with water. The advertiser also specified that the product tagline does not make a specific reference to any particular brand by implication or expressly as there are multiple green bars available in the market. The Advertiser provided examples of existing dishwash bars in the category which are green in colour. As claim support data, the Advertiser submitted a test report, comparing the advertiser’s product and other green bars in the same category, website screenshot showing relevant extract of consumer voice data, summary table from Nielsen Report 2017 showing the market share of Xpert Dishwash Bar in different States. The advertiser also submitted a soft copy of the TVC and a copy of the storyboard and product label.

The claim support data was reviewed by the technical expert of ASCI. The CCC viewed the TVC and considered the Advertiser’s response as well as the opinion of Technical expert presented at the meeting. The CCC observed that the with reference to “*aam hare bar*”, the advertiser submitted images of other bars in the market that are green





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in colour. The reference was not made towards any specific competing product. The reference to a common green bar is merely generic, creative reference and is qualified via disclaimer (as translated in English) reads – “Reference to common green bar for creative clarification and it does not intend to point to any other brand”. The CCC did not consider this depiction and reference to “*aam hare bar*” to be objectionable. This complaint was **NOT UPHELD**.

Claim – “*Aam hare bar ke muqable behtar safai*” - The CCC also noted that the advertiser submitted a comprehensive test report, with details (equipment, method, protocol etc.), to show that their product does a better job of stain removal than other competing products including the complainant’s product. The test report indicated that the advertiser’s product removed the stain/soil with maximum efficiency as compared to many other bars. This test report was acceptable by the CCC. The CCC noted that the complainant did not submit any such test report as their grounds for objection. Based on the advertiser’s response with the supporting data provided, and in the absence of any data contrary to the advertised claim from the complainant, the CCC concluded that the claim, “*Aam hare bar ke muqable behtar safai*” was substantiated. This complaint was **NOT UPHELD**.

1903-C.69

COMPANY: IPSIT Group

PRODUCT: IPSIT Projects

Complaint:

“About advertising

Palghar = IPSIT Tax Free Home

Free stamp duty and Registration.

After booking flat Builder is asking for payment of stamp duty and registration charges the advertisement is displayed at outside of Palghar railway station.

1. Copy of the booking form is not giving to me. But my flat registration copy I'm attached
2. Initially the builder offer the negotiated price. But after registration builder is denying and plus he is asking for tax duty and registration which was free in his advertise
3. I had ask him to cancelled booking but he is not ready to cancel the booking”

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim, to the advertiser with a request to respond to the same. The Advertiser was offered an opportunity for Personal Hearing with the ASCI Secretariat which they availed and subsequently submitted their written response. The advertiser stated that “tax free houses” included free stamp duty registration and GST subject to a consumer buying a house at the given standard amount. However, if a consumer chooses to buy a house at a discounted rate then the onus of paying the stamp duty registration fee and GST lies on the consumer/buyer. The advertiser requested for the Complainant’s contact details, copy of the booking form, cancelled booking details and copy of the challan to verify the scheme opted by the complainant. However, the complainant stated that a copy of the booking form was not available but the complainant could only furnish a copy of the flat registration. In the absence of requisite details from the complainant, the advertiser was asked to submit verifiable data of the customers who had availed the offer of tax free homes. The advertiser submitted a sample booking form and challan of stamp duty paid by them for a customer, as claim support data.

The CCC viewed the Ad - Hoarding and considered the booking details provide by the Complainant, and the advertiser’s reply along with the claim support data. The CCC observed that the complainant had purchased a flat on a negotiated amount based and hence the complainant was asked to pay the stamp duty charges and the registration fee. The CCC noted the free stamp duty registration and GST was available to customers who purchase





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the flat at the given rate and not at a negotiated rate. The CCC observed that Terms and Conditions for the offer were not readily available for the customer or on the advertiser's website. Further, the CCC noted that stamp duty is a levy and not a perpetual tax like property tax. As per ASCI code Chapter I, where a claim is made that if one product is purchased (House), another product will be provided "free" (stamp duty / registration), the advertiser is required to show that the price paid by the consumer for the product which is offered for purchase with the advertised incentive (House starting from 15.8 lakhs) is no more than the prevailing price of the product without the advertised incentive. This not being the case and based on the information available, the CCC concluded that the Ad - Hoarding claiming "Tax Free Homes* - *Free Stamp Duty Registration & GST" was false and misleading. The claim is likely to lead to grave or widespread disappointment in the minds of customers / consumers. The Ad - Ad - Hoarding contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.10

COMPANY: Mohini Knitweares

Claim Objected To:

"India's Biggest Woollen Knitweares House"

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for Personal Hearing with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that the advertisement was for a woollen items store. The Advertiser did not provide any support data or evidence of comparison with other similar knitwear stores to prove that their woollen knitwear house was the biggest as compared to other woollen knitwear houses in India, or through a third-party verification. The CCC concluded that the claim, "India's Biggest Woollen Knitweares House", was not substantiated and is misleading by exaggeration. The claim is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.12

COMPANY: Size Zero Slimming Centre

Claims Objected To:

1. "Guaranteed Weight Loss"
2. "Best and most Latest Therapy."

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for Personal Hearing with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that the advertisement promoted programme for weight loss. The advertiser did not provide details of their treatment procedure for weight reduction nor any weight loss data based on rigorous trial on statistically significant number of their customers who achieved the claimed results regardless of their physiological status. In the absence of claim support data, the CCC concluded that the claim, "Guaranteed Weight Loss", was not substantiated and is misleading by exaggeration. The visual in the advertisement implies a significant weight loss around tummy would be feasible, which is also grossly





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misleading. The claim, “Best and most Latest Therapy” was not substantiated with any evidence of the services available at the centre and basis for claiming them to be the best or the latest. The claim is misleading by exaggeration. The claims are likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.13

COMPANY: Vansh Clinic and Test Tube Baby Center

Claims Objected To:

1. Continuous successful results in the field of infertility for the past 16 years.
2. Women who had suffered miscarriages 4-10 times and had given up after taking treatment for 15-20 years, have also conceived.

Claim implies guaranteed success

CCC RECOMMENDATION: UPHELD

The ASCI had approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for Personal Hearing with the ASCI Secretariat which they did not avail, but submitted their written response. The Advertiser stated that the advertisement was in the context of treating patients for infertility and high-risk pregnancies. The advertiser has helped patients with history of multiple abortions and many years of infertility by helping them conceive through their test tube baby method. Further, the advertiser stated that this method has been used for the last four years.

The CCC viewed the print advertisement and considered the advertiser’s response. The CCC noted that the advertiser’s response has only assertions about the claims but they did not submit any authentic and verifiable data to substantiate their claims.

Claim, “Continuous successful results in the field of infertility for the past 16 years” – the CCC observed that the advertiser has not explained what they mean by “continuous successful results” and have not provided details for the last 16 years.

Claim, “Women who had suffered miscarriages 4-10 times and had given up after taking treatment for 15-20 years, have also conceived”, - The advertiser did not provide details or clinical evidence whether such results have been achieved on a consistent basis over a statistically significant number of patients meeting the stated criteria. The claims are misleading by ambiguity and implication that there are no chances of failure.

The claims exploit consumers’ lack of knowledge and are likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**. The CCC noted that the advertiser was willing to rectify their claims.



HONESTY



DECENCY



RESPONSIBILITY



FAIRNESS

So you can trust advertising



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1903-C.14

COMPANY: Sarvodaya Skill Development Center

Claim Objected To:

“100% Job Assistance”

100% numerical claim is misleading by implication

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for Personal Hearing with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that while the advertiser may be providing job assistance, by placing the trained students in various industries like hotel management, retail management, computer and hardware networking, fashion designing and as sailor technicians and dealership executives, the use of 100% numerical is not relevant for “Job Assistance” claim. The use of “100%” as a descriptor in the claim is misleading by implication and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.16

COMPANY: Shri Krishna Nurses Bureau and Education Academy

Claim Objected To:

“Success Guarantee 100%”

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for Personal Hearing with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Success Guarantee 100%”, was not substantiated with supporting evidence of students who were successfully placed as nurses in the healthcare industry on completion of their training. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1903-C.17

COMPANY: Ananya Academy

Claim Objected To:

“An institution providing most success in U.P.”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for Personal Hearing with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “An institution providing most success in U.P”, was not substantiated with any market survey data, comparative data of the advertiser's institute and other similar institutes in UP, to prove that they are better than the rest in providing success for CTET coaching. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.19

COMPANY: Extreme Classes Junior Wing

Claim Objected To:

“The most reliable and result oriented coaching institute in Bareilly”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for Personal Hearing with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “The most reliable and result oriented coaching institute in Bareilly”, was not substantiated with any market research data, or verifiable comparative data of the advertiser's institute and other similar institutes in Bareilly, to prove they are the most reliable / trusted, in providing coaching to their students, or through a third party validation. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1903-C.21

COMPANY: Institute of Commerce & Maths (ICM)

Claim Objected To:

“Join the best to be the best”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for Personal Hearing with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Join the best to be the best”, was not substantiated with market survey data, or with verifiable comparative data of the advertiser’s institute and other similar institutes, to prove that their institute is better than the rest in providing coaching for various professional courses and competitive exams, or through an independent third party validation. The claim is misleading by exaggeration, and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.23

COMPANY: Infogro Technologies

Claim Objected To:

“100% Placement Assistance”

100% Numerical claim is misleading by implication

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for Personal Hearing with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that while the advertiser may be providing placement assistance to their students, by placing the trained computer professionals in the IT sector, the use of 100% numerical is not relevant for “Placement Assistance” claim. The use of “100%” as a descriptor in the claim is misleading by implication and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1903-C.24

COMPANY: International Institute of Goat Management (IIGMA)

Claim Objected To:

“Placement Guaranteed”

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for Personal Hearing with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Placement Guaranteed”, was not substantiated with verifiable supporting data of the students who were placed through their Institute in the Livestock management sector. The claim providing a “guarantee” is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.25

COMPANY: Kimberley the International School

Claim Objected To:

“Ranked No.1 in Haryana amongst top International Residential Schools -2016”

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for Personal Hearing with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the “Ranked No.1 in Haryana amongst top International Residential Schools -2016”, was not substantiated with verifiable comparative data for the ranking claimed, with survey methodology, parameters considered, questionnaires used, names of other similar institutes that were part of the survey and outcome of the survey. The source for the claim was not indicated in the advertisement. The claim is misleading and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1903-C.45

COMPANY: Adhigam Coaching

Claim Objected To:

“Rajasthan's Best Educational Institute”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for Personal Hearing with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Rajasthan's Best Educational Institute”, was not substantiated with market survey data, or verifiable comparative data of the advertiser's institute and similar institutes in Rajasthan, to prove that their institute is better than the rest in providing coaching for competitive exams for government jobs, or through an independent third party validation. The claim is misleading by exaggeration, and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.67

COMPANY: Triveni Almirah

Complaint:

About Advertisement: On 14 March 2019 advertisement is published in "Dainik Jagaran" News Paper as "Laadli bitiya ki grihasthi me niptaa nahi tikaau triveni ALMIRAH ". It indicates gift good "TRIVENI ALMIRAH" to daughter for household purposes.

Complaint: "TRIVENI ALMIRAH" advertisement in "Dainik Jaagaran" news paper dated 14 March 2019 promotes inequality between men and women and offensive towards women. Why gift this cupboard to daughter for household chores only and why not gift this to son for household chores? In India there are strict laws against dowry but this advertisement shows women are weak and needs dowry. This advertisement should be modified so that it does not show women are poor and marginalised but should promote equality between genders.

CCC RECOMMENDATION: **NOT UPHELD**

The ASCI approached the advertiser for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim, to the advertiser with a request to respond to the same. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that the advertiser is promoting various models of domestic almirahs (cupboards / ward robes) claiming the quality of the product to be long lasting which is not disposable (“niptaa nahi tikaau”). In this context, the CCC was of the view that the reference made to “Laadli bitiya” in the caption objected to, “Laadli bitiya ki grihasthi mein niptaa nahi tikaau Triveni ALMIRAH”, was not objectionable, as gifting is a voluntary action. The CCC did not consider the advertisement to be encouraging dowry practice. The complaint was **NOT UPHELD**.





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1903-C.76

COMPANY: Triveni Almirah

Claims Objected to:

1. India's No.1 Domestic Almirah
2. Most Trusted Brand Award- 2017
3. Best Industries Award- 2008
4. Best Innovation Award- 2015

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, "India's No.1 Domestic Almirah", was not substantiated with any verifiable comparative data of the advertiser's product and other Domestic Almirah products in India, to prove that they are in leadership position (No.1), or through a third party validation. The source for the claim was not indicated in the advertisement. Claims, "Most Trusted Brand Award- 2017", "Best Industries Award- 2008", and "Best Innovation Award- 2015", were not substantiated with copy of the award certificates, details of the criteria for granting the awards, references of the awards received such as the year, source and category, and name of the awarding bodies. The claims are misleading by exaggeration and are likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.3

COMPANY: Angels Advanced Clinic Pvt. Ltd

Claims Objected To:

1. "Angels New Discovery-Lotus growth factor therapy (LGFT) for hair fall control & regrowth with proven results."
2. "Get hair on bald head within one hour."

The claims accompanied by before and after visuals are misleading by implication and exaggeration.

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement, and observed that the advertiser did not provide details of hair treatment procedure of Lotus Growth Factor Therapy (LGFT) for hair fall control and regrowth, nor robust clinical data on statistically significant number of their patients to prove efficacy of their treatment. In the absence of comments from the advertiser, the CCC concluded that the claims, "Angels New Discovery-Lotus growth factor therapy (LGFT) for hair fall control & regrowth with proven results" and "Get hair on bald head within one hour", were not substantiated with supporting clinical evidence or with treatment efficacy data and are misleading by gross exaggeration. The claims when read in conjunction with the visuals being depicted via images of before and after the treatment showing significant regrowth of hair on bald patches, implying cure for





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baldness, was grossly misleading, and is likely to lead to grave or widespread disappointment in the minds of consumers. The claim implying cure for baldness as a result of the treatment (a condition referred in Schedule J of the Drugs and Cosmetics Act), the advertisement is in Breach of the law as it violated The Drugs & Cosmetics Rules 106. The advertisement contravened Chapters I.1, I.4, I.5 and III.4 of the ASCI Code. The complaint was **UPHELD**.

1903-C.4

COMPANY: Apex Hospital

Claims Objected To:

1. "Freedom from joint and spine related problem."
2. "The only centre in Purvanchal with 10,000 replacement."

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that the advertiser did not provide details of the treatment procedure for the claimed diseases, details regarding the medicines used for their treatment, or their approval status by the regulatory authorities. In the absence of claim support data, the CCC concluded that the claim, "Freedom from joint and spine related problem", was not substantiated with supporting credible scientific/clinical evidence, and is misleading by gross exaggeration. Claim, "The only centre in Purvanchal with 10,000 replacement", was not substantiated with verifiable comparative data of the advertiser's hospital and other similar hospitals treating joints and spine problems in Purvanchal, to prove that they are the only hospital who have done 10,000 replacement surgeries, or a third party validation, and is misleading by exaggeration. The claims exploit consumers' lack of knowledge, and are likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.5

COMPANY: Apex Hospital

Claim Objected To:

"New hope of life for every cancer patient."
Claim implies cure from Cancer

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that that the Headline claim, "Jeevan ki nayi aashaa har Cancer rogi ke liye" ("New hope of life for every cancer patient") implies that the advertiser's hospital is providing cure for Cancer, which is misleading by implication. The claim exploits the consumers' lack of knowledge, and is likely to lead to grave or widespread disappointment in the minds of patients suffering from Cancer. The advertisement contravened Chapters I.1, I.4, and I.5 of the ASCI Code. The complaint was **UPHELD**.





The Advertising Standards Council Of India

1903-C.6

COMPANY: Plattformno1.com

PRODUCT: Baha Musk Melon Facial Massage Kit

Claim Objected To: “Removes tanning, wrinkles.”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for Personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that the advertiser did not provide Copy of Product approval license / product label, and Product composition details. In the absence of any comments or response from the advertiser, the CCC concluded that the claim (in Marathi) as translated in English, “Removes tanning, wrinkles” was not substantiated with product efficacy data, and is misleading by gross exaggeration. The claim is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4, and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.7

COMPANY: Plattformno1.com

PRODUCT: Orachic Gold Facial Kit

Claim Objected To: “Gives freedom from spots.”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that the advertiser did not provide Copy of Product approval license / product label, and Product composition details. In the absence of any comments or response from the advertiser, the CCC concluded that the claim (in Marathi) as translated in English, “Gives freedom from spots”, was not substantiated with product efficacy data, and is misleading by exaggeration. The claim is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4, and I.5 of the ASCI Code. The complaint was **UPHELD**.





The Advertising Standards Council Of India

1903-C.8

COMPANY: Bhatwal Surgical and Maternity Hospital

Claim Objected To:

“With the help of Bariatric surgery, medicines for disease such as diabetes can be stopped.”

CCC RECOMMENDATION: UPHELD

The ASCI had approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat which they did not avail, but submitted their written response. Advertiser stated that the claim made is based on scientific references published in various Journals. As claim support data, the advertiser provided journal references on ‘Mechanisms of Diabetes Improvement Following Bariatric / Metabolic Surgery’, ‘Clinical and Patient-Centered Outcomes in Obese Patients with Type 2 Diabetes’, ‘Obesity, Bariatric and Metabolic Surgery’ and ‘Glycemic control and reduction of cardiovascular risk following Bariatric surgery’. Advertiser in their response quoted relevant extracts from these journals. Advertiser further stated that the health benefits of bariatric surgery have been recognized by the Government of Maharashtra, for which they referred to an article

(<https://timesofindia.indiatimes.com/city/mumbai/as-obesity-spreads-state-to-fund-bariatric-op-for-2500-ruralpeople/articleshow/67412540.cms>.)

The claim support data was reviewed by the technical expert of ASCI. The CCC viewed the print advertisement and considered the Advertiser’s response as well as the opinion of Technical expert presented at the meeting. The CCC observed that the data provided by the advertiser shows increase in efficiency of Glycemic control following Bariatric surgery. As per the data presented by the advertiser, in addition to sustained weight loss, bariatric surgery can also significantly improve glycemic control, reduce the requirement for diabetes medications, induce remissions of T2DM, and prevent the incidence of diabetes in baseline non-diabetic patients. Furthermore, the advertiser did not provide any clinical or scientific data to prove that treatment through bariatric surgery helps diabetic patient’s lead normal lives even if they revert to their pre-surgery lifestyle. The CCC noted that the advertisement does not call out limiting conditions (such benefits being possible for baseline non-diabetics / Type 2 diabetes etc., other limitations or do’s and don’t) and makes a generalized statement.

Based on these observations, the CCC concluded that the claim, “*Bariatric surgerychya madatineyDiabetes (madhume) saarkhyai aajharaachi aushadhey dekil bandh howoo shaktat*” (“With the help of Bariatric surgery, medicines for disease such as diabetes can be stopped”), was inadequately substantiated with supporting clinical evidence and is misleading by omission, implication and exaggeration. The claim exploits consumers / diabetic patients’ lack of knowledge, and is likely to lead to grave or widespread disappointment in the minds of consumers / diabetic patients. The advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.



