

ASCI CCC Recommendations: August 2017

ASCI UPHELD COMPLAINTS AGAINST 114 OUT OF 193 ADVERTISEMENTS

Mumbai, October 25th, 2017: In August 2017, ASCI's Consumer Complaints Council (CCC) upheld complaints against 114 out of 193 advertisements. Out of 114 advertisements against which complaints were upheld, 51 belonged to the Healthcare category, 31 to the Education category, followed by 17 in the Food & Beverages category, five in the Personal Care category, and ten advertisements from other categories.

DIRECT COMPLAINTS

ASCI processed complaints against the following advertisements from the general public, industry as well as from the Department of Consumer Affairs' Grievances Against Misleading Advertisements (GAMA) Portal. Out of 93 advertisements, complaints against 52 advertisements were upheld.

HEALTHCARE:-

The CCC found the following claims of 19 advertisements in health care products or services to be either misleading or false or not adequately / scientifically substantiated and hence violating ASCI's Code. Some of the health care products or services advertisements also contravened provisions of the