HONESTY



DECENCY



RESPONSIBILITY



FAIRNESS

So you can trust advertising



The Advertising Standards Council Of India

1903-C.26

COMPANY: HAKH Research & Medical Foundation

Claims Objected To:

1. Guarantee of complete protection from HIV as well as cure from HIV
2. Treatment can be stopped if HIV DNA-PCR report is negative

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. However, the advertiser has not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that the advertiser did not provide any details of the treatment procedure for HIV, nor any details regarding the medicines used in their treatment, and their approval status by the regulatory authorities. Upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claims (in Marathi) as translated in English, "Guarantee of complete protection from HIV as well as cure from HIV" and "Treatment can be stopped if HIV DNA-PCR report is negative", were not substantiated with supporting clinical evidence. The claims imply guaranteed cure for HIV which are misleading by gross exaggeration and exploit the consumers' lack of knowledge and are likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.46

COMPANY: Aditya Educational Institution-Aditya Academy

Claim Objected To:

"Best preparatory school for +2/ JEE Main/ Advanced/ NEET/ AIIMS and CA-CPT"

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, "Best preparatory school for +2/ JEE Main/ Advanced/ NEET/ AIIMS and CA-CPT", was not substantiated with any market survey data, or with verifiable comparative data of the advertiser's academy and other institutes, to prove that they are better than the rest in providing courses for JEE Main/ Advanced/ NEET/ AIIMS and CA-CPT entrance examinations, or through an independent third party validation. This claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





The Advertising Standards Council Of India

1903-C.47

COMPANY: Aspirant Entrance Coaching

Claim Objected To:

“The leading coaching centre in Trivandrum”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “The leading coaching centre in Trivandrum”, was not substantiated with any verifiable comparative data of the advertiser’s coaching centre and similar institutes in Trivandrum, to prove that they are leading in providing entrance coaching for NEET/JEE/AIIMS/JIPMER exams among all other centres. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.48

COMPANY: Global Engineering College

Claims Objected To:

“The Best”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “The Best”, was not substantiated with market survey data, or with verifiable comparative data of the advertiser’s college and other engineering colleges, to prove that they are better than the rest in providing the courses claimed, or through an independent third party validation. This claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





The Advertising Standards Council Of India

1903-C.49

COMPANY: Global Indian International School

Claims Objected To:

1. World's most awarded school- 100+ awards for educational excellence
2. Ranked 1 in India for holistic development - Education Today

CCC RECOMMENDATION: UPHELD

The ASCI had approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat which they availed via telecon, at which time the advertiser agreed to seek Information Resolution (IR) of the complaint by modifying the advertisement. However as this assurance was not sent via written communication, the complaint was processed for CCC deliberations. The CCC viewed the print advertisement and considered the advertiser's response. Claim – “World's most awarded school - 100+ awards for educational excellence” – In response to this objection, the advertiser stated that their School has been honored with 114 international and national awards over a period of 12 years since 2008, by various organizations, for innovation and achieving excellence in the field of school education. Advertiser provided an excel sheet giving list of awards received since 2008 till March 2019. The CCC observed that the advertiser did not provide worldwide comparative data of the advertiser's school and other similar schools to prove that they have received the maximum number of awards on worldwide basis. Based on this observation, the CCC concluded that the claim, “World's most awarded school”, was not substantiated and is misleading by gross exaggeration.

Claim – “Ranked 1 in India for holistic development - Education Today” – Advertiser asserted that their School was ranked No.1 in India under the Top CBSE School -Parameter wise for 'Holistic Development' in the survey conducted by Education Today. Advertiser provided a copy of the award certificate. The CCC observed that the advertiser did not provide the details of the process as to how the selection for the award was done, survey methodology, details of survey data, criteria used for evaluation, questionnaires used, names of other similar institutes that were part of the survey, the outcome of the survey, and details about the awarding body. Based on this observation, the CCC concluded that the claim, “Ranked 1 in India for holistic development - Education Today”, was inadequately substantiated for the ranking claimed. The claim was not qualified to mention the source and date of the award and is misleading by omission. The claims are misleading are likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1903-C.50

COMPANY: Afairs Exhibitions Pvt Ltd

Claim Objected To:

“Gurugram's Most Trusted Exhibition on Schools Admission”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Gurugram's Most Trusted Exhibition on Schools Admission”, was not substantiated with any market survey data, or with verifiable comparative data of the advertiser's exhibition and other similar exhibitions conducted on schools admission, in Gurugram, to prove that they are most trusted than the rest, or through a third party validation. The claim is misleading by exaggeration and implication, and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.51

COMPANY: Indian Institute of Tourism and Travel Management

Claim Objected To:

“Leading Government Institute of Tourism & Travel in South Asia with best placement record”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that the Advertiser did not provide any support data or evidence of comparison with other institutes of Tourism and Travel Management in South Asia, to prove that they are better than all the others in providing placements for their students in Travel and Tourism industry. In the absence of claim support data, the CCC concluded that the claim, “Leading Government Institute of Tourism & Travel in South Asia with best placement record”, was not substantiated with verifiable comparative data, and is misleading by exaggeration. The claim is likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1903-C.52

COMPANY: JP Institute

Claim Objected To:

“Only reliable institute of Madhya Pradesh”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Only reliable institute of Madhya Pradesh”, was not substantiated with any verifiable comparative data of the advertiser’s institute and other similar institutes, to prove that only they are reliable than the rest in providing MPPSC / UPSC foundation courses and crash courses. The claim is misleading by exaggeration, implication and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.101

COMPANY: Lamba Coaching College

Claim Objected To:

“The only institute of North India which has provided 100% result in army recruitment, GD and clerk written exams since last 27 years”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the concerned Media (Dainik Bhaskar Group) for their assistance in providing the contact details of the advertiser, or to forward the complaint to the advertiser. The CCC noted that no response was received from the advertiser or from the concerned media prior to the due date for this complaint. The CCC viewed the print advertisement and observed that the Advertiser did not provide any support data or evidence of comparison with other defence colleges in North India, to prove that they have provided 100% result in army recruitment, GD and clerk written exams on year on year basis since last 27 years as claimed. In the absence of response from the concerned media and comments from the advertiser, the CCC concluded that the claim, “The only institute of North India which has provided 100% result in army recruitment, GD and clerk written exams since last 27 years”, was not substantiated with verifiable comparative data or through a third party validation. The claim is misleading by gross exaggeration and is likely to lead to grave or widespread disappointment in the minds of students. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1903-C.102

COMPANY: Varanasi Institute of Paramedical

Claim Objected To:

“100% Campus Placement”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the concerned Media (Jagran Prakashan Ltd) for their assistance in providing the contact details of the advertiser, or to forward the complaint to the advertiser. The CCC noted that no response was received from the advertiser or from the concerned media prior to the due date for this complaint. The CCC viewed the print advertisement. In the absence of response from the concerned media and comments from the advertiser, the CCC concluded that the claim, “100% Campus Placement”, was not substantiated with authentic supporting data such as detailed list of students who have been recruited through their Institute in Hospitals or Medical Labs, contact details of students for verification, enrolment forms, and appointment letters/job offer letters received by the students, nor any independent audit or verification certificate. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of students. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.75

COMPANY: Lotus Herbals Ltd

PRODUCT: YouthRx Anti-Ageing Transforming Crème

Claim objected to:

1. India’s leading natural beauty brand
2. Contains Groundbreaking ‘Gineplex Youth Compound’ derived from potent natural ingredients that are clinically proven to accelerate lifting and firming
3. The potent active ingredients include ginseng which activates cell metabolism and boosts collagen production and ginger which has more than 40 antioxidants and milk peptide.

Complaint:

1. Please substantiate claim 1-3 with independent claim support data. The claim support data should not be internal or based on studies commissioned by Lotus Herbals.
2. Ref. to Claim 1, we would like to quote ASCI’s decision regarding the advt. of “Global Healthfit Retail India Ltd LLP (Neuherbs Organic Green Coffee)” in the month of Aug-Sept 2018, claiming that it is “India’s leading organic green coffee brand”. According to ASCI, the claim “was inadequately substantiated with clinical research data, market survey data, third party validation or any verifiable comparative data to its claim. The claim is misleading by exaggeration and likely to lead to grave or widespread disappointment in the minds of consumers”. Similar claim is made in this advt.
3. Ref. to claim 2, please provide the source and date of the independent tests and studies. We would like to quote ASCI’s decision regarding “Cosmos Online Pvt Ltd (Gizmobaba Laser power grow comb)” in the month of May 2018, claiming that the “Gizmobaba laser comb provides low-level laser light energy that stimulates and enlivens hair follicles promoting new hair growth”, “With consistent use, most users start seeing benefits in 16 weeks (Based on clinical studies)”, “Increases Energy Levels, Improves Skin, Hair





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and Increases Metabolism”. According to ASCI, the “Claims were not substantiated and are misleading by gross exaggeration”. Similar claim is made in this advt.

4. Ref. to claim 3, Is the amount of Ginseng, Ginger and Milk Peptide significant enough to make an impact on the performance of the product? We would like to quote ASCI’s decision regarding “New Dove Environmental Defence”, in the month of Jan 2018, claiming “New Dove Environmental Defence with Lotus extracts detoxifies hair”.

According to ASCI, the claim “was inadequately substantiated and is misleading by implication and exaggeration”. Similar claim is made in this advt. According to us, the advertisement contravenes Chapter 1.1, 1.2 And 1.4 of ASCI code”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim, to the advertiser with a request to respond to the same. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC observed that the advertiser did not provide product specific details such as composition / licence / pack artwork or samples, nor evidence of the ingredients present in the product. There were no authentic, published scientific references to support the claims, nor did they provide relevant extracts of ayurvedic / herbal references for the ingredients with their prescribed benefits as per ayurvedic / herbal texts.

The CCC viewed the advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claims, “Contains Groundbreaking ‘Gineplex Youth Compound’ derived from potent natural ingredients that are clinically proven to accelerate lifting and firming”, and “The potent active ingredients include ginseng which activates cell metabolism and boosts collagen production and ginger which has more than 40 antioxidants and milk peptide”, were not substantiated with technical details, composition of the product and evidence of product efficacy.

The claims are misleading by exaggeration and are likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4, and I.5 of the ASCI Code. The complaint was **UPHELD**.

Claim, “India’s leading natural beauty brand” – The CCC noted that Lotus Herbal is a well known Cosmetics company and the claim being make is not a superlative claim (“the leading”). In view of this observation, the claim was not considered to be objectionable. This complaint was **NOT UPHELD**.

1903-C.58

COMPANY: PharmEasy

Claims Objected to:

“100% Genuine Medicines”, “Flat 30% Off”

Complaint: “The said company in its print, online and media (television) advertisement are claiming to sell 100% Genuine Medicines and 100% Authentic Medicine which is a clear violation of Chapter - I of the ASCI code.

The said advertisements in a way distort facts, make false exaggeration in order to mislead the customers.

It is also pertinent to mention that the said Company in its print, online and media (television) advertisement are stating that they are giving the customers savings of around 20% to 30% in a way to gain an artificial advantage of better bargain. They calculate saving from MRP not in comparison to offer by other companies. The said statements are totally false and concocted and do not have any legal validity. The said advertisements does also unfairly denigrate, attack and discredit other advertisers directly and also the customers are misled as a result of comparison.





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Our concern is not with regards to "medicines delivered were not as promised / no discount was extended". What we want to focus on or high light on are as follows:-

1. The said "PharmEasy" is stating in its advertisement that the products they sell are 100% genuine medicines. So in that regard does the Company "PharmEasy" have any extra certification to prove that it is only the Company in India selling 100% genuine medicines, and the other companies involved in the same business or retailers involved in the said business are selling all fake medicines. If it is so that they are the only company in India selling genuine medicine then they must be having a certification like and ISI certification or any other certification from the competent authority to prove their claim of 100% genuine medicines.

2. In the aforesaid context we would also like to draw your attention toward the statements made by the company "PharmEasy" in their terms and conditions which is a mis-representation to the customers in a way to mislead them. In all the advertisements they state that they sell 100% Genuine / Authentic medicines but on they contrary they state that they are not responsible for the Genuineness of the products and it's the retail pharmacist responsibility. In this regard please refers to the images of the terms and conditions of the Company "PharmEasy" as provided below."

CCC RECOMMENDATION: **UPHELD**

The ASCI had approached the advertiser (PharmEasy) for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim to the advertiser with a request to respond to the same. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat, which they did not avail but submitted their written response. The advertiser (91 Streets Media Technologies Pvt. Ltd) stated that the PharmEasy mobile application was operated by another Indian company which has tied up with third-party retail pharmacies who are registered and licensed with the Food and Drugs Administration (FDA). Further the advertiser asserted that they have no authority to address the grievances of the complainant nor are they responsible for the operation or the day to day business affairs of the website and/or mobile application.

The CCC viewed the print advertisement and considered the Advertiser's response. The CCC observed that a closer perusal on the internet showed reference to the relationship of the advertiser's company with the application. Furthermore the CCC was of the opinion that the advertiser cannot choose to ignore its obligation on its own whims and fancies. The CCC also observed that the advertiser mentioned that the application operator has tie-ups with thirdparty retail pharmacies who are registered and licensed with the FDA, for which they did not provide proof of their tie up with FDA, and with list of such retail pharmacies. The CCC also noted that PharmEasy is a brand of 91 Streets Media Technologies Pvt. Ltd, hence PharmEasy has an obligation to establish the claim. The advertiser did not provide the basis for claiming their medicines to be 100% genuine.

Based on these observations, the CCC concluded that the claim, "100% Genuine Medicines" was not substantiated with any verifiable supporting data such as list of registered FDA approved pharmacies who have tie-ups with the advertiser and how the advertiser ensures that all medicine supplied is 100% genuine. The claim is misleading by exaggeration and is also likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. This complaint was **UPHELD**.

In absence of any evidence from the complainant contrary to the claim, the CCC did not consider the claim, "Flat 30% off" to be objectionable. This complaint was **NOT UPHELD**.





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1903-C.77

COMPANY: Toppr Technologies Pvt Ltd

PRODUCT: Toppr Learning App

Claim Objected to:

“7 million students are learning on Toppr

Complaint:

Complaint 1: A news advertisement in times of India dated 3rd March 2019 (Hyderabad edition) making following claims without substantiating or providing source of information i.e. "7 Million students are learning on Toppr. Complaint 2: Toppr is running an advertisement in newspaper that '7 millions student are learning on Toppr'... This is not true.

I am a student and I have seen an advertisement of Toppr in Times of India Newspaper dated 3rd March 2019. Toppr is claiming that it has 7 million students learning on Toppr. I read chapter 1 of ASCI rules point no 1.1. Which said that all claims should be substantiated. Whereas i feel that their claim is false. Please inquire as they have not provided any proof to their claim of 7 million student learning on toppr.

In reference to my complaint lodged against the advertisement of Toppr which reads as follows:

"7 Million students are learning on Toppr"

According to me, the claim of Toppr is false and is misleading the public at large which is clearly a violation of the ASCI Act. Further, the advertisement in itself is misleading as there are no justification to the number claimed by Toppr. As per the ASCI Act, an advertisement aired on any media must be aired with proper justification. The number of subscribers claimed by Toppr is a gross exaggeration just to attract more subscribers. Kindly do the needful. "

CCC RECOMMENDATION: UPHELD

The ASCI had approached the advertiser for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim, to the advertiser with a request to respond to the same. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat, which they availed via telecon and submitted their written response. The advertiser stated that the claim was based on the live number of visitors on the advertiser's website (<https://www.toppr.com/>). The advertiser explained that the total number of signups are 705,370. Post signing up, a user selects a class in their profile. As claim support data, the advertiser provided a screenshot of the live number counter of students on the advertiser's website, tabulated data presenting a detailed view of the installs of the advertiser's application on the iOS and Android platform, analytics of website data and tabulated data presenting details of the number of users split by class.

The CCC viewed the print advertisement and considered the Advertiser's response. The CCC observed that the advertiser was an online learning application that provided coaching – online classes, mock tests and adaptive practice, to students from Grade 5 to Grade 12. Further, while the online classes were free for a learner's perusal, a learner had to pay for mock tests and adaptive practice. The advertiser's claim was based on the number of students who had downloaded the advertiser's application and had selected their class. The CCC did not consider the app downloads, the analytics of that data or the number of students selecting a class to be valid claim support data. Mere downloading an application is not indicative of the claim that the student is learning on the application. In the absence of verifiable and credible claim support data, the CCC concluded that the claim, "7 Million students are learning on Toppr" was inadequately substantiated with authentic supporting evidence or with an independent audit or a verification certificate. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of students. The advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1903-C.79

COMPANY: Times Network Ltd

PRODUCT: ET Now

Complaint:

As per the advisory dated January 31, 2019 and advisory update dated February 14, 2019, issued by BARC (advisory and mail shared by BARC, attached herewith) it is clearly stated that, data during the NTO period is likely to be volatile and hence any public communication and/or leadership claims would not be as per fair usage of BARC India data, and may even lead to confusion in the market.

BARC has therefore put a temporary restriction on public usage of viewership data for publicity/communication/leadership claims with effect from data of Week 6, 2019 until further notice.

Starting from 14th February, 2019, ET Now has published and circulated the BARC data for the Week 6,7,8,9 & 10 and claimed to be the No.1 channel during these weeks. Attached herewith are clips ET Now has published on their Channel.

In spite of advisory released to the stakeholders by BARC, ET Now has chosen to flout the same and resorted to claim their leadership position every week in the form of promotions through RHS and promos/wipe on their channel. Video clippings of these instances have been attached to support this case. This action of theirs, is misleading the viewers and taking undue advantage of the NTO implementation period.

Thus, we would like to raise this complaint against ET Now, for violating BARC Advisory by publishing and circulating the data for Week 6,7,8,9 & 10, for your adjudication and appropriate action.

CCC RECOMMENDATION: UPHELD

The ASCI had approached the advertiser for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim, to the advertiser with a request to respond to the same. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat which they did not avail, but submitted their written response. Advertiser in their response stated that Telecom Regulatory Authority of India (TRAI) had issued a directive to BARC, based on BARC's advisory dated 31st January 2019, to release the viewership data and not withhold the data. The advisory was only a restriction on putting out the data for public consumption. Further, the data for the purported suspended period was freely available to all BARC subscribers for their consumption. The advertiser asserted that TRAI's direction superseded BARC advisory of 31 January, 2019. Therefore, the purported embargo on public consumption of the data was lifted. However, BARC failed to publish ratings and viewership data on its web-site during BARC weeks 6, 7, 8, to which TRAI warned BARC of "appropriate action" for non-compliance of its earlier and subsequent directives. The advertiser concluded that TRAI's direction superseded BARC's advisory. Therefore, there was no restriction as to publication of BARC data for public consumption by BARC subscribers. The advertiser also stated that leaders in their respective genres have freely published and circulated its leadership position to the viewers and public-at-large. As claim support data, the advertiser submitted copies of news reports depicting the directives issued by TRAI against BARC advisory and the consequence of non-compliance of its directive dated 25th February 2019 and copies of leadership claims published by various broadcast channels during the impugned period of BARC weeks 6,7,8,9.

The data provided by the Complainant and the Advertiser along with the Advertiser's response was reviewed by the Technical Expert of ASCI. The CCC viewed the TV promos and considered the Advertiser's response as well as the opinion of the Technical expert presented at the meeting. The CCC observed that the BARC advisory dated 31st January 2019 which was updated on 14th February 2019, was applicable during the period of the advertisement complained against. The BARC data is free for all subscribers for internal consumption. However, BARC has advised users to refrain from using it for media planning and buying until the volatility post the settlement of NTO-TRAI's New Tariff Order as the viewership data was not usable during the Transition phase. Notwithstanding the advertiser's assertion, BARC is covered by Guidelines for Television Rating Agencies in India issued by the Ministry of I & B - (https://mib.gov.in/sites/default/files/TRP_Guidelines_16.01.2014.pdf), and not by the Telecom Regulatory Authority of India (TRAI). In this regard, the CCC observed that no order from the Ministry of





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Information and Broadcasting was presented and thus, the BARC Advisory has not been superseded. The CCC also noted that quoting numerous other broadcasters who have also advertised in contravention of the BARC Advisory of January 31 and February 14, 2019, does not exonerate the advertiser as these broadcasters also violate BARC's Guidelines on usage of data. In the context of impermissible use of BARC data, the CCC concluded that the TV Promos contravened Chapter I.3 of the ASCI Code. The complaint was **UPHELD**.

As for the leadership claims of other leading competitors referred to in the advertiser's response, the CCC recommended that the advertiser may register a complaint against the said Ads.

1904-C.107

COMPANY: RSPL Limited

PRODUCT: Xpert Dishwash Bar

Complaint:

The TVC advertisement by RSPL Ltd ("the Advertiser") of its product Xpert Dishwash Bar (pack of 3) (hereinafter "Product") published on the Advertiser's website www.gharidetergent.com, last visited on 10th January, 2019. The advertisement, also available on Youtube at: <https://www.youtube.com/watch?v=xhXfyOAQVok>, claims that the new Xpert Dishwash Bar (Pack of 3) is a big 'Saver Pack', because the new 3 bar pack is the same as the old 4 individual bars by weight, as it has 50gm extra per individual pack in the new 3 bar pack. Both these packs are priced at Rs. 30. This TVC can be accessed via this link - http://www.gharidetergent.com/xpert_cake.html. The same claim of being a 'Big Saver Pack' with 50gm extra is also made on the pack of the product, an image of which is attached as Annexure 1.

Further, the TVC also justifies that each of the 3 individual packs in the Product have 50gm extra, which has a disclaimer which qualifies this statement. The disclaimer states that, "This is in comparison to the Rs. 30 pack available in the market". This similar claim on the front of pack of having 50gm extra on pack is qualified with a disclaimer on the back of pack which states, "When compared to net weight per bar in Rs. 30 multipack SKU of other dishwash bars available in the market". An image of the front of pack and back of pack is also present in Annexure 1.

The claim of 50 gm extra has been qualified by the disclaimer which states "When compared to net weight per bar in Rs. 30 multipack SKU of other dishwash bars available in the market" on pack. In the TVC also, the disclaimer for the claim for 50gm extra states that "This is in comparison to the Rs. 30 pack available in the market". These are vague claims, and are not objectively ascertainable as there is only a generic comparison with Rs. 30 multipack SKUs in the market.

The claim that this is a new 'Big Saver' pack is untruthful and misleading. According to the TVC, the new 3 bar pack weighs the same as the older 4 bar pack (which was sold as '3+1 free'). However, the price of both the old and new pack is Rs. 30 (the disclaimer in the TVC states that the earlier 3+1 pack was priced at Rs. 30). Hence, the price has remained the same for the same weight. The only difference is that number of individual bars in the newer SKU is 3, as opposed to 4 in the older SKU. Hence, there is no saving delivered by the new pack, and this claim is untruthful and misleading. This is a direct distortion of the facts to make claims on pack, online and in TVCs to mislead the consumer into believing that they are saving money by consuming the new Product, as compared to the older version of that product as well as other Rs. 30 packs in comparison.





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CCC RECOMMENDATION: **UPHELD**

The ASCI had approached the advertiser for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim, to the advertiser with a request to respond to the same. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat which they did not avail but submitted their written response. The advertiser stated that the weightage of most competitive products in a SKU (3+1 free) package and sold at Rs. 30 weighs 480 gm with each bar weighing 120 gm. While the advertiser's product in a three SKU package sold at Rs. 30 weighs 510 gm with each bar weighing 170 gm. The advertiser also stated that the disclaimer in the TVC qualifies this claim. The advertiser also stated that the weight of the new three dishwash bar pack is the same as the weight of the old four dish wash pack. The same has been addressed in the TVC and on the product package that the price of both the old and new pack remains the same. The reference to the 'saver pack' was made to the combined offering of the three Bar Xpert SKU weighing 510 gm and a free scrubber. As claim support data, the advertiser submitted a copy of the TVC of the Xpert Dishwash Bar, copy of the internet advertisement, images of the wrapper of the new product and storyboard of the TVC.

The CCC viewed the YouTube Advertisement (<https://www.youtube.com/watch?v=xhXfyOAVok>) and the website advertisement (http://www.gharidetergent.com/xpert_cake.html), examined the package details and considered the advertiser's response. The CCC observed that the older four bar pack (sold as a 3+1 free) weighs the same as the new 3 bar pack. Both the old and the new packs were priced at Rs. 30 for the same weight. The only difference is that instead of four individual bars (older pack), the new package contains three individual bars. The CCC observed that there was no difference between the older pack and the new three SKU packs.

Based on these observations, the CCC concluded that the claim, "Big Saver Pack" is false and is misleading by distortion of facts, as there is no saving delivered by the new pack. The claim is likely to lead to grave or widespread disappointment in the minds of consumers. The YouTube and the website advertisement and product packaging contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1904-C.112

COMPANY: Goal Institute

Complaint: "In advertisement, this institute claim that they are "India's No. 1 Institute in Result Ratio". And secondly in advertisement this institute states that "Most Of the Toppers In NEET 2018 Of Jharkhand Are From Goal Institute". I do not agree with this advertisement claiming that GOAL institute is India's no.1 institute in result ratio. I think some other institute claim this statement and secondly, they are claiming that most of the toppers in NEET 2018 of Jharkhand are from goal institute. They are just copying others institute tagline to popularize themselves in false manner. They are misdirecting students to take admission in any manner. Kindly please look into it."

CCC RECOMMENDATION: **UPHELD**

The ASCI had approached the advertiser for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim, to the advertiser with a request to respond to the same. Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, "India's No.1 Institute in Result Ratio" was not substantiated with any verifiable comparative data of the advertiser's institute and other similar coaching institutes in India, to prove that it is in leadership position (No.1) than the rest in providing best results for IIT-JEE and Medical examination preparation, or through a third party validation. Claim, "Most of the Toppers in NEET 2018 of Jharkhand are from GOAL Institute" was not substantiated with verifiable supporting data to prove that most of the NEET 2018 Toppers of Jharkhand are from the advertiser's Institute, or through any third-party validation. The claims are misleading by exaggeration, and are





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likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1904-C.125

COMPANY: LegalEdge Tutorials

Complaint:

“Legal Edge is a coaching institute for the preparation of law entrance examinations. Recently they published several advertisements in the leading newspapers of Lucknow claiming:

1. They are the "best" coaching for law entrance preparation without substantiating the same;
2. They can make students, who register for their program, qualify the exam in 55 days without any substantiation; and
3. Nowhere in their advertisement have they put the disclaimer ‘past record is not a guarantee for future admission prospects’.

The Legal Edge advertisement violates the ASCI guidelines for Advertising of Educational Institutions and Programs on three counts. The first point mentioned in the advertisement description stands in direct violation of clause 4(b) of the ASCI guidelines for Advertising of Educational Institutions and Programs. Whereas the second and the third points mentioned in the advertisement description stand to violate clause 3 of the ASCI guidelines for Advertising of Educational Institutions and Programs”

CCC RECOMMENDATION: UPHELD

The ASCI had approached the advertiser for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim, to the advertiser with a request to respond to the same. Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not Responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the Facebook advertisement

(https://m.facebook.com/story.php?story_fbid=10156356700539542&id=568519541) and observed that the advertisement promoted a coaching class that prepares students for their CLAT within 55 days.

Claim – “Crack CLAT in 55 Days” - The CCC observed that the advertiser’s coaching class prepares students to crack the CLAT in 55 days. However, the advertiser failed to provide any verifiable supporting data to substantiate the claim. Based on these observations, the CCC concluded that the claim, “How to Crack CLAT in 55 Days” was not substantiated.

Claim – “India’s Best Institute for CLAT” – The CCC concluded that the said claim was not substantiated with any market survey data, or with verifiable comparative data of the advertiser’s coaching institute and other similar coaching institutes in India, to prove that it is better than the others in providing coaching for students for CLAT, or through an independent third party validation.

The claims are misleading by exaggeration, and are likely to lead to grave or widespread disappointment in the minds of consumers. The Facebook advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.



HONESTY



DECENCY



RESPONSIBILITY



FAIRNESS

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1903-C.9

COMPANY: Anandi Atta Chakki Pvt Ltd

Claim Objected To:

“Only Atta Chakki Giving 100% Result In Bajri.”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Only Atta Chakki Giving 100% Result In Bajri” was not substantiated with any market survey data or with comparative data of the advertiser's product and other atta chakki products, to prove their grinder's performance and efficiency in giving 100% result in Bajri and how it is unique to their atta chakki alone. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.20

COMPANY: Shivaji Institute

Claim Objected To:

“State No.1 arithmetic, Reasoning Faculty”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the concerned Media (Eenadu Publications) for their assistance in providing the contact details of the advertiser, or to forward the complaint to the advertiser. The CCC noted that no response was received from the advertiser or from the concerned media prior to the due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “State No.1 arithmetic, Reasoning Faculty”, was not substantiated with verifiable comparative data of the advertiser's faculty and faculty from other similar institutes in Hyderabad, to prove that they are better than the rest, in providing coaching for arithmetic and reasoning for SI / constables examinations, or through an independent third party validation. The source for the claim was not indicated in the advertisement. The claim is misleading by exaggeration, and is likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1903-C.30

COMPANY: Park Hospital

Claims Objected To:

“Best hospital for kidney transplant surgery in Panipat.”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Best hospital for kidney transplant surgery in Panipat”, was not substantiated with any market survey data, or any verifiable comparative data of the advertiser’s hospital and other similar hospitals in Panipat, to prove that they are better than all the other hospitals in providing kidney transplant surgeries, or through an independent third party validation. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of the consumers. The print advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.33

COMPANY: Kovai CNC College

Claim Objected To:

“100% Job”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “100% Job”, was not substantiated with authentic supporting data such as detailed list of students who have been placed through their Institute in CNC programming services, contact details of students for verification, enrolment forms and appointment letters received by the students, nor any independent audit or verification certificate. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1903-C.37

COMPANY: Akshar International School

Claim Objected To:

“100% Success Guaranteed”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “100% Success guaranteed.”, with respect to CA, CPT and CMA courses was not substantiated with verifiable supporting data and is misleading by exaggeration and implication of a guaranteed success in the exams for these professional courses. The claim is likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.38

COMPANY: 99 Institute of Beauty & Wellness

Claim Objected To:

“Job Guarantee”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Job Guarantee”, was not substantiated with verifiable supporting data such as detailed list of students who have been placed through their Institute as hair dressers, make up artists and beauticians in the beauty industry, contact details of students for verification, enrolment forms and appointment letters received by the students. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1903-C.39

COMPANY: FAME College - Faculty of Arts, Management & Engineering

Claim Objected To:

“100% Internship & Training with Job Guarantee in Hotels across India in Court Stamp Paper.”

CCC RECOMMENDATION: UPHELD

The ASCI had approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat which they did not avail, but submitted their written response. Advertiser stated that they have approached various hotels to sign MOU's with their institute for placement of their students for internships or jobs post the completion of the course. Further, the first batch for the course begins in May 2019, and until next year 2020, the data would be available of their students who were offered jobs in Hotel industry. As claim support data, the advertiser attached a copy of a sample MOU proposal for internship and recruitment for Hotels, and a sample copy of a contract agreement between the advertiser and the student on a stamp paper. The CCC viewed the print advertisement and considered the advertiser's response. The CCC did not agree with the advertiser's arguments for this claim guaranteeing jobs in future. Further, mere signing of an agreement with the student on a stamp paper does not ensure that a student will get the internship or the job. Based on this observation, the CCC concluded that the claim, “100% Internship & Training with Job Guarantee in Hotels across India in Court Stamp Paper”, has no basis and the claim is false, misleading by giving job guarantee for future. The claim is likely to lead to grave or widespread disappointment in the minds of students. The print advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.40

COMPANY: Shri Krishna Coaching Centre

Claim Objected To:

“India's Best Institute for preparation of Army, Navy, Air-force and paramilitary”

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat which they did not avail but submitted their written response. The Advertiser submitted that they have not provided any ranking in their claim. Further, the advertiser asserted that the word “*sarvshrest*” used in the claim means ‘premier’ and not ‘best’. The CCC viewed the print advertisement and considered the advertiser's response. The CCC observed that the advertiser asserts that they have interpreted the word “*sarvshrest*” to mean “premier”, as per Collins Dictionary. The CCC was of the view that word “premier” itself means “best” or “the ultimate”. The CCC also observed that the advertiser failed to provide any market survey data, or any verifiable comparative data of the advertiser's institute and other similar coaching institutes in India, to prove that it is shrestha / sarvashrestha / better than the rest in providing coaching for the Army, Navy, Air force and Paramilitary forces, or through an independent third-party validation. Based on this observation, the CCC concluded that the claim (in Hindi) as translated in English, “India's Best Institute for preparation of Army, Navy, Air-force and paramilitary” was not substantiated. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1903-C.42

COMPANY: Muppada Training Centre

Claim Objected To:

“The Best Defence Training Academy”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “The Best Defence Training Academy.” was not substantiated with any market survey data, or any verifiable comparative data of the advertiser’s training centre and similar defence training centres, to prove that it is better than the others in providing defence training for their students, or through an independent third party validation. The claim is misleading by exaggeration, and is likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.43

COMPANY: Sai Gurukul

Claim Objected To:

“The Best Airhostess Training”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement, and concluded that the claim, “The Best Airhostess Training”, was not substantiated with any market survey data, or with verifiable comparative data of the advertiser’s institute and similar institutes, to prove that it is better than the others in providing airhostess training courses, or through an independent third party validation. The claim is misleading by exaggeration and implication, and is likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1903-C.55

COMPANY: RGR Academy

Claim Objected To:

“Chennai's No.1 NEET/JEE/CPT Training institute”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Chennai's No.1 NEET/JEE/CPT Training institute”, was not substantiated with verifiable comparative data of the advertiser's academy and other similar institutes in Chennai, to prove that they are in leadership position (No.1) for providing training for the courses claimed, or through an independent third party validation. The source for the claim was not indicated in the advertisement. This claim is misleading by exaggeration and implication, and is likely to lead to grave or widespread disappointment in the minds of students. The print advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.59

COMPANY: ChiraYou Cardiac Care

Claim Objected To:

“Heart Problem! Avoid heart attack/ by-pass/ stents.”

Claim is misleading by omission of conditions where this could not work. Claim implies cure

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. Upon carefully viewing the print advertisement, examining the complaint and in the absence of specific comments and claim support data, the CCC observed that the advertiser did not provide clinical or scientific data to prove that through EECp treatment people with heart problems can avoid heart attacks/by-pass/stents. The CCC concluded that the claim, “Heart Problem! Avoid heart attack/ bypass/ stents”, was not substantiated with supporting clinical evidence. The claim is misleading implying cure for Heart problems, and by omission of conditions where the EECp treatment can work and conditions where it does not. The claim is likely to lead to grave or widespread disappointment in the minds of Heart patients. Specific to the claims implying cure for Heart Disease the advertisement is in Breach of the law as it violates The Drugs & Magic Remedies Act (item 26 under DMR Schedule). The print advertisement contravened Chapters I.1, I.4, I.5 and III.4 of the ASCI Code. The complaint was **UPHELD**.





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1903-C.60

COMPANY: Derma Klinik

Claim Objected To:

“Ranked No.1 as per All India Lifestyle Hospital/ Clinic Survey 2016.”

Claim is misleading by ambiguity and date of the award

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Ranked No.1 as per All India Lifestyle Hospital/ Clinic Survey 2016”, was not substantiated with verifiable comparative data for the ranking claimed as per the survey quoted. Advertiser also did not provide copy of the award certificates, details of the criteria for granting the award, category for which the award received, survey methodology, parameters considered, questionnaires used, names of other similar hospitals or clinics that were part of the survey and outcome of the survey. The source for the claim was not indicated in the advertisement. Moreover, the award granted to advertiser’s clinic was made three years ago and has since been superseded by the awards in 2017 and 2018. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.63

COMPANY: Dr. Pravin Patel’s Innovative Hospital & Research Center

Claims Objected To:

“Freedom from incurable cancer through super charge oxygen therapy.”

“There is no other treatment like Super Charge Oxygen Therapy, which frees patient from pain of cancer and by this therapy cancerous cells in the body get destroyed and patient gets rid of cancer.

“You can get rid of any type of disease with cell therapy operation.”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that the advertiser did not provide any details of the Super Charge Oxygen Therapy treatment procedure or the Cell Therapy Operation procedure for the treatment claimed, nor any details regarding the medicines and their approval status by the regulatory authorities. Upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claims (in Gujarati) as translated in English, “Freedom from incurable cancer through super charge oxygen therapy”, “There is no other treatment like Super Charge Oxygen Therapy, which frees patient from pain of cancer and by this therapy cancerous cells in the body get destroyed and patient gets rid of cancer”, and “You can get rid of any type of disease with cell therapy operation”, were not substantiated with supporting clinical evidence, and are misleading by gross exaggeration. The claims exploit the consumers’ lack of knowledge, and are likely to lead to grave or widespread disappointment in the minds of





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consumers. Specific to the claims implying cure for Cancer, the advertisement is in Breach of the law as it violates The Drugs & Magic Remedies Act (item 6 under DMR Schedule). The print advertisement contravened Chapters I.1, I.4, I.5 and III.4 of the ASCI Code. The complaint was **UPHELD**.

1903-C.78

COMPANY: Itihas Bodh Sansthan

Claim Objected To:

“The only reliable institute for Main exams since 25 years”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the concerned Media (HT Media Limited) for their assistance in providing the contact details of the advertiser, or to forward the complaint to the advertiser. The CCC noted that no response was received from the advertiser or from the concerned media prior to the due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “The only reliable institute for Main exams since 25 years”, was not substantiated with any market research data, or verifiable comparative data on year on year basis since the last 25 years as claimed, of the advertiser’s institute and other similar institutes, to prove they are the only reliable institute, in providing coaching to their students for Civil Services – Main exams, or through a third party validation. The claim is misleading by implication, exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.81

COMPANY: Koshi Science Classes

Claim Objected To:

“No.1 institute of the city.”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “No.1 Institute of the city”, was not substantiated with verifiable comparative data of the advertiser’s classes and other similar science classes in Khagaria city, to prove that they are in leadership position (No.1) for providing coaching for the claimed courses – IIT / Medical, or through an independent third party validation. The source for the claim was not indicated in the advertisement. This claim is misleading by exaggeration and implication, and is likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1903-C.106

COMPANY: Sahara Hospital

Claims Objected To:

“Best Multi Speciality Hospital in Non - Metro across India.”

“Best Multispecialty Hospital in Uttar Pradesh National Quality Excellence Award.”

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Best Multi Speciality Hospital in Non - Metro across India”, was not substantiated with any market survey data or verifiable comparative data of the advertiser’s hospital and other similar multi-speciality hospitals in non-metro areas across India, to prove that they are better than the rest, or through an independent third party validation. The claim is misleading by exaggeration.

Claim, “Best Multispecialty Hospital in Uttar Pradesh National Quality Excellence Award”, was not substantiated with copy of the award certificates, details of the criteria for granting the award, references of the award received such as the year, source and category, and details about the awarding body, and is misleading by omission of disclaimer to qualify the same. The claims are likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.56

COMPANY: Jharkhand Aushadhalay and Research Centre

Claims Objected To:

1. There is no need of operation for heart patients.
2. Successful treatment for kidney & heart.
3. Permanent treatment for kidney patients.

Claim no (2) & (3) implies cure for kidney & heart disease.

Testimonial in the advertisement given by Miss Sivanti Kumar states “Successful treatment for gall bladder stone without operation” is false and misleading by gross exaggeration.

Testimonial in the advertisement given by Mr. Brahmadev Yadav states, “Jharkhand Aushadhalay saved my life, got freedom from throat cancer” is false and misleading by exaggeration.

Testimonial in the advertisement given by Miss Shavana states, “I was suffering from paralysis & heart disease for many years, Jharkhand aushadhalay has given me new life” is false and misleading by exaggeration.

CCC RECOMMENDATION: UPHELD

The ASCI had approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat which they did not avail but submitted their written response. The advertiser stated that they have developed a herbal homemade “jari buti” that helps in curing heart, gall bladder and kidney patients. The advertiser also stated that many patients were cured from their heart, gall bladder and kidney problems after using these jari buti.





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The CCC viewed the print advertisement and considered the advertiser's response. The CCC observed that the advertiser's response has only assertions about their products, but did not provide any details of the jari buti for treatment of the claimed diseases, nor any details regarding the medicine and their approval status by the regulatory authorities, nor any scientific data or any references from classical ayurvedic literature to support the claims. The advertiser did not submit any study done with the medicines on a statistically significant number of patients that demonstrated the effectiveness of the medicines for the claimed diseases as mentioned in the testimonials. In the absence of claim support data, the CCC concluded that the claims, "There is no need of operation for heart patients", "Successful treatment for kidney & heart" and "Permanent treatment for kidney patients", Testimonial claim of the patient (Miss Sivanti Kumar) – "Successful treatment for gall bladder stone without operation", Testimonial claim of the patient (Mr. Brahmadev Yadav) – "Jharkhand Aushadhalay saved my life, got freedom from throat cancer", and Testimonial claim of the patient (Miss Shavana) – "I was suffering from paralysis & heart disease for many years, Jharkhand aushadhalay has given me new life", were not substantiated with supporting clinical evidence, and are misleading by gross exaggeration.

The claims exploit consumers' lack of knowledge and are likely to lead to grave or widespread disappointment in the minds of consumers. Specific to the claims implying cure for Cancer, Kidney, gall bladder, heart diseases and paralysis in the advertisement, the advertisement is in Breach of the law as it violated The Drugs & Magic Remedies Act (items 6, 22, 26, and 39). The print advertisement contravened Chapters I.1, I.4, I.5 and III.4 of the ASCI Code. The complaint was **UPHELD**. The CCC noted the advertiser's willingness to comply with the CCC recommendations by modifying the advertisements for future.

1903-C.61

COMPANY: Dr. Kamthe Piles Clinic

Claims Objected To:

1. "Only 1 hour treatment"
2. "India Book of Records of providing treatment on 208 patients in 11 hours."

CCC RECOMMENDATION: UPHELD

The ASCI had approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat which they did not avail but submitted their written response. The advertiser stated that their clinic had conducted the largest piles treatment camp with about 208 patients, which has been recorded in the India Book of Records. They have also been felicitated by Ayush minister for this achievement.

The CCC viewed the print advertisement and considered the Advertiser's response. The CCC observed that the advertiser's response has only assertions about the claims. The advertiser did not provide any details of the treatment procedure, nor any details regarding the medicines for treatment of piles problems, and their approval status by the regulatory authorities. Based on these observations, the CCC concluded that the claim, "Only 1 hour treatment", was not substantiated with supporting clinical evidence.

Claim – "India Book of Records of providing treatment on 208 patients in 11 hours" – The CCC observed that the claim was based on an award certificate provided by the India Book of Records for providing treatment to 208 patients in 11 hours. However, the advertiser failed to provide a copy of the said award. Furthermore, the Advertiser did not provide any logistics details, nor details of the process as to how the awarding body (India Book of Record) arrived at their conclusion for the treatment done on 208 patients. Based on these observations, the CCC concluded that the claim, "India Book of Records of providing treatment on 208 patients in 11 hours", was not substantiated with copy of the award certificates, criteria for granting the awards, references of the awards received such as the year, source, and details name of the awarding body. The source for the claim was not indicated in the advertisement.





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The claims are misleading by gross exaggeration and exploit consumers' lack of knowledge and are likely to lead to grave or widespread disappointment in the minds of consumers (especially piles patients). The print advertisement contravened Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.73

COMPANY: Brandzstorm India Marketing Pvt. Ltd.

PRODUCT: Luxxuberance

Claim objected to:

"India's first multi brand handbag and accessories store"

Objections:

1. Please substantiate the claim with independent claim support data. The claim support data should not be internal or based on studies commissioned by Brandzstorm India Marketing Pvt. Ltd.
2. Ref. to the claim, we would like to quote ASCI's Decision regarding "NeoStencil India Private Limited" in June 2018, claiming that it is "India's 1st live online platform for government Jobs".

According to ASCI, the claim "was not substantiated with any third party validation or with verifiable comparative data of the advertiser's institute and other similar institutes to prove that it is in leadership position (No.1) than the rest in providing government jobs through their online services". Similar claim is made in this advt. According to us, the advertisement contravenes Chapter 1.1, 1.2 and 1.4 of ASCI Code.

Action to be taken: We propose that the advertisement should be immediately withdrawn.

CCC RECOMMENDATION: UPHELD

The ASCI had approached the advertiser for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim, to the advertiser with a request to respond to the same. The Advertiser was offered an opportunity for personal meeting which they did not avail but replied that they would like to opt for Informal Resolution (IR) of the complaint by withdrawing the advertisement. However, as the advertiser did not provide the necessary undertaking required for IR within the given timelines, the complaint was taken forward for CCC deliberations.

The CCC viewed the magazine advertisement and observed that the advertiser was a handbag and accessories store. The advertiser did not submit any evidence of due diligence done by them for arriving at the claim nor any list of other prominent multi brand handbag and accessories stores in India to conclusively prove their claim of being the 'India's first'. In the absence of claim support data, the CCC concluded that the claim, "India's first multi brand handbag and accessories store", was not substantiated with any verifiable comparative data nationwide, of the advertiser's store and other similar stores to prove that they are the first store in India that sells multi brand handbags and accessories. The claim is misleading by exaggeration. The magazine advertisement contravened Chapters I.1 and I.4 of the ASCI Code. This complaint was **UPHELD**. The CCC noted the advertiser's response that the said advertisement is being withdrawn.





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1904-C.127

COMPANY: Policybazaar Insurance Web Aggregator Private Limited

Complaint:

“Policybazaar advertisements on television creates very confusion n misleading information. Pls take action. The issue is policy bazaar claimed that people buy insurance from policy bazar because if u buy from market there is commission of agents involve. It in biggest joke that policy bazar itself a insurance broker and agents how they can deliver lie... This advertisement always shown in sports channel mostly star sports... by actor akshay kumar. I viewed this ad. Actor promoted buy zero plan commission insurance products from only policy bazar? How it’s possible it’s clear that policy bazar itself is commission broker. .? How they can chated and mislead false information. . I am badly hurt by this advertisement and i want compensation from company.”

CCC RECOMMENDATION: NOT UPHELD

The ASCI approached the advertiser for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim, to the advertiser with a request to respond to the same. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat, which they did not avail but submitted their written response. The advertiser stated that the TVC displayed the zero commission products of various insurers and the same was also available on the advertiser’s website. All products displayed on the advertiser’s website are approved by the IRDAI, the details of which are provided by the insurer. Further, some insurance policies, unlike general policies, do not have any commission payment for the intermediary even when the sale happens through them. Such products are called “zero commission” products. The entire premium amount for such products is allocated towards the underlying financial/investment/insurance instrument without any deductions. Further, the advertiser is an Insurance Web Aggregator and is not registered as a Broker. The advertiser, where commission is payable, receives the same as a web aggregator and receives no commission on a zero-commission product. Advertiser provided a copy of the TVC and a copy of the storyboard of the TVC. The CCC viewed the TVC and considered the Advertiser’s response. The CCC observed that the TVC advertised zero commission insurance policies, which have been approved by the IRDAI. Under these plans, no commission is payable to intermediaries. In this case the advertiser being an insurance web aggregator, does not receive any commission. The entire amount is allocated to the customer’s insurance instrument without any deductions. Further, the advertiser has also qualified the claim, “Zero Commission Investment Plans” with a disclaimer stating the approval of such plans by the IRDAI, and that zero commission is payable to intermediaries. Based on this observation and in the absence of any evidence to the contrary from the complainant that the advertiser receives a commission for advertising such plans, the CCC concluded that the claim, “Zero Commission Investment Plans” and Akshay Kumar saying to the viewers, “*Policybazaar.com pe zero commission wale online insurance plan lo,*”, was not objectionable. This complaint was **NOT UPHELD**.





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1904-C.133

COMPANY: Mumbai College of Hotel Management and Catering Technology

Claim Objected to:

“100% Job Placement”

Complaint:

We received a letter on 26 Sept 2017 from you regarding not to mention 100% job placement in advertisement such as boarding, banner pamphlets, etc.

Other institute are doing same thing so please take action on those institute also. We have attached photograph in which other institute have mentioned 100% job placement Guarantee.

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim, to the advertiser with a request to respond to the same. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat, which they did not avail but submitted their written response. The advertiser stated that the claim was based on the 100% training and placement assistance offered to their students in hotel industry, and the assistance given to their students for their future endeavour. As claim support data, the advertiser provided copies of offer letter offering employment to two students in July 2018, copies of offer letter for industrial training to eight students in February 2019, copies of offer letter for industrial exposure training to four students in February 2019, copies of an offer for jobs to two students in November 2013, and copies of an offer for industrial training to eleven students in February 2019.

The CCC viewed the Ad-Hoarding and considered the Advertiser’s response with the supporting data given by the advertiser. The CCC observed that the advertiser may be providing placement assistance and internship/training assistance to their students, however the data submitted was not considered to be adequate to prove that placements achieved by 100% of their students. Verifiable details such as contact details of students for verification, with their enrolment forms, and appointment letters / job offer letters of each of their student etc., were not available. The CCC concluded that the claim, “100% Job Placement”, was inadequately substantiated. While “placement assistance” claim may be acceptable, the use of “100%” numerical claim is misleading by implication and is likely to lead to grave or widespread disappointment in the minds of students. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.80

COMPANY: Kisan IAS

Claim Objected To:

“Best option of assured success.”

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that the advertiser is a coaching class preparing students for the “Lower Subordinate -2019” exam. Upon careful





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consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Best option of assured success” was not substantiated with verifiable supporting data and is misleading by exaggeration, and is likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1904-C.83

COMPANY: International Institute of Hotel Management

Claim Objected To:

“India's largest hotel school chain”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “India's largest hotel school chain”, was not substantiated with any verifiable comparative data of the advertiser’s hotel school chain and other hotel school chains in India, to prove that they are larger than the rest, or through an audited report or third-party validation. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. The print advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1904-C.84

COMPANY: G. D. Goenka Public School

Claim Objected To:

“No.1 school in Academics & Sports”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat, which they did not avail but submitted their written response. The advertiser stated that the claim was based on the past results of their students in academics and sports. In the academic sector, their student (whose photograph was shown in the advertisement) cinched the position of city and district topper by securing a 99.2% in the 10th Grade Board Exams (2018-2019). Further, two students of GD Goenka Chahar Academy were selected to the Indian National team and the IPL. Two students were selected to the National Team for Rifle Shooting and one student achieved a mention in the Guinness Book of World Record in 2018 for Skating.

The CCC viewed the print advertisement and considered the Advertiser’s response. The CCC observed that the advertiser’s response has only assertions about the achievements of their students in academics and sports. However, the advertiser did not provide any verifiable comparative data to prove that the advertiser’s school was in the leadership position (No.1) in academics and sports compared to other schools, or through an independent





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third-party validation. The source for the claim was not indicated in the advertisement. The CCC concluded that the claim, “No.1 school in Academics & Sports”, was not substantiated and is misleading by exaggeration. The claim is likely to lead to grave or widespread disappointment in the minds of students. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**. The CCC noted the advertiser’s willingness to comply with the CCC recommendations.

1904-C.85

COMPANY: IAS Hotspot

Claim Objected To:

“Kerala's biggest residential hub for civil service preparation”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat, which they did not avail but submitted their written response. The advertiser argued that the claim made in the advertisement did not infringe any legal right or law. Further, the advertiser stated that the claim was made on the basis of the facilities offered by them to their students in the areas of teaching, mentoring, cuisine, library and choice of accommodation. The advertiser’s institute is a four-storeyed building that can accommodate more than 2500 aspirants in eight batches. The institute also provides for extensive hostel facilities that can accommodate around 2500 aspirants in different locations in residential hostels in association with many residential hostels nearby IAS HOTSPOT.

The CCC viewed the print advertisement and considered the Advertiser’s response. The CCC observed that the advertiser’s response has only assertions about the facilities provided by them for their students in preparing for the civil service exams, but did not provide any basis for the claim made. The CCC also noted that the residential hostels being provided are in “association with other hostels” and are not of the advertiser’s institute as such. The Advertiser was not able to conclusively prove that the residential services provided by the advertiser’s institute are the biggest in Kerala as compared to other institutes offering similar facilities, or through an independent third-party validation. The CCC concluded that the claim, “Kerala's biggest residential hub for civil service preparation”, was not substantiated. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.



HONESTY



DECENCY



RESPONSIBILITY



FAIRNESS

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1904-C.86

COMPANY: Kid's Pride

Claim Objected To:

“Awarded Excellence in Play School”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Awarded Excellence in Play School”, was not substantiated with copy of the award certificates, details of the criteria for granting the award, references of the awards received such as the year, source, category, and details about the awarding body, and is misleading by exaggeration. The source for the claim was not indicated in the advertisement. The advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.2, and I.4 of the ASCI Code. The complaint was **UPHELD**.

1904-C.91

COMPANY: GPT Healthcare Pvt Ltd

PRODUCT: ILS Hospitals

Claim Objected To:

“Most awarded hospital for obesity correction surgery in Eastern India”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Most awarded hospital for obesity correction surgery in Eastern India”, was not substantiated with verifiable comparative data to prove that the advertiser's hospital has won more awards for obesity correction surgery than any other hospitals providing obesity correction surgeries, in Eastern India, or through a third-party validation. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1904-C.93

COMPANY: Cosmo Electro Industries Pvt Ltd- Kolors Krest

Claim Objected To:

“India's Most Promising Brands 2017”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that the claim was with respect to advertiser's product (Kolors Krest modular frames). However, the advertiser did not provide copy of the award certificate, details of the process as to how the selection was done i.e. survey methodology, details of survey data, criteria used for evaluation, parameters considered, questionnaires used, names of other similar modular and non-modular switch producers that were part of the survey, and the outcome of the survey. Upon careful consideration of the complaint and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “India's Most Promising Brands 2017”, was not substantiated with relevant survey data, and is misleading by exaggeration, and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1904-C.94

COMPANY: Divya Jyoti (D.J.) College of Dental Sciences & Research

Claim Objected To:

“Ranked No.1”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Ranked No.1”, was not substantiated with verifiable comparative data for the ranking claimed, details of the process as to how the selection for the ranking was done i.e. survey methodology, details of survey data, criteria used for evaluation, questionnaires used, names of other dental colleges that were part of the survey and the outcome of the survey, and details of the research agency that conducted the survey, or through an independent third party validation. The source for the claim was not indicated in the advertisement. The claim is misleading by exaggeration, and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1904-C.96

COMPANY: Career Power

Claim Objected To:

“Only institute which has given highest selections in Haryana”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Only institute which has given highest selections in Haryana” was not substantiated with any verifiable supporting data or evidence of comparison with other coaching institutes in Haryana, to prove that only they have given the highest selection of students in government or bank jobs through various competitive exams. The claim is misleading by exaggeration and is likely to lead to grave or widespread disappointment in the minds of students. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1904-C.97

COMPANY: Ascent Career Point

Claim Objected To:

“The most trusted "Academic System”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “The most trusted "Academic System”, was not substantiated with any market survey data, or with verifiable comparative data of the advertiser’s academic system and academic systems of other similar institutes, to prove that their academic system is the most trusted compared to others, or through a third party validation. The claim is misleading by exaggeration and implication, and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1904-C.99

COMPANY: Dalhousie Hilltop School

Claims Objected To:

1. India's most prestigious schools*
2. Abdul Kalam Award of Excellence*
3. Best International School Award*
4. Best Boarding School

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that the advertiser did not provide any supporting data for the awards and recognitions claimed. Upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claims, "India's most prestigious schools", "Abdul Kalam Award of Excellence*", "Best International School Award*", and "Best Boarding School", were not substantiated with copies of the award certificates, details of the criteria for granting the awards, references of the awards received such as the year, source and category, details of the process as to how the selection for the awards was done, and details about the awarding bodies. The source for the claims was not indicated in the advertisement. The claims are misleading by exaggeration, and are likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.105

COMPANY: Singla Builders and Promoters Limited

PRODUCT: SBP City of Dreams

Claim Objected To:

"The No.1 Housing Company in Punjab."

CCC RECOMMENDATION: **UPHELD**

The ASCI had approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with ASCI Secretariat, which they did not avail but replied requesting for an extension to submit their response. The advertiser was granted an extension of four days to the standard lead time of seven days to submit their response. The CCC noted that no response was received from the advertiser by the extended due date. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, "The No.1 Housing Company in Punjab", was not substantiated with any verifiable comparative data of the advertiser's company and other housing companies in Punjab, to prove that they are in the leadership position (No.1) in real estate sector offering living spaces at competitive prices, or through a third party validation. The source for the claim was not indicated in the advertisement. This claim is misleading by exaggeration and implication, and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1904-C.109

COMPANY: Friends Clinic

Claim Objected To:

Provide successful treatment of incurable disease, sciatica, stones etc”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the concerned Media (Dainik Bhaskar) for their assistance in providing the contact details of the advertiser, or to forward the complaint to the advertiser. Media replied giving the details of the concerned advertising agency (Unique Advertising) handling the account of the advertiser (Friends Clinic). ASCI then approached the said Ad Agency for their response in addressing the objection raised in the complaint. The Ad. Agency was offered an opportunity for a personal meeting with the ASCI Secretariat. The Ad. Agency had however, not responded to ASCI’s request. The CCC noted that no response was received from the Ad. Agency prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that the advertiser / ad. Agency did not provide details of the treatment procedure for the claimed diseases, details regarding the medicines to be used or their approval status by the regulatory authorities. In the absence of claim support data, the CCC concluded that the claim, “Provide successful treatment of incurable disease, sciatica, stones, etc.” was not substantiated with supporting clinical evidence, and is misleading by gross exaggeration. Specific to the claims implying cure for Stones by the medicines provided, the advertisement is in Breach of the law as it violates The Drugs & Magic Remedies Act (item 22 under DMR Schedule). The claim exploits the consumers’ lack of knowledge, and is likely to lead to grave or widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4, I.5 and III.4 of the ASCI Code. The complaint was **UPHELD**.

The following advertisement was considered to be, prima facie, in violation of The Drugs & Magic Remedies Act / The Drugs & Cosmetics Rules, and are being referred to the Ministry of AYUSH:-

Sr. No	Complaint No / Source	Advertiser (Brand / Product)	Claim/S Objected To	Remarks (Clause Applicable)
1.	1904-C.325	Shri Krishna Aushadhalay	To enjoy married Life take 100% safe masculine strength herbal course for 30 days Objection: The visual in the ad, read in conjunction with the claim objected to imply that the product is meant for enhancement of sexual pleasure.	The maintenance or improvement of the capacity of human beings for sexual pleasure Section 3(b) DMR Schedule
2.	1904-C.326	Shri Krishna Aushadhalay	Get permanent riddance from sugar through ayurvedic treatment. Above claims imply cure for diabetes	Diabetes -Item no- 9 DMR Schedule





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3.	1904-C.327	Sciatica Fort Special	1. Tremendously effective in arthritis, paralysis. 2. 100% results guaranteed Above claims imply cure for arthritis and paralysis	Rheumatism - Item No.43, DMR Schedule Paralysis: Item no. 39DMR Schedule
4.	1904-C.328	Healthy Life Pharmaceuticals/ Jyome Slimmer Capsules	An ayurvedic medicine which increases masculine power without any side effect.	The maintenance or improvement of the capacity of human beings for sexual pleasure, Section 3(b) - DMR Schedule
5.	1904-C.329	Vayo Pharmaceuticals Pvt. Ltd./ Instalong	1. Redefine your manhood 2. From here to there in just three months. Objection: The visual in the ad and the product name, read in conjunction with the claims objected to imply that the product is meant for enhancement of sexual pleasure.	The maintenance or improvement of the capacity of human beings for sexual pleasure Section 3(b) DMR Schedule
6.	1904-C.330	ORO Herbal & Food Products/ Geetherb	1. Complete remedy for the men who do not have children. 2. A boon for the suffering childless couples. 3. Thousands of persons are blessed with children by 'Geet Herb'.	Sexual Impotence Item No.45, DMR Schedule Infertility-Sterility in Women Item No.48- DMR Schedule
7.	1904-C.331	Naaz India Company/ Farata Gold Capsule	To give full vigour and pleasure in love. Objection: The visual in the ad, read in conjunction with the claim objected to imply that the product is meant for enhancement of sexual pleasure.	The maintenance or improvement of the capacity of human beings for sexual pleasure Section 3(b) DMR Schedule
8.	1904-C.332	Chenjalyam Ayurvedic Range (Cream and Tablets)	Permanent solution for all sexual problems	The maintenance or improvement of the capacity of human beings for sexual pleasure Section 3(b) DMR Schedule



HONESTY



DECENCY



RESPONSIBILITY



FAIRNESS

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9.	1904-C.333	Arogyam Ayurvedic Centre / Arogyam JR Sachet	To get rid from chronic pain of arthritis. The patients (testimonials – Ms. Resham Kaur, Ms.Jeet Kaur & Ms. Amarjeet) whose knees have been cured and surgery not required. Testimonial implies cure from arthritis	Rheumatism - Item No.43, DMR Schedule
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1904-C.207

COMPANY: Voltas Ltd

PRODUCT: Voltas Beko Refrigerator

Complaint:

“Keeps fruits and veggies fresh upto 30 days.

And the lady go to the shop n get it exchanged is it practically possible.

My objection is on the 30 days fresh shown in the ad.

The lady in the add goes with her Veggy back to the shop to return the same after keeping it in the fridge for more than 30 days (and the advt says that till 30 days it will be fresh) and the vegetable vendor accepts the veggy as it looks fresh (how is it practically feasible/possible to keep it fresh for 30 days. Just for making advt you can't claim and show such things.

Link of YouTube ad: <https://www.youtube.com/watch?v=ueApJ6zhTTI>

Yes madam this is the advt... Here the lady in the advt says that 30 days this keeps fresh... (and after 30 days she goes n return the veggy) and says ye bhi maan gaya (n the person says ok mam kya shimla mirchi dedu) is it practically possible to keep for 30 days and after that return it... it will be same(can they prove the same)”

CCC RECOMMENDATION: UPHELD

The ASCI had approached the advertiser for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim to the advertiser with a request to respond to the same. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat, which they did not avail but submitted their written response. The advertiser requested that their earlier submission under complaint number 1811-C.1790 should be referred to as claim support data. In these submissions it has been argued that the claimed benefit of keeping the vegetables fresh up to 30 days in a special crisper, is based on the combined effect of the three features of the refrigerator - Store Fresh Technology (Everfresh+ — international Name), Neo Frost Dual Cooling Technology and Active Fresh Blue Light. The Store Fresh technology minimizes the temperature fluctuation inside the crisper and helps maintain precise moisture levels and prevents select vegetables and fruits from drying. The Neo Frost Dual Cooling technology maintains air flow and moisture level conditions in Freezer and Fridge compartment of the refrigerator. The active fresh blue light simulates natural light conditions inside the refrigerator which enables the vegetables to continue the process of Photosynthesis and helps to preserve Vitamin





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C, natural flavours and nutritional elements in the vegetables. Advertiser provided YouTube links for 10 sec, 20 sec, and 40 sec edits of the TVC (in Hindi, Kannada, Malayalam, Tamil and Telugu). The advertiser's response, and the claim support data submitted for complaint (1811-C.1790), particularly the submissions made for the Independent Review Process (IRP) and the IRP recommendations were examined by the technical expert of ASCI. The CCC viewed the TVC that was complained against (20 second version) and considered the Advertiser's response as well as opinion of the Technical expert presented at the meeting.

The CCC noted that the IRP Chairperson's observations that in the study of Lettuce, the product was purchased from the local market whereas in the study of tomatoes the same was directly procured from the farmer. Even out of them, fresh ones were specially selected for the analysis based on their appearance. In the report pertaining to tomatoes, on the 15th day there was a weight loss of ~6% in specialised Refrigerator and in the conventional one it was ~11% for Fully-ripe tomatoes. On the 29th day weight loss in Fully-ripe tomatoes was ~14% and ~21% respectively. In the specialised unit of Fully-ripe tomatoes, in 3 to 4 Tomatoes there was mould formation and deformity from outside on the 32nd day. The advertisement implies that the vegetable stored in the Voltas Beko Refrigerator would be as fresh on the 30th day as it was on the 1st day that it was purchased. However, the above test shows that there is a ~15% weight loss in the vegetable weight after a 30 day storage. The above testing was not considered satisfactory as these were not truly reflecting the real in-home conditions. To simulate such conditions, various vegetables should be kept together as normally done and as depicted in the advertisements under normal use condition (open & close of refrigerator several times a day through the test period). Over and above, as a general practice, one does not purchase vegetables directly from the farmer and select the good ones and keep in the refrigerator. While the refrigerator may be providing a better "freshness" aspect as compared to an ordinary refrigerator, the stand alone claim of "fresh upto 30 days" is not tenable since the tests conducted did not cover all aspect of "freshness" as would be expected by a consumer (such as taste/nutrient profile etc) and the parameters like appearance did not remain unchanged. The visual parameters tested by the advertiser in the said reports, namely discoloration and weight loss, do not capture the many facets of freshness.

In view of these observations, the CCC was of the opinion that an absolute claim of "staying fresh" for up to 30 days was not justified as this claim is not substantiated. The CCC did not agree with the advertiser's contention that the 40 second TVC should be the reference point as a complete concept and the shorter versions are product shots TVCs. The CCC noted that in response to the IRP recommendations, while the advertiser had assured that they would rectify their advertisement to indicate the "staying fresh" claim would be made explicitly in the voice over in the context of comparison with conventional refrigerators without the Store Fresh technology, the 20 second TVC was not in compliance with the same. The advertiser did not adhere to their written assurance of February 27, 2019 of changing the claim to "as if fresh" as on first day. Further, the CCC also observed discrepancies that the disclaimer states, "..... under standard test conditions specific fruits and vegetables stay fresh much longer.....", whereas the voice over makes a broader and general claim, ".....tees din tak sabziyaan fresh rahengi", ("Vegetables will remain Fresh up to 30 days"), (followed by an assertion "aap bhi maan gaye") and the TVC shows only tomatoes as a reference point. The disclaimer talks of 'specific vegetables' remaining fresh which is contradictory to the voiceover and main message conveyed of keeping vegetables' fresh, implying that all vegetables will remain fresh. The CCC also made an observation that the shopkeeper is probably accepting the tomatoes back on trust basis and not necessarily on the basis that the tomatoes are as fresh as when sold. In this context, the emphasis "aap bhi maan Gaye" is misleading.

Based on this assessment, the CCC concluded that the claim, ".....tees din tak sabziyaan fresh rahengi", (Vegetables will remain Fresh up to 30 days) was not substantiated, and is misleading by ambiguity, implication and exaggeration. The claim is likely to lead to grave and widespread disappointment in the minds of consumers. The disclaimers in the TVC were not in the same language as the audio of the TVC (Hindi). The TVC contravened Chapters I.1, I.4 and I.5 of the ASCI Code, and Clauses 2 and 4 (I) of ASCI Guidelines for Disclaimers. The complaint was **UPHELD**.





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1904-C.88

COMPANY: Best Computer College

Claim Objected To:

“Best Computer College”

Name of the college is misleading by exaggeration

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement, and concluded that the claim, “Best Computer College”, was not substantiated with any market survey data, or with verifiable comparative data of the advertiser’s college and similar colleges, to prove that it is better than the others in providing various computer related training courses, or through an independent third party validation. The objected claim which also appears to be the advertiser’s college name is misleading by exaggeration and implication and is likely to lead to grave and widespread disappointment in the minds of consumers including students. The print advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1904-C.95

COMPANY: Career Classes

Claim Objected To:

“Coaching institute providing highest selection”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Coaching institute providing highest selection”, was not substantiated with any verifiable support data or evidence of comparison with other coaching institutes, to prove that they have given highest selection of students for the career courses mentioned in the advertisement. The claim is misleading by exaggeration and is likely to lead to grave and widespread disappointment in the minds of consumers. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





The Advertising Standards Council Of India

1903-C.103

COMPANY: G D Goenka Public School

Claim Objected To:

“No.1 School of Gaya”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the concerned Media (Dainik Bhaskar) for their assistance in providing the contact details of the advertiser, or to forward the complaint to the advertiser. The CCC noted that no response was received from the advertiser or from the concerned media prior to the due date for this complaint. The CCC viewed the print advertisement. In the absence of response from the concerned media and comments from the advertiser, the CCC concluded that the claim, “No.1 School of Gaya”, was not substantiated with any verifiable comparative data of the advertiser’s school and other similar schools in Gaya, Bihar, to prove that it is in leadership position (No.1) than the rest in providing CBSE based schooling, or through a third party validation. The claim is misleading by exaggeration and implication. The claim is likely to lead to grave and widespread disappointment in the minds of consumers including students. The print advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-C.104

COMPANY: Global Hospitals

Claims Objected To:

1. Best liver transplant centre of West India with more than 300 liver transplants
2. India's best H.P.B

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the concerned Media (Gujarat Samachar) for their assistance in providing the contact details of the advertiser, or to forward the complaint to the advertiser. The CCC noted that no response was received from the advertiser or from the concerned media prior to the due date for this complaint. The CCC viewed the print advertisement and observed that the advertiser did not provide any support data or evidence of comparison with other liver transplant centres in West India, to prove that they are better than the rest in providing more than 300 liver transplant surgeries, nor a third party audited report as supporting evidence. The CCC concluded that the claim, “Best liver transplant centre of West India with more than 300 liver transplants”, was not substantiated. Claim, “India's Best H.B.P.” is an absolute claim which was not substantiated with any market survey data, or with verifiable comparative data of the advertiser’s hospital and similar hospitals in India, to prove that they are better than the rest for H.B.P. or through an independent third party validation. The claims are misleading by gross exaggeration and are likely to lead to grave and widespread disappointment in the minds of the consumers including patients suffering from liver ailments. The print advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





The Advertising Standards Council Of India

1904-C.114

COMPANY: Shanti Educational Initiatives Ltd - Shanti Juniors

Claims Objected To:

1. The biggest preschool chain of Jaipur
2. Most favourite Pre-school of Jaipur.

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, "The biggest preschool chain of Jaipur", was not substantiated with any verifiable comparative data of the advertiser's pre-school chain and other pre-school chains in Jaipur, to prove that they are bigger than the rest, or through an audited report or third-party validation.

Claim, "Most favourite Pre-school of Jaipur" implies that the advertiser's pre-school is the most preferred or favourite as compared to all other pre-schools in Jaipur. The CCC concluded that the claim, "Most favourite Preschool of Jaipur", was not substantiated with verifiable comparative data or market survey data of the advertiser's pre-school and other pre-schools in Jaipur, to prove that they are the most favoured in teaching kids, or through a third-party validation. The claims are misleading by exaggeration and implication. The claims are likely to lead to grave and widespread disappointment in the minds of consumers. The print advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1904-C.115

COMPANY: S. Tech School

Claim Objected To:

"No.1 with international standards."

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat which they did not avail but submitted their response. The CCC viewed the print advertisement and considered the advertiser's reply in which they stated that the claim was made with an intention to describe the infrastructure of their institute. In the absence of any claim support data, the CCC concluded that the claim, "No.1 with international standards", was not substantiated with any verifiable comparative data of the advertiser's school and other similar schools in India, to prove that it is in leadership position (No.1) than the rest in providing CBSE based schooling, or through a third party validation. The claim is misleading by exaggeration and is likely to lead to grave and widespread disappointment in the minds of consumers. The print advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**. The CCC noted that the Advertiser assured to comply with the CCC recommendations.





The Advertising Standards Council Of India

1904-C.116

COMPANY: MBM Gurukul

Claims Objected To:

1. Improves concentration, memory, study, self-confidence, creativity and imagination.
2. 100% guaranteed result
3. 100% numerical claim is misleading by exaggeration

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claims, "Improves concentration, memory, study, self-confidence, creativity and imagination" and "100% Success guaranteed.", with respect to improvement in concentration, studies, memory, selfconfidence, creativity and imagination was not substantiated with verifiable supporting data. The claims are misleading by exaggeration and implication as they imply guaranteed successful results in a student's academic career. The claims are likely to lead to grave and widespread disappointment in the minds of consumers. The print advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1904-C.117

COMPANY: Success Point

Claim Objected To:

"The only best institute for the preparation of technical exams."

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, "The only best institute for the preparation of technical exams." was not substantiated with any market survey data, or any verifiable comparative data of the advertiser's institute and other similar coaching institutes in India, to prove they are the only best institute in providing coaching for preparation of technical exams, or through an independent third-party validation. The claim is misleading by exaggeration and is likely to lead to grave and widespread disappointment in the minds of consumers. The print advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1904-C.119

COMPANY: Planet Kids

Claim Objected To:

“Award winning pre-school chain”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat which they did not avail but submitted their written response. The Advertiser stated that the claim was based on the awards received by them. As claim support data, the advertiser submitted copies of the award certificates - India Education Awards 2014 by the S. Chand Group for Innovation in Early Learning/Child Development, Jury’s Choice Award by Education Today for India’s Top 10 Preschool 2015-2016, SCI Education Conference & Awards Bangalore 2017 for Top Pre-Schools Bangalore, and photographs of the award ceremonies.

The CCC viewed the print advertisement and considered the Advertiser’s response and the award certificates granted to their institute by the concerned awarding bodies. However, the advertiser did not provide the basis of the award or the methodology followed to obtain this information from consumers and industry such as the details of the process as to how the selection for the awards was done, survey methodology, details of survey data, criteria used for evaluation, questionnaires used, names of other similar institutes that were part of the survey and the outcome of the survey, and the details about the awarding bodies. Furthermore, these awards were old for year 2014, 2015 and 2017, reference to which was missing in the advertisement. Based on this observation, the CCC concluded that the claim, “Award winning pre-school chain” was inadequately substantiated. The claim was not qualified to mention the source and date of awards. The claim is misleading by ambiguity and omission. The claim is likely to lead to grave and widespread disappointment in the minds of consumers. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**. The CCC noted that the Advertiser assured to comply with the CCC recommendations.

1904-C.120

COMPANY: Saarathi Academy

Claim Objected To:

“Assured success”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that the advertiser was a coaching class training student for various competitive state exams. Upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Assured success” was not substantiated with verifiable supporting data and is misleading by exaggeration, and is likely to lead to grave and widespread disappointment in the minds of consumers. The print advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





The Advertising Standards Council Of India

1904-C.122

COMPANY: Momentum Academy

Claim Objected To:

“No. 1 in Jabalpur”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat or discussion via telecon, which they did not avail but submitted a written response. The advertiser stated that their students have been continuously securing the first position from Jabalpur city since the last three years. Similarly, the top scorers in the NEET for the last three years are from the advertiser’s institute. The advertiser also has the maximum number of well qualified and experienced teachers as well as non-teaching staff in comparison to other coaching institutes. The institute comprises of an area of around 10,000 sq. ft. with well-furnished Air-conditioned Classrooms. Further the institute also contains hygienic drinking water facilities, parking space, library with reading room and optimum availability of teachers. The CCC viewed the print advertisement and considered the Advertiser’s response. The CCC observed that the advertiser’s response has only assertions about the claim made. The advertiser did not submit any evidence of due diligence done by them for arriving at the claim. In the absence of claim support data, the CCC concluded that the claim, “No. 1 in Jabalpur.”, was not substantiated with any verifiable comparative data of the advertiser’s institute and other similar coaching institutes in Jabalpur, to prove that it is in leadership position (No.1) than the rest in providing best results for IIT-JEE and Medical examination preparation, or through a third party validation. The source for the claim was not indicated in the advertisement. The claim is misleading by exaggeration and is likely to lead to grave and widespread disappointment in the minds of consumers. The advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**. The CCC noted that the Advertiser has stopped using the objected claim and assured to comply with the CCC recommendations.

1904-C.124

COMPANY: Institute for Competitive Exams

Claim Objected To:

“Best Coaching, Best Material, Best Result”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement, and concluded that the claim, “Best Coaching, Best Material, Best Result”, was not substantiated with any market survey data, or with verifiable comparative data of the advertiser’s institute and similar institutes, to prove that it is better than all others in providing coaching, study material or nature of results for the GPSC exams, or through an independent third party validation. The claim is misleading by exaggeration and implication. The claim is likely to lead to grave and widespread disappointment in the minds of consumers. The print advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1904-C.128

COMPANY: Abhijay Hospital Private Limited – ARC International Fertility & Research Centre

Claims Objected To:

1. "India's leading Fertility Hospital."
2. "A complete solution For Fertility."

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement, and concluded that the claim, "India's leading Fertility Hospital", was not substantiated with any verifiable comparative data of the advertiser's hospital and other similar hospitals to prove that it is in leadership position (No.1) than the rest in providing treatment for fertility, or through a third-party validation.

Claim, "A complete solution For Fertility", implies guaranteed cure for infertility, which was not substantiated with supporting evidence. The claims are misleading by exaggeration and implication and are likely to lead to grave and widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1904-C.129

COMPANY: Aptech Limited

PRODUCT: Arena Animation Academy

Claim Objected To:

"Learn from the global leader."

CCC RECOMMENDATION: **UPHELD**

The ASCI had approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat which they did not avail, but replied that the advertisement was released by their Franchisee without their consent, and they have issued a notice to their Franchisee directing them to withdraw the said advertisement. Advertiser provided a copy of their communication addressed to their Franchisee.

The CCC viewed the print advertisement and considered the advertiser's response. The CCC noted that advertiser had exhausted the option of Informal Resolution (IR) of complaint as the advertiser's response of putting the onus on the franchisee was repetitive in nature. Hence, ASCI Secretariat declined the IR option in this case. The CCC concluded that the claim, "Learn from the global leader", was not substantiated with any verifiable comparative data of the advertiser's institute and other similar institutes or any market research survey to prove that they are in global leadership position (No.1) in providing courses in Graphics, Web Design, Film Making, and Animation & Visual Effects or through a third-party validation. The claim is misleading by exaggeration and is likely to lead to grave and widespread disappointment in the minds of consumers. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**. The CCC noted the advertiser's response that the said advertisement has been withdrawn.





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1904-C.130

COMPANY: Nidan Sewa Sadan

Claim Objected To:

“Successful treatment of paralysis and nerve damage.”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat which they did not avail but submitted their written response. The Advertiser stated that the hospital was managed by the Advertiser and three other doctors. As claim support data, the advertiser submitted copies of a certificate awarded by the State Ayurvedic and Unani Association, Bihar, a Senior Housemanship Completion Certificate by Rajendra Medical College Hospital, Ranchi, to their staff and a certificate of Provisional Registration of the Advertiser’s clinic on 30th August 2018. While the advertiser opted for Informal Resolution of the complaint, they did not submit their assurance as per the due date. Hence the complaint was tabled for the CCC meeting.

The CCC viewed the print advertisement and considered the supporting data provided by the Advertiser. The CCC observed that the advertiser provided the names of two of their doctors - Dr. Sidheshwar Baskey and Dr. Direndra Kumar Pandey, along with copy of some educational certificates. The educational certificate provided for Dr. Direndra Kumar Pandey was awarded by the State Ayurvedic and Unani Association, Bihar and was not legible. Further, the certificate provided for Dr. Sidheshwar Baskey was a Senior Housemanship Completion Certificate by Rajendra Medical College Hospital, Ranchi, which stated that he worked as a Paid Resident Senior House Surgeon from 28th September 1997 to 27th March 1998. The CCC expressed concern regarding the authenticity of these certificates. The CCC also observed that the advertiser did not provide any details of the treatment procedure followed by them for treatment of paralysis and nerve damage as claimed, nor any details regarding the medicines and their approval status by the regulatory authorities. Based on these observations, the CCC concluded that the claim, “Successful treatment of paralysis and nerve damage.” was not substantiated with supporting clinical evidence and is misleading by gross exaggeration. The claim exploits consumers’ lack of knowledge and is likely to lead to grave and widespread disappointment in the minds of consumers. The claim implying successful treatment for Paralysis is in Breach of the law as it violated The Drugs & Magic Remedies Act (Item 39 under DMR schedule). The advertisement contravened Chapters I.1, I.4, I.5 and III.4 of the ASCI Code. The complaint was **UPHELD**.

1904-C.148

COMPANY: Prashant Mane's Design Studio

Claim Objected To:

“The best coaching for NATA/ JEE-2/NID with 100% success”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI’s request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement, and concluded that the claim, “The best coaching for NATA/ JEE-2/NID with 100% success”, was not substantiated with any market survey data, or with verifiable comparative data of the advertiser’s institute and similar institutes, to prove that it is better than the others in providing coaching for NATA/ JEE-2/NID with 100% success, or





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through an independent third party validation. The claim is misleading by exaggeration and implication. The claim is likely to lead to grave and widespread disappointment in the minds of consumers. The print advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1904-C.149

COMPANY: Planet Kids

Claim Objected To:

“Bengaluru's favorite, most awarded pre-school chain”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat which they did not avail but submitted their written response. The Advertiser stated that the claim was based on the awards received by them. As claim support data, the advertiser submitted copies of the award certificates - India Education Awards 2014 by the S. Chand Group for Innovation in Early Learning/Child Development, Jury's Choice Award by Education Today for India's Top 10 Preschool, 2015-2016, SCI Education Conference & Awards Bangalore 2017 for Top Pre-Schools Bangalore, and photographs of the award ceremonies. The advertiser further sought Informal Resolution (IR) of the complaint by agreeing to modify the advertisement. However, as they did not submit the necessary undertaking required for IR within the stipulated period, the complaint was processed for CCC deliberations.

The CCC viewed the print advertisement and considered the Advertiser's response. The CCC observed the advertiser's response has only assertions about their claim which was based on the awards and recognitions granted to their institute by the concerned awarding bodies. However, no information was provided for the basis of the awards, the details of the process as to how the selection for the awards was done, survey methodology, details of survey data, criteria used for evaluation, questionnaires used, names of other similar pre school chains in Bengaluru that were part of the survey and the outcome of the survey, and the details about the awarding bodies. The CCC therefore concluded that the claim, “Bengaluru's favourite, most awarded preschool chain”, was inadequately substantiated with any verifiable comparative data to prove that they are the most favourite and the most-awarded or through an audited report or third-party validation. The claim was not qualified to mention the source and date of research for the claim. The claim is misleading by exaggeration and is likely to lead to grave and widespread disappointment in the minds of consumers. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**. The CCC noted the advertiser's assurance to comply with the CCC recommendations.



HONESTY



DECENCY



RESPONSIBILITY



FAIRNESS

So you can trust advertising



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1904-C.151

COMPANY: Omkar English Medium School

Claim Objected To:

“India’s best school”

CCC RECOMMENDATION: **NOT UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat, which they did not avail but submitted their written response. The advertiser stated that the advertisement printed in Gujarati does not mention that their school is India's best school, but rather provides information on the experienced Head of Departments in their school. Further they explained that "*Namankit ane Shresth*" means famous and very good and not “India's best school”. The CCC viewed the print advertisement, examined the translation of the advertisement and the response given by the advertiser. The CCC observed that the claim is "shreshtha" and not "sarva-shreshtha" and as such the claim is not objectionable. This complaint was **NOT UPHELD**. The CCC advised ASCI secretariat to convey the correct translation to the agency looking into *Suo Moto* surveillance under NAM’s project.

1904-C.153

COMPANY: NEET Sure

Claims Objected To:

1. An institute to crack AIIMS, NEET & IIT for sure
2. 100% refund if you do not qualify
3. Sure to Succeed

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objections raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat, which they availed via telecon and subsequently submitted their written response. The CCC viewed the print advertisement and considered the advertiser’s response.

Claims – “An institute to crack AIIMS, NEET & IIT for sure” and “Sure to succeed” - The advertiser stated that the curriculum format used by their faculty encompasses the entire syllabus and ensures that the students will qualify for the NEET, AIIMS and IIT Exam. Their faculty members are also instrumental in guiding the students and helping them achieve their career goals, hence, the claim “Sure to succeed” was mentioned. The CCC observed that the advertiser’s response has only assertions about the educational services provided by them. The CCC was of the view that the word “sure” in the claims imply surety of admission to the course the student has applied for, and also surety of passing in the exams of AIIMS, NEET & IIT as claimed. Based on this observation, the CCC concluded that the claims, “An institute to crack AIIMS, NEET & IIT for sure” and “Sure to Succeed” were not substantiated with verifiable supporting data of students who have successfully gained admission or have cracked the claimed exams after taking coaching from the advertiser’s institute.

Claim- “100% refund if you do not qualify” – In response to this objection, the advertiser asserted that the claim for refund was used for the 45 days Crash Course for NEET/AIIMS 2019 tagline where the advertiser claimed to refund the fees of the students enrolled in the said course subject to non-qualification for the same. The advertiser





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asserted that the faculty members are also instrumental in guiding the students and helping them achieve their career goals. Hence, the claim “Sure to Succeed”.

Upon viewing the print advertisement, examining the complaint and the response given by the advertiser, the CCC observed that the advertiser’s response has only assertions about the educational services provided by them. The CCC was of the view that using words like “sure” implies the surety of admission to the course the student has applied for. The CCC concluded that the claims, “An institute to crack AIIMS, NEET & IIT for sure” and “Sure to succeed” was not substantiated with supporting evidence of students who have successfully gained admission or have cracked the claimed exams after taking coaching from the advertiser’s institute. Claim, “100% refund if you do not qualify” was not substantiated with supporting evidence of students who have not succeeded and were refunded with full paid fees.

The claims are misleading by exaggeration and are likely to lead to grave and widespread disappointment in the minds of consumers including students. The advertisement contravened Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1904-C.155

COMPANY: Nagaji Institute of Technology & Management

Claim Objected To:

“6 national & 3 international award winning institute”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat which they did not avail but replied that the claim is authentic for which they have evidence. They requested ASCI to depute ASCI representative to their institute to verify the data pertaining to the claim made.

The CCC viewed the print advertisement and considered the advertiser’s reply. The CCC was of the view that the onus of substantiating the claim and furnishing necessary evidence for scrutiny as and when called upon to do so by ASCI is on the advertiser. In their response, the advertiser makes only assertions regarding the awards received by the advertiser’s technology and management institute. The CCC observed that the advertiser did not provide copies of the national and international award certificates as claimed, details of the criteria for granting the awards, references of the awards received such as the year, source and category, and name of the awarding bodies. The source for the claim was not indicated in the advertisement. In the absence of claim support data, the CCC concluded that the claim, “6 national & 3 international award-winning institute” was not substantiated and is misleading by omission and exaggeration. The claim is likely to lead to grave and widespread disappointment in the minds of consumers. The advertisement contravened the Guidelines for Advertising of Educational Institutions and Programs as well as Chapters I.1, I.2, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.





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1904-C.31

COMPANY: Akash Naturopathy Clinic

Claim Objected To:

“Successful treatment of paralysis.”

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. However, the advertiser had not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that the advertiser did not provide any details of the Naturopathy treatment procedure, nor any details regarding the medicines for paralysis, and their approval status by the regulatory authorities. Upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, the CCC concluded that the claim, “Successful treatment of paralysis”, was not substantiated with supporting clinical evidence, and is misleading by gross exaggeration. The claim exploits the consumers' lack of knowledge and is likely to lead to grave and widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4, and I.5 of the ASCI Code. The complaint was **UPHELD**.

1904-C.36

COMPANY: Homeopathy Care N Cure

Claims Objected To:

"Complete solution on problems like Ovarian cyst, lump in breast or uterus, problem of migraine or depression, leucorrhoea, irregular or painful menstruation, problem of menopause through Homeopathic medicines is possible."

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat which they did not avail but submitted their written response. The advertiser in their response agreed to drop the claim of “complete solution” from their advertisement. ASCI further advised the advertiser to delete the claim of ‘cure’ from their clinic's name, and offered them the option of resolving the complaint by Informal Resolution (IR) route. However, as the advertiser did not provide the necessary undertaking within the given timelines, the complaint was taken forward for CCC deliberations.

The CCC viewed the print advertisement and considered the advertiser's response. The CCC observed that the advertiser is promoting homeopathy treatment for the diseases claimed implying cure of ovarian cyst, lump in breast or uterus, migraine, depression, leucorrhoea, etc. However, the advertiser did not provide any details of the homeopathic treatment procedure, nor any details regarding the medicines and their approval status by the regulatory authorities. In the absence of claim support data, the CCC concluded that the claim, "Complete Solution on problems like Ovarian cyst, lump in breast or uterus, problem of migraine or

Depression, leucorrhoea, irregular or painful menstruation, problem of menopause through Homeopathic medicines is possible”, was not substantiated with supporting clinical evidence, and is misleading by gross exaggeration. The word ‘Cure’ in the advertiser's clinic name “Homeopathy Care N Cure”, is also misleading by implication. The claims exploit the consumers' lack of knowledge and is likely to lead to grave and widespread





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disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**. The CCC noted the advertiser's response that the claim of "complete solution" will not be repeated in their future advertisements. However, the advertiser was silent regarding compliance with respect to the name of the clinic.

1904-C.131

COMPANY: Sagar Malik Ayurveda

Claim Objected To:

"Cured 12 year old spinal cord pain."

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the advertiser for their response in addressing the objection raised in the complaint. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. However, the advertiser had not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and upon careful consideration of the complaint, and in the absence of any comments or response from the advertiser, concluded that the Ad – headline testimonial claim (in Hindi) of the patient (Mr. Sanjeev Mishra), "12 saal purani reed ki haddi theek" ("Cured 12 year old spinal cord pain"), was not substantiated with supporting clinical evidence, and with treatment efficacy data. The claim is misleading by gross exaggeration. The claim exploits consumers' lack of knowledge and is likely to lead to grave and widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1904-C.132

COMPANY: Ved Ayurveda

Claims Objected To:

1. "Makes married life happy."
2. "Successful treatment through Ayurveda- or small organ, Childlessness, lack of sexual desire."

CCC RECOMMENDATION: **UPHELD**

The ASCI approached the concerned Media (Dainik Bhaskar) for their assistance in providing the contact details of the advertiser, or to forward the complaint to the advertiser. The CCC noted that no response was received from the advertiser or from the concerned media prior to the due date for this complaint. The CCC viewed the print advertisement and observed that the advertiser did not provide any details of the ayurvedic treatment procedure, nor any details regarding the medicines for claimed diseases, and their approval status by the regulatory authorities. In the absence of response from the concerned media and comments from the advertiser, the CCC concluded that the claims (in Hindi) as translated in English, "Makes married life happy" and "Successful treatment through Ayurveda - or small organ, Childlessness, lack of sexual desire" were not substantiated with supporting clinical evidence. The claims are misleading by gross exaggeration and exploits the consumers' lack of knowledge and are likely to lead to grave and widespread disappointment in the minds of consumers. Specific to the claims implying cure for Sexual Impotence and Childlessness, the advertisement is in Breach of the law as it violated The Drugs &





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Magic Remedies Act (items 45, and 48 under DMR schedule). The advertisement contravened Chapters I.1, I.4, I.5 and III.4 of the Code. The complaint was **UPHELD**.

1904-C.142

COMPANY: Sharanya Avenuea

PRODUCT: Know health- summer weight loss 2019

Claims objected to:

1. Up to 10kgs in one month with dietician Neha...!
2. 1000 plus satisfied clients
3. Top 3 Winner Awards

Complaint:

Our objections:

1. Please substantiate claims 1, 2 and 3 using claim support data. The claim support data should not be internal or based on studies commissioned by Know Health
2. Ref. to claim 1, we would like to point out ASCI's decision regarding the complaint of Aura Weight Loss Clinic in the month of April 2018. CCC concluded that the claims "Lose Up to four Kilograms in one Month", and "No medicine, No surgery, No Side-effects", were not substantiated with supporting clinical evidence, and with treatment efficacy data, and are misleading by exaggeration. Similar claim is found in this advertisement.
3. Ref. to claim 2, we would like to point out ASCI's decision regarding the complaint of Aarogyam Ayurvedic Panchkarma Hospital and Research Centre Pvt. Ltd in Aug-Sept 2018. CCC concluded that the claim "Till now 30,000 patients benefited" was misleading by ambiguity and omission of the use of the product as an adjunct therapy.
4. Ref. to claim 3, we would like to point out ASCI's decision regarding the complaint of Aesthetica Implant Clinics Dental in the month of April 2018. CCC concluded that the claims "Winner of Best MultiSpeciality Dental Clinic Award" and "Best Customer Service Award 5 Years in a Row" were inadequately substantiated and are misleading by ambiguity, omission and exaggeration.
5. Ref. to claim 3, what are the top 3 winner awards? Please give details.

According to us, the advertisement contravenes Chapter 1.1, 1.2 and 1.4 of the ASCI Code and the provisions of Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954.

CCC RECOMMENDATION: UPHELD

The ASCI approached the advertiser for their response in addressing the grievances of the complainant and forwarded the details of the complaint, verbatim, to the advertiser with a request to respond to the same. The Advertiser was offered an opportunity for a personal meeting with the ASCI Secretariat. The advertiser had, however, not responded to ASCI's request. The CCC noted that no response was received from the advertiser prior to the prescribed due date for this complaint. The CCC viewed the print advertisement and observed that the advertisement promoted programme for weight loss. The advertiser did not provide details of their treatment procedure for weight reduction nor did they provide evidence of their customers who achieved the claimed results of over 10 kg weight loss regardless of their physiological status with dietician Neha. In the absence of claim support data, the CCC concluded that the claim, "Up to 10kgs in one month with dietician Neha...!", was not substantiated and is misleading by exaggeration.

Claim, "1000 plus satisfied clients" was not substantiated with supporting evidence of the clients who have been successfully treated at the advertiser's clinic and have lost up to 10 kgs in one month and is misleading by exaggeration.

Claim, "Top 3 Winner Awards" was not substantiated with copy of the award certificates, details of the criteria for granting the award, references of the award received such as the year, source and category, and details about the awarding body, and is misleading by omission of disclaimer to qualify the same.





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The claims are likely to lead to grave and widespread disappointment in the minds of consumers. The advertisement contravened Chapters I.1, I.4 and I.5 of the ASCI Code. The complaint was **UPHELD**.

1903-FTC.1

COMPANY: NESTLE INDIA LTD

PRODUCT: NesPlus Multigrain Kokos

NATURE OF COMPLAINT

Fast Track Complaint received against the Print advertisement (Hindustan Times, New Delhi / Gurugram Edition on 09.03.2019), Online advertisement (HT Café, Mumbai dated 08.03.2019 repeated on 15.03.2019), YouTube advertisement (<https://www.youtube.com/watch?v=syXOfvzteEk>), Website advertisement (<https://www.nestle.in/brands/breakfast-cereals/nestle-breakfast-cereals>) of “Nestle India Ltd – NesPlus Multigrain Kokos”, from Kellogg India Private Limited.

Nestle India has recently launched its product NesPlus Multigrain Kokos, a breakfast cereal, which is targeted being at children.

Complaint No. 1 Disparagement and denigration of competitive breakfast cereal products

The complained advertisement shows a boy looking miserably and gloomily at a bowl of cereal with a callout “No more SOGGY mornings” and then goes on to introduce NesPlus as The Crunchy Breakfast.

The clear and unequivocal message of the advertisement is that Kellogg’s Chocos, which is the competitive product and is also market leader by volume and value, is soggy, and only NesPlus is crunchy.

By making the claim of “The Crunchy Breakfast”, as made in the NesPlus advertisements, Nestle is acknowledging that the crunchiness of a ready-to-eat breakfast cereal is one of the stronger attribute associated with such products. Consequently, by reference to the word “Soggy” in the advertisement, Nestle is unfairly targeting other / competitive breakfast cereal products (of which Kellogg’s Chocos is the market leader by Value and Volume). The complained advertisement seeks to discredit Kellogg’s Chocos y referring to it in a negative and belittling manner, which clearly and squarely constitutes disparagement.

Further, Nestle India is unfairly discrediting competition by implication that its product will stay Crunchy indefinitely even if milk (warm, hot or cold) is added to it. Nestle India, by conferring an artificial advantage on its product, is thereby unfairly denigrating its competitors’ products and misleading the consumers.

The complained advertisement seeks to convey that (i) scoop shaped brown colour cereals sold in the market are of inferior quality as they are not crunchy and get soggy very easily; (ii) that such cereals lead to unpleasant mornings and induce dullness and lethargy in one’s children; (iii) that no other cereals but Nestle’s cereals are crunchy; (iv) that if one wants one’s children to be smart and lively, then one should purchase the Nestle’s cereals and no other cereals.

Kellogg India engaged an external agency to conduct a survey. A group of moms (300) with kids between the ages of 4 to 12 years were shown the following picture





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The results were as under:

	All	Age of Kid		
All figures in %ages		4-6 YO	7-9 YO	10-12 YO
Base	300	162	102	115
Sig testing @ 95% - A/B/C		A	B	C
Kellogg's Chocos				
	66	66	67	64
NesPlus Kokos				
	2	3	0	4
Kellogg's Cornflakes				
	20	19	20	23
Baggry's Choco +				
	6	7	7	4
Soulfull Choco fills				
	6	5	7	6

It is humbly submitted that the above results clearly show what the complained advertisement is seeking to achieve – it is disparaging, discrediting, belittling, ridiculing and condemning Kellogg's Chocos.

Complaint 2

Claim: 'The CRUNCHY Breakfast' and 'the Kadak Nashta'.

In the complained advertisements, Nestle India has used the words 'The CRUNCHY Breakfast' underneath the brand 'NesPlus' in the print and online ads and 'The Kadak Nashta' in its television commercial.

It is common knowledge that all breakfast cereals are crunchy in nature. Usage of the word 'The' signifies an absolute or superior claim, to the exclusion of all others. By claiming that it is 'The Crunchy breakfast' or 'The Kadak Nashta', Nestle is implying an artificial advantage on its product as against Kellogg's Chocos and other products available in the market.

Per the blind study conducted by Kellogg India in Delhi and Chennai, with 260 children as respondents in September 2018, on Crunchiness between Kellogg' Chocos and competitor products, a Report of which is privileged and confidential and extract whereof is attached herewith solely for ASCI's review and records, it was determined that the respondents preferred Kellogg's Chocos over the 2nd product across a range of parameters. The results show that after some time, the Crunchiness of Kellogg's Chocos is liked significantly more than that of NesPlus.

By claiming that NesPlus Multigrain Kokos is 'The Crunchy Breakfast', Nestle India is implying that its competitors' products are not crunchy, and is thus misleading consumers by exaggeration and implication, in contravention of the ASCI Code.





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Further, the above referred study also showed that on paired comparison in milk, Kellogg's Chocos is referred over NesPlus Kokos on not just Crunchiness (54 Vs 33) but other key parameters (Overall Liking, Sweetness, Chocolate taste)

<u>FORCED PREFERENCE</u> (WET EVALUATION)	Preferred Chocos	Preferred Kokos	Preferred Both
Base : All Respondents	260		
OVERALL LIKING	57 B	38	4
Chocolaty Taste	54 B	32	13
Sweetness	55 B	34	12
Crunchiness	54 B	33	13

Complaint 3 Claim: 'Stays Crunchy even in warm milk' and 'Jo Rahega Garam Doodh me bhi Kadak'

In its online advertisement, print advertisement and TVC, Nestle India categorically claims that its 'NesPlus Multigrain Kokos' 'Stays Crunchy even in Warm Milk' or 'Jo Rahega Garam Doodh me bhi Kadak'.

This claim is misleading by implication as by not stating for how long the product will remain crunchy. It seems to suggest that even if the product is left for long (e.g. an hour) in warm milk (English print ad) or hot milk (Hindi TVC), it will remain crunchy indefinitely.

Breakfast cereals remain crunchy in cold milk or warm milk only for a limited time, where after as the grain soaks in the milk, it starts to soften.

By claiming that its product 'Stays Crunchy even in Warm Milk' or 'Jo Rahega Garam Doodh me bhi Kadak', Nestle India is implying and conferring an artificial advantage on its product as against the other products available in the market, without any substantiation.

Nestle India, by conferring an artificial advantage on its product, is also thereby unfairly denigrating its competitors' products and misleading the consumers. Nestle India may be put to the strict proof in case they have any substantiation for claiming that its products 'Stays Crunchy even in Warm Milk' or 'Jo Rahega Garam Doodh me bhi Kadak'

Complaint 4 Disclaimer Nestle India has inserted a disclaimer in its print and online advertisement which states 'Terms and Conditions Apply'. Kindly visit <https://www.nestle.in/brands/breakfast-cereals/nestle-breakfast-cereals> for detailed terms and conditions. However, on a visit of the page, there are NO terms and conditions found, which is misleading the consumers by deception and implication.

Separately, the Disclaimer in the TVC violates the ASCI code on Disclaimers as it is appearing in English, while the advertisement is in Hindi."

FTCP RECOMMENDATION: UPHELD

The Complainant as well as the Advertiser representatives were given the opportunity for personal hearing with the Technical expert and the ASCI Secretary General. The data submitted by the complainant and the advertiser was reviewed by the technical expert.

The FTCP examined the TV Commercial (TVC), print advertisement, YouTube advertisement (<https://www.youtube.com/watch?v=syXOfvzteEk>), and Website advertisement





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(<https://www.nestle.in/brands/breakfast-cereals/nestle-breakfast-cereals>) and claims made therein with disclaimers and noted the Advertiser's written response. FTCP noted that the advertiser had temporarily deactivated the YouTube link pending FTC recommendation as assured while seeking an extension for a meeting date.

Complaint 1 Disparagement and denigration of competitive breakfast cereal products

The FTCP noted that the TVC and print advertisement were not comparative in nature. There was no reference to Kellogg's Chocos in the advertisements and the advertisements were not considered to be disparaging to Kellogg's Chocos. This complaint was **NOT UPHELD**.

Complaint 2

Claim: 'The CRUNCHY Breakfast' in print and online advertisement and 'The *Kadak Nashta*' in TVC.

The FTCP considered the claims to be a creative licence. The advertiser was not using superlative claim of "the crunchiest / crunchier" or "the most *kadak*". In the context of the advertisement, it was emphasizing the attributes of the advertised product only and not comparing any particular product. This complaint was **NOT UPHELD**.

Complaint 3

Claim: 'Stays Crunchy even in warm milk' and '*Jo Rahega Garam Doodh me bhi Kadak*'

The FTCP observed that the data presented by the advertiser supports that the product remains "crispy" for up to four minutes in warm milk. Reference to this time period was missing in the TVC / print advertisement. Hence the communication was considered to be misleading by omission and ambiguity. The TVC and print advertisement was in contravention with Chapter I.4 of the ASCI Code and ASCI Guidelines on Disclaimers. This complaint was **UPHELD**.

The FTCP noted that the advertiser offered to include a disclaimer in the advertisement to elaborate on the conditions under which the claim holds.

Complaint 4 Disclaimers in TVC / disclaimer in print advertisement- 'Terms and Conditions Apply'.

It was brought to the attention of the complainant that the disclaimers being objected to were not in reference to the claims objected to. The statement "Terms and Conditions Apply" was made for claiming free samples of NESPLUS and not for providing any disclaimer on the characteristic of the Product. This complaint was **NOT UPHELD**.

The FTCP recommended that the advertiser should refer to guidelines for disclaimer in advertising for guidance for language requirement for the disclaimers.





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1904-FTC.3

COMPANY: EUREKA FORBES LTD

PRODUCT: Dr. Aquaguard NRICH range of ROs

NATURE OF COMPLAINT

Fast Track Complaint received against the Ad- Manual, Promotional Material (Leaflet), Website/Internet advertisement of “Eureka Forbes Ltd – Dr. Aquaguard NRICH range of ROs”, from Hindustan Unilever Limited. As per the complaint, the Advertiser’s water purification products under the ‘Dr. Aquaguard NRICH’ brand of water purifiers (“Product”) and advertisements of the Product on their website (<https://www.eurekaforbes.com/waterpurifiers/dr-aquaguard-nrich-ro-uv-mtds>) and the product brochures, wherein the advertiser is making several misleading claims and statements. These claims and statements have also been made on the Advertiser’s website, on the product’s e-commerce listing where the product is offered for sale and in the User Manual of the product.

Given below is a list of objections to the Advertiser’s claims:

I. Claims related to the “Active Copper Maxx” feature
“Beneficial for all Age Groups”

In the product brochure, the Advertiser has claimed that the Active Copper Maxx technology is beneficial for all age groups, without considering the well-known fact that all age groups have different recommended daily allowances for micronutrients as per nutritional guidelines. As the product doesn’t differentiate between users, results may vary from person to person. In the absence of any explanation or disclaimer, this absolute statement of the technology being beneficial for all age groups, has the potential to mislead consumers. As it does not consider the basic differences in physiological states and nutritional requirements, such an absolute statement should be withdrawn.

With regard to the endorsement itself, it is pertinent to point out that registered doctors are not permitted to endorse any such proprietary Active Copper Maxx technology, as this would amount to brand promotion, a violation of the Indian Medical Council’s Code of Ethics. The Advertiser has not provided any further details of this endorsement, either by way of a disclaimer statement; or through any other means on its website, brochures or manual. We submit that unless the Advertiser is able to provide an endorsement from a recognized medical body (which itself should be scrutinized for any violation of the IMC Code of Ethics), capable of suitable testing and backed by technical evidence, such an absolute claim is irresponsible and should not be permitted or be withdrawn by the Advertiser.

“Optimum amount of Micronutrients” / “Balanced Copper in Every Drop”

In the product brochure and in the manual, the Advertiser has absolutely claimed that the Product, by virtue of an ‘innovative release technology’ ensures that the output water has the right balance of copper. Further, it also claims to ensure that it contains the ‘optimum amount of micronutrients; not too much nor too less’.

It is a well-known fact that like for most micronutrients, the recommended daily/dietary allowance (RDA) for copper is different for different people, depending on their age, gender, health condition. Requirements change for pregnant and lactating women or during a person being sick. Further, the user may obtain these micronutrients from a variety of other dietary sources.

It is a well-known fact among water-purification experts that purified water production rates vary from consumer to consumer as it depends on usage habits and general maintenance. Even across the purifier’s life for the same consumer, this change of production rate is observed with use. For the Active Copper Maxx cartridge, this would mean a change in the water residence time in the Copper cartridge and therefore the output of minerals as well.

In the absence of any disclaimer or explanation on the website, manual etc., one can only imagine that the Product automatically detects the physical attributes of the user and what was had for lunch; before delivering the optimum





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amounts of micronutrients in the output water. We submit that such an absolute claim, in the absence of any disclaimers, evidence or explanation should not be permitted.

“Get equivalent power of dry-fruits”

The Advertiser has also provided a rather confusing comparison between the micronutrients delivered by 4 litres of Aquaguard water and 3 types of dry-fruits. Without even relying on the actual levels of copper and zinc delivered by the Product (which are the subject matter of a different part of the Complaint), it is interesting to note that even between the quantities of the three dry-fruits mentioned, the amount of copper and zinc delivered by them is not the consistent as per the ‘USDA National Nutrient Database for standard reference’. (This source is mentioned in the disclaimer below the image).

Below are the actual amount of copper and zinc found in the quantities of items mentioned in the advertisement, calculated as per the abovementioned USDA Database:

Table with 5 columns: Item, Claimed Copper amount, Claimed Copper in water in ppb (µg per litre), Claimed Zinc amount, Claimed Zinc in water in ppb (µg per litre). Rows include Dates, Dry Grapes, and Apricots.

The above figures show that the reproduction of the amounts of copper mentioned in the USDA Database is itself incorrect and therefore misleading to the consumer. Further, even if these figures were consistent, this is a misleading comparison, considering that one would need to drink 4 Litres of water, before the nutrition mentioned in the advertisement is delivered, which is absurd, considering an average human consumption is 2 litres of water per day. This statement aims to drive excessive consumption of water among users, which can even be harmful to users. The relevant entries from the USDA database are annexed here as Annexure IV

“Patented Technology Active Copper Maxx” “Equipped with most advanced Patented Technologies Active Copper Maxx, Biotron and Mineral Guard”

The Advertiser has claimed that Active Copper Maxx is a patented technology. Yet, the complainant was not able to find any reference in the Patent database, which leads back to any patents filed or obtained by the Advertiser firm. Unless, appropriate patents have been granted to the Advertiser in India or in any other country, records of which are available in the public domain, the claims are incorrect, illegal and should be removed on that account.”

FTCP RECOMMENDATION: UPHELD

The Complainant as well as the Advertiser representatives were given the opportunity for personal hearing with the Technical expert and the ASCI Chief Administrative Officer. Data submitted by the complainant and the advertiser was reviewed by the technical expert.

The FTCP reviewed the Ad- Manual, Promotional Material (Leaflet), Website advertisement (https://www.eurekaforbes.com/water-purifiers/dr-aquaguard-nrich-ro-uv-mtds) and noted the Advertiser’s written response. The details of the complaint and the rationale for claim support was taken into consideration. The FTCP concluded as follows –

Claim - “Beneficial for all Age Groups” – The FTCP noted that the quantum of water consumed depends on the age, body weight and activity levels of individuals. The extent of benefit will vary in proportion to the amount of water





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consumed. Therefore the FTCP did not agree with the objection that “as the product doesn’t differentiate between users, results may vary from person to person”. This complaint was **NOT UPHELD**

The FTCP did not consider the complaint regarding violation of Indian Medical Council’s Code of Ethics to be in ASCI’s purview and suggested that the Complainant may approach the Medical Council of India.

Claim - “Optimum amount of Micronutrients” / “Balanced Copper in Every Drop” – The FTCP noted that the product configuration is based on BIS Standards and not on RDA standards, therefore claims are related to safety and not to nutrients. The claim, “Optimum amount of Micronutrients” is misleading by implication, and contravenes Chapter I.4 of the ASCI Code. Advertiser has not furnished any substantiation in support of their claim, “Balanced Copper in Every Drop”, which contravenes Chapters I.1, I.4 and I.5 of the ASCI Code. This complaint was **UPHELD.**

Claim - “Get equivalent power of dry-fruits” - The FTCP noted that a simple quantitative comparison between two unrelated products is misleading. The composition as well as the overall bioavailability and nutritional value of these products are not comparable. The said claim was not adequately substantiated, which contravenes Chapters I.1, I.4 and I.5 of the ASCI Code. This complaint was **UPHELD**

Claim - “Equipped with most advanced Patented Technologies Active Copper Maxx, Biotron and Mineral Guard” - The FTCP noted that the advertiser has filed the necessary application for grant of Patent with Controller General of Patents, Designs and Trade Marks on 29th May 2017 and the same is under process of approval. The said claim is misleading by implication and contravenes Chapters I.1, I.4 and I.5 of the ASCI Code. This complaint was **UPHELD**

The FTCP noted that the advertiser’s representatives during their personal hearing with the technical expert agreed to make suitable changes to the claims.

1904-IRP.1

COMPANY: Nivea India P. Ltd

PRODUCT: Nivea Whitening Smooth Skin Roll On

NATURE OF COMPLAINT (1809-C.1532):

Claim Objected To:

1. The formula with natural Mulethi extracts in Nivea Whitening Smooth Skin Roll On gives you even-toned underarms
2. Nivea Whitening Smooth Skin Roll-On

Complaint:

Description:

“The advertisement begins with Anushka Sharma checking out a blue dress while the focus is on her smooth underarms. A voiceover is played which says that go sleeveless every day. The formula with natural mulethi extracts in Nivea Whitening Smooth Skin Roll On gives you even-toned underarms. Go sleeveless with Nivea Whitening RollOn. Visuals of the product appear along with taglines- “Mulethi extracts” and “0% Alcohol.”

Our Objection:

1. Please substantiate claims 1 and 2 using claim support data. The claim support data should not be internal or based on studies commissioned by Nivea India Pvt. Ltd.





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2. Reference to claim 1; is the amount of mulethi extracts significant to make an impact on the performance of the product as claimed? Is the efficacy data specific to the benefits of the formulation attributable to the claimed ingredient provided?

3. Reference to claim 1; can the advertiser prove that the product as sold in its present form has the effectiveness of mulethi as is being claimed in the advertisement since the ingredient appears to have symbolic presence in the product?

4. Reference to claim 2; how can a Skin Roll-on claim to “whiten” the skin? Does the advertiser have data to substantiate this claim? The “whitening” claim should show to make skin shades/ tone whiter than before application. Also, the whitening should not be deposits of the product. If the whitening claim does not lighten the skin, then it is a false, misleading and exaggerated claim.

5. Actress Anushka Sharma endorses the product. As per the ASCI Guidelines for Celebrities in Advertising, a 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. Can the advertiser show evidence that the actress Anushka Sharma has done due diligence and that she confirms with all the claims made in the advertisement?

According to us, the advertisement contravenes Chapter 1.1 and 1.4 of the ASCI Code, and the ASCI guidelines for Celebrities in Advertising. Action to be taken: We propose that the advertisement should be immediately withdrawn.”

IRP RECOMMENDATION: NOT UPHELD

Heard the Learned Representatives of ‘Nivea India Pvt. Ltd’ represented by Mr. Sachin Killawala, Marketing Director, Ms. Elke Willems, R&D Director and Mr. Rabindra Purohit, Legal Head (Advertisers) who are the manufacturers of ‘Nivea Whitening Roll On’ at length. The Complainants (CERC) chose not to attend the hearing.

Visually saw the Advertisement. Read the new Study Report dated 11th March 2019, conducted by MS Clinical Research Pvt Ltd. Perused the relevant clauses of agreement between the Advertiser and Ms. Anushka Sharma, Celebrity regarding due diligence.

The Advertiser has preferred the present IRP proceedings aggrieved by the Order dated 28th November, 2018, whereby the CCC concluded that the claim of “Whitening” in the Advertiser’s product “Nivea Whitening Smooth Skin Roll On” was inadequately substantiated and was misleading. The CCC also held that there was no evidence to show that the Celebrity Anushka Sharma had done due diligence, prior to endorsing the product.

Accordingly the CCC had held that the TVC contravened Chapters 1.1, 1.4 and 1.5 of ASCI Code and Clauses (c) and (d) of the ASCI Guidelines for Celebrities in Advertising.

Now the Advertiser has produced a detailed Clinical Study Report dated 11th March 2019, conducted by MS Clinical Study Report, wherein 38 healthy female subjects between the age group of 20 to 45 years were enrolled. The study was conducted for a period of 28 days and 37 subjects completed the study. The Test product showed significantly higher skin lightening at 14 days and 28 days in comparison to baseline, indicating Whitening of underarm with regular product use.

The Advertiser also produced the relevant clauses of its Agreement with the Celebrity Anushka Sharma, which also clearly shows that the Celebrity had done due diligence prior to endorsement of the product.

Under the above facts and circumstances, the Order of the CCC is set aside, and the Complaint stands dismissed.

Accordingly the IRP proceedings is allowed.





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1904-IRP.2

COMPANY: Mastercard India

NATURE OF COMPLAINT (1811-C.1916):

Claim Objected To: “Bharat Ka Card”

Complaint:

Complaint 1:

“There was an advertisement of Mastercard promoted by Mr. M.S Dhoni, Pankaj Kapoor and one lady where it has been displayed as Master Card which is totally against our Country. Our card is Rupay card. How Master Card can be Bharat Ka Card. Also M.S Dhoni mentioning gift for Indians which is implicating that Ms Dhoni is not Indian. Request to ban all such advertisements Mncs/foreign companies using our Country's name to establish their entity. Another such company in my knowledge is Haire. However, everywhere MASTER CARD is promoting Bharat Ka Card at the end of the advertisement and our celebrities also supporting to that. Request at least they should not use our country name in fake way to fool our citizens. My point is how MASTER CARD can be Bharat Ka Card.”

Complaint 2:

“These days Mastercard is giving advertisements on televisions almost every 5-10 minutes and promoting it as Bharat Ka Card which is misleading the Indian consumers because only Rupay can be called as Bharat Ka Card and not Mastercard. Therefore, my complaint is that Mastercard must remove its tagline Bharat Ka Card.

My complaint is that Mastercard must remove its tagline Bharat Ka Card because RUPAY is our own card and not Mastercard.

The objection as stated in my complaint is with respect to its tagline, "Bharat ka Card". Because RUPAY is India's indigenous payment system and hence only Rupay can be called as "Bharat ka Card". By using this tagline, MasterCard is misleading the Indian consumers. Therefore, MasterCard must remove its tagline.”

IRP RECOMMENDATION: UPHELD

Heard the Learned Representatives of ‘Mastercard India Services Private Limited’ represented by Ms. Sonia Soni, Sr. managing Counsel, Mr. Sarat Chandran, Regional Counsel and Ms. Manasi Narsimhan, Vice President Marketing (Advertisers) who are the representatives of ‘Mastercard’ at length. The Complainants (Individuals) chose not to attend the hearing. The IRP was also attended by the Chairman of the CCC that had deliberated on the complaint.

Visually saw the TVC pertaining to the “Mastercard”.

The Advertiser has preferred this IRP proceedings, aggrieved by the Order of CCC dated 17th January, 2019, whereby the CCC observed that while the advertiser has taken a stance that their Mastercard is a payment gateway, the visual in the TVC shows a physical card. The advertiser did not submit any evidence that they were market leaders for debit or credit cards and upheld the complaint of Mastercard to be “Bharat Ka Card”, that implies leadership claim which is not substantiated and is misleading by ambiguity. Hence it was held that the TVC contravened Chapters 1.1, 1.4 and 1.5 of ASCI Code. The CCC also held that there was no evidence showing the Celebrity Mr. M.S. Dhoni had done due diligence prior to the endorsement, hence there was a violation of Clauses (c) &(d) of the Guidelines for Celebrities in Advertising.

The Representatives of the Advertiser very clearly stated that “MasterCard” is neither a Credit Card nor a Debit Card, and MasterCard is only a Payment Gateway.

After hearing for some time, the Representatives of the Advertiser very categorically undertook as under:

- A. In the TVC wherein Mr. M. S Dhoni is holding a white Card, intending to be a Credit Card or Debit Card, the description “MasterCard” at the Right-hand side top of the Card will be modified as appropriate.





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B. In the scene wherein the white Card is placed on POS machine, the description “MasterCard “will be modified as appropriate.

C. At the end of the Advertisement the words “Bharat Ka Card” will be removed.

The above undertakings are accepted.

The Advertiser shall comply with the above Undertakings within a period of two weeks, and forward a copy of the new corrected TVC to ASCI.

The IRP proceedings stand disposed of accordingly.

1904-IRP.3

COMPANY: Paisabazaar Marketing and Consulting Private Limited

NATURE OF COMPLAINT (1812-C.2058):

Claim Objected To: “Bharat Ka Card”

Complaint:

“Ad claims to provide loan in just 2 minutes but in 100% cases they do this only for data collection only. In fact it takes 2 to 10days to proceed any loan although paisabazaar approve the proposal but the conditions are not final because these are changed by loan providing banks than why the approval is final. Plz check the link. <https://youtu.be/cDChHYbwpPY> which is being displayed on TV.”

IRP RECOMMENDATION: UPHELD

Heard the Learned Representatives of ‘Paisabazaar Marketing and Consulting Private Limited’ represented by Mr. Sai Narayan, Head Marketing and Mr. Gaurav Agarwal, Business Head (Advertisers) who are the representatives of ‘Paisabazaar.com’ at length. The Complainant (Individual) chose not to attend the hearing.

Visually saw the TVC Advertisement.

The Advertiser has preferred this IRP proceedings aggrieved by the Order of CCC dated 26th February 2019, whereby the CCC has held that “Loan Approval in 2 minutes “and the protagonist in the Advertisement clearly mentioned “fatafat paisa aapke account mein”, contravened Chapters 1.1,1.4 and 1.5 of the ASCI Code and the Complaint was upheld.

It was contended by Advertiser that for the wordings “Loan Approval in 2 Minutes”, there is a disclaimer mentioning that “Provisional Loan Approval in 2 minutes”, hence a customer will not be misled.

In TVC Advertisement, boldly it is mentioned “Loan Approval in 2 Minutes “with the protagonist categorically stating “ fatafat paisa aapke account mein”, very clearly gives an impression that the Loan will be approved in two minutes and “fatafat paisa aapke account mein” , that amount will be credited almost immediately. The disclaimer is contrary to the Claim. Any normal Customer is bound to believe that the Loan will be approved in two minutes and amount will be credited almost immediately.

The above advertisement is false, misleading by ambiguity and implication, and is likely to lead to grave or widespread disappointment in the minds of consumers.

The CCC Order dated 26th February 2019 is fully upheld and the TVC clearly contravened Chapters 1.1 1.4 and 1.5 of ASCI Code. The IRP proceedings is devoid of merits and the same stands dismissed.





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1904-IRP.4

COMPANY: Hindustan Unilever Ltd

PRODUCT: Indulekha Bringha Oil and Shampoo

NATURE OF COMPLAINT (1901-FTC.19):

Fast Track Complaint received against the Ad – Hoarding, Product Packaging, Print advertisement of “Hindustan Unilever Ltd – Indulekha Bringha Oil and Shampoo”, from Procter & Gamble Home Products P. Ltd.

A. Hoarding showing Oil and Shampoo together.

"AYURVEDIC MEDICINE THAT GROWS NEW HAIR"

With the disclaimer that reads as follow

"Based on Clinical test conducted by independent CRO in 2016-17. Use Indulekha Oil as a primary as well as an adjuvant product to reduce hairfall and grow new hair. Hairfall due to breakage. "For 100ml of shampoo, based on study using mature plants".

B. Print Advertisement.

1. "AYURVEDIC MEDICINE THAT GROWS NEW HAIR"

With the disclaimer that reads as follow

"Based on Clinical test conducted by independent CRO in 2016-17. Use Indulekha Oil as a primary as well as an adjuvant product to reduce hairfall and grow new hair. Hairfall due to breakage. "For 100ml of shampoo, based on study using mature plants".

2. "For its proven results, doctors now prescribe Indulekha. "Use Indulekha 3 times a week for 4 months, I have seen the results- it reduces hairfall and grows new hair"

No Disclaimer

On pack (Shampoo):

Logo saying "prevents hairfall" and picture showing the root. While back panel of the shampoo says "hairfall due to breakage".

The Claim "Grows New Hair" with assets featuring both Shampoo and Oil together is misleading as it does not clarify whether the Claim is for both oil and shampoo or only oil. The disclaimer only states a study that is conducted for the oil and not the shampoo. Further, the disclaimer mentions a vague statement for the shampoo i.e. "based on study using mature plants" and does not provide details of the studies conducted on the shampoo qualifying the claim "grows new hair" or any other claim for the shampoo. Hence, the advertiser should clarify whether this Claim is for the Shampoo and if yes, then they should be called upon to produce data for the Shampoo to qualify the Claim. Having said that, it seems that the advertisers with the intent to promote its shampoo, is projecting it along with the oil trying to mislead the consumers to believe that the shampoo provides the same the benefits as the Oil, when it may only have benefit of cleansing. Also, the Claim is an absolute claim and an average minded consumer may perceive it to be a medicinal cure for conditions like premature balding/ anyone using the product will get the benefit irrespective of the severity of the condition causing actual hair loss issue. The disclaimer for the Oil says that usage of oil as a primary will also provide new hair growth, which needs to be supported by Clinical Data. Generally, oil is always the adjuvant to other products like shampoo and conditioner. Further, it needs to be seen the type and format of the Clinical Study conducted and whether it supports the claim in question.

The print ad shows a picture of someone who is made to look like a doctor and states that "doctors now prescribe" and the same is not qualified by any disclaimer, which is in clear violation of the ASCI Code. Also, the statement cleverly mentions only "Indulekha" and does not specify whether the statement is for oil or for shampoo. Even for oil, if this claim is being made, the advertiser is obligated to conduct a proper survey before making such bold claims. There is no disclaimer and the copy does not mention whether any study or survey was actually conducted to qualify





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such a statement, nor the number of respondents. The advertiser is obligated to conduct a study, reveal size of the study and the name of the independent agency who conducted it.

It is pertinent to note that the word used is "prescribed" and not "recommended", hence the oil and shampoo are, by implication, being promoted medicinal cure for baldness and hence need to be subjected to higher standards. They are implying that the products collective and separately are like a miracle cure for all hair problems and promoting growth of new hair irrespective of the reason behind the hair loss or the skin type of an individual.

For Shampoo on Pack: "Prevent Hair Fall text with Hair Root photo". The photo & text together is misleading that the shampoo "prevents hairfall from the roots" by implication, while the disclaimer on the back of the pack says "Hair Fall due to Breakage". Hence, the disclaimer is contrary to the photo & text, again misleading the consumers about the benefits of this shampoo which is promoted as a medicine.

Its pertinent to note that the advertiser is claiming "For best results, use with new Shampoo" on the pack, which contradicts the disclaimer vis-à-vis oil i.e. oil can also be used as a primary, hence the data which the advertiser has, should show that upon usage of only oil the consumer will get the benefits or reduced hair fall, healthy hair, prevention of premature greying and growth of new hair.

Overall, it is our belief that the above the claims are absolute in nature especially in the view that the disclaimer is confusing and for some claims i.e. "doctors prescribe" non-existence. Further, the advertiser is intentional placing the shampoo next to oil in all its adverts create a perception and confusion in the mind of the consumer that it will give a similar effect as that of the oil, if any”

IRP RECOMMENDATION: UPHELD

Heard the Learned Representatives of ‘Hindustan Unilever Ltd’ represented by Mr. Himanshu Jain, Legal Manager, Ms. Pooja Serai, R&D Manager and Mr. Vikas Tiwari, Regulatory Manager (Advertisers) who are the manufacturers of ‘Indulekha Bringha Oil and Shampoo’ and the Learned Representative of ‘Procter & Gamble Home Products P. Ltd’ represented by Ms. Sangmitra Sawant, Legal Counsel (Complainants). Technical Experts present were Prof. Dr. Jayesh Bellare and Dr. Narendra Bhatt.

This IRP is initiated by the advertisers (Hindustan Unilever Ltd) henceforth be referred to as HUL seeking relief against recommendations made by FTCP while Upholding the complaint made by Procter & Gamble Home Products P. Ltd henceforth be referred to as P&G.

After hearing the submissions and after I discussed the issues with the experts, following points arise for my consideration:-

1. Whether the mnemonic depicted on the pack of the cleanser product with claim about prevention of hair fall was misleading by ambiguity and implication?
2. Whether the claim of the advertiser that the use of the shampoo would reduce hair fall based on study using comparison with a placebo is misleading by ambiguity and implication?

Observations –

It is clear that Indulekha Bringha Oil is an independent product from Indulekha Bringha Hair Cleanser. The only similarity in these products is that Bringha and other Ayurvedic ingredients are used as their ingredients. Bringha when mixed with oil and is applied to scalp may have beneficial effects on scalp and on hair growth but the same cannot be said when Bringha is used as cleansing agent for hair and is mixed with a shampoo. From the material that is shown to us it is abundantly clear that Indulekha Bringha Hair Cleanser is not directly or indirectly beneficial for hair growth or prevention of hair fall. What is claimed and is tried to be proved by the advertiser is the fact that use of Indulekha Bringha Hair Cleanser is beneficial to prevent breakage of hair. Hair fall and breakage of hair are two different afflictions. The use of Indulekha Bringha Hair Cleanser does not admittedly prevent hair fall. In other words Indulekha Bringha Hair Cleanser is and could be an independent product and cannot apparently be advertised





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with Indulekha Bringha Oil. Despite this the advertiser's headline called out benefits of Indulekha Oil and presented Indulekha Hair Cleanser as additional product. What was more objectionable was that this product depicted mnemonic of hair root identical to that of shown on oil product pack. The mnemonic further mentioned "prevents hair fall". In my view the printing of mnemonic of hair root on the cleanser product was misleading and ought to have been avoided. The additional slogan "prevents hair fall" indeed added further ambiguity and half truth. I would recommend removal of the mnemonic from the cleanser product altogether.

The advertiser in order to cover up the first misleading statement that the cleanser product would prevent hair fall went on to add a disclaimer which in fine print tried to clarify that word hair fall used with mnemonic is to be read as 'hair fall due to breakage'. Even this disclaimer promoted half truth. Besides the placement of the disclaimer on the back side of the product and in violation of ASCI Guidelines for Disclaimers.

In order to buttress the claim regarding hair fall, the advertiser placed reliance on test using a placebo and also a new test using untreated virgin hair breakage. Both these tests pertain only to hair breakage measurement.

I am therefore of the view that the review cannot succeed and is dismissed. Before I conclude these observations I may suggest that the advertiser may use the mnemonic without the slogan 'prevents hair fall' on the package of cleanser product or use the slogan 'prevents hair breakage'.

1904-IRP.5

COMPANY: Hindustan Unilever Ltd

PRODUCT: Dove Intense Repair Shampoo & Conditioner

NATURE OF COMPLAINT (1901-FTCC.18):

Fast Track Complaint received against the POSM, Ad – Hoarding, Facebook advertisement (<https://www.facebook.com/390621317699016/posts/1937079946386471/>), YouTube Commercial (<https://www.youtube.com/watch?v=kP3iui5FVfo>) of "Hindustan Unilever Ltd – Dove Intense Repair Shampoo & Conditioner", from Proctor & Gamble Home Products Private Ltd.

By this complaint, we raise our strong concerns against the blatantly false and misleading advertising of Hindustan Unilever Limited's product, Dove Shampoo, wherein the Advertiser is making the following claim and variations thereof in their advertisement various platforms :

A. Point of Sale Material (POSM).

"Dove shampoo provides unbeatable damage repair"

B. Hoarding.

Naya Dove Ek Naye Aap Ke Liye, unbeatable damage repair ke saath" (New Dove for the new you, with unbeatable damage repair)- Disclaimer not legible.

C. Social Media (Facebook)

"New Dove for unbeatable damage repair"

With the disclaimer that reads as follows:

"Damage refers to signs of surface damage. Based on lab test on hair breakage and smoothness evaluation with Dove system vs majority of Shampoo and conditioner brands".

<https://www.facebook.com/390621317699016/posts/1937079946386471/>

(Hereinafter to be referred to as the 'Claim)

Please find attached screenshots of the POSM and Hoarding including the above Claim for your ready reference as Annexure A.





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Our Contentions in support of our objections to Claim are as follows:

Cannot claim 'Unbeatable Damage Repair'-

The Claim is misleading the consumers to believe that the restage shampoo provides unbeatable damage repair. In their POSM, the advertisers expressly refer to "shampoo" only in the Claim and showing only a shampoo bottle while shampoo alone cannot provide unbeatable damage protection, as conditioner plays a critical role in Damage Repair.

The advertiser is clearly misleading consumers with this Claim, as on one hand they are featuring only shampoo in the POSM, while having the disclaimer which states that "on shampoo and conditioner usage".

2. In fact, it is our belief that even combined with conditioner the Claim is not true or supportable. Unless the advertisers have made drastic changes in their conditioner technology, which they would have to demonstrate, we believe the Claim is not true or supportable. Further, they are misleading the consumers by using the Claim for the Dove restage though the advertisers have already used the Claim for the older version of Dove, which is still advertised with the claim "Unbeatable Damage Repair" on YouTube (<https://www.youtube.com/watch?v=kP3iui5FVfo>) without any disclaimer.

3. Even as a system, "unbeatable" is a top parity claim, which needs to be true vs. the entire hair care market, or at least a very substantial part of it. "Majority of shampoo and conditioner brands" is vague and they should submit their data so the claim can be verified. Further, even the disclaimer is vague and does not clarify the type of shampoos or conditioners against which the lab tests are conducted. The advertiser should be called upon to present relevant data to show that they are parity to or better than majority of hair care products providing similar solutions and data on the changes in their conditioner technology to support the Claim.

4. Further, the Claim also misleads the consumers to believe that their hair will be repaired with one wash by implication. The advertiser should be called upon to share data evidencing that the shampoo will repair hair damage in one wash only.

Overall, it is our belief that the Claim is not true or supportable considering that there is no major formulae change such as key functional ingredients list remains, the performance of new Dove Shampoo would not be improved vs old Dove shampoo, hence it is clear case of misleading the consumers by cunningly portraying the restaged Dove Nutritive Solutions as new product providing unbeatable hair damage repair."

IRP RECOMMENDATION: UPHELD

Heard the Learned Representatives of 'Hindustan Unilever Ltd' represented by Mr. Himanshu Jain, Legal Manager and Ms. Arpita Bhattacharya, R&D Manager (Advertisers) who are the manufacturers of 'Dove Intense Repair Shampoo & Conditioner' and the Learned Representative of 'Procter & Gamble Home Products P. Ltd' represented by Ms. Sangmitra Sawant, Legal Counsel (Complainant). Technical Experts present were Prof. Dr. Jayesh Bellare and Prof. Anurag Mehra.

P&G have submitted a complaint against, Hindustan Unilever Ltd, contending that there is a false & misleading advertisement of HUL's product Dove shampoo and conditioner. The main allegation against HUL is that by advertising the shampoo and conditioner as NEW, HUL has misled the public. Other objections of P&G are not relevant for this review as they have been rejected by the Fast Track Complaints Panel (FTCP).

HUL responded to this objection by contending that there was a new packaging as well as a new formulation. This complaint was considered by the FTCP, which accepted the submissions made on behalf of HUL in respect of all other objections, except that there was a misleading advertisement by HUL by mentioning the word NEW on the product and the advertisement.

Aggrieved by this finding of the FTCP, HUL has adopted the Independent Review Procedure and have filed this review.

The contention of HUL is that the word NEW has been clearly explained in their advertisements as referring to their packaging as well as formulation. HUL contends that this product was introduced in the market in approximately Oct 2018 and the old formulation has been discontinued. The submission is that while the FTCP has correctly decided that the packaging is new, it has overlooked the fact that the formulation is also new. According to HUL, the product formulation has been revised for functional ingredients, a list of which appears on the pack of the shampoo & the conditioner. It is





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claimed that a comparison of the ingredients in the old packaging & the new product would demonstrate that the formulation is indeed new as some of the ingredients in the old product are not present in the new one.

ASCI has submitted the opinions of two experts in the field to assist me in deciding the review. Mr. Anurag Mehra, Professor IIT, who has opined that the documents submitted to him do not mention the concentrations of the ingredients therefore it is not possible for him to give any opinion on the same. He has therefore inferred that the claim that it is a new formulation cannot be upheld. Dr. Jayesh Bellare, Prof IIT, the other expert, has opined that there is no substantial change as most of the old ingredients are present in the new formulation as well. Adipic acid has been removed from both the shampoo as well as the conditioner in the new product. He is of the opinion that there is a minor tweaking of the ingredients which would not convince him that the formulation can be considered to be new.

The Code for Self-Regulation of the Advertising content in India, has been drawn by the Advertising Standards Council of India (ASCI). Both HUL and P&G are members of ASCI and have chosen to be governed by this code. When the word 'NEW' is mentioned on a packaging or advertisement it is required to specify what aspect of the product/service is new or improved, namely, the products utility, function, product design, package design etc. This is as per the aforesaid Code. It is apparent from the new packaging that though HUL have used a theta sign (θ) on a red background where the word NEW is mentioned, it has not shown as to what aspect of the product is new anywhere on the front of the container. On the rear side, it has been mentioned that NEW refers to 'New Pack and Formulation'. Thus although the package design may be new, there is no certainty on the formulation being new. As mentioned earlier, the two experts have opined that from the material given to them, it was not possible to conclude that there was a new formulation. The products utility or function has not been shown to have changed with the new ingredients which is a requirement in the aforesaid code. Furthermore, in the advertisement although it has been mentioned the word NEW (Naya) means new pack & new formulation, there is nothing to indicate that infact there is a new formulation. This is because the requirement of the code is that the word NEW must indicate that the product's utility or function is new. The concentration of the ingredients has not been mentioned in any of the documents submitted by HUL nor have they mentioned the percentage by which the concentrations have been changed in the new product.

In my opinion therefore, HUL have failed to establish that the word NEW in their advertisement as well on their aforesaid products refers to the product's utility or function. It is true that the reference to the packing being new is correct. However, that would not automatically change the product's utility or function.

Accordingly, HUL must indicate on their product and advertisement that NEW refers only to the packaging.

The review stands dismissed.





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1904-IRP.06

COMPANY: United Breweries Ltd

PRODUCT: Kingfisher Radler

NATURE OF COMPLAINT (1812-C.2185):

Claims Objected To:

100% Natural.

IRP RECOMMENDATION: UPHELD

Heard the Learned Representatives of 'United Breweries Ltd.' represented by Mr. Punyabrata Dashsharma, General Manager Marketing-NAB and Mr. Chetan Chopra, AVP Legal (Advertisers) who are the manufacturers of 'Kingfisher Radler'.

On the basis of its Suo Moto surveillance the ASCI observed that the TVC of United Breweries Ltd.-'Kingfisher Radler' which appeared on VTV Gujarati (Hindi audio), on November 19, 2018 was misleading and in contravention of the Code for Self Regulation of Advertising content of India drawn up by ASCI. The objection is to the use of the expression '100% Natural' for the product featured in the TVC. ASCI called upon the advertiser to explain their conduct.

In response to the complaint, the advertiser (UBL) has submitted its contentions that the ingredients used in the product are Natural & are sourced from natural resources, being Water, Sugar, Barley Malt, Mixed fruit juice, Carbon Dioxide, Quillaia Extract & HOPS. It is in these circumstances that the expression '100% Natural' has been used on their product.

The CCC has upheld ASCI's contention and found that by using the term '100% Natural' for the composite beverage, the advertiser has contravened, Chap I.4 & III.4 of the ASCI Code. The advertiser was accordingly advised to modify the advertisement & withdraw the claim that it was a '100% Natural' product.

Being aggrieved by the recommendation of the CCC, the advertiser (UBL) has submitted the present review. Its main contention is that all ingredients used in the product are natural or sourced from natural resources. The contention is that it would comply with the FSSAI notification dated 19-Nov-2018 by 1-Jul-2019 as required by the notification.

After the review was argued for some time, UBL stated that they were no longer airing the advertisement mentioned in the complaint. They further agreed to undertake the following –

1. That within 10 business days, they would blur the term/expression '100% Natural' from their product view shot in any advertisement of the product.
2. That they would comply within 4 months the recommendations of ASCI by changing the packaging of their product.

The statements made on behalf of the advertiser (UBL) are accepted. The review is disposed of accordingly.

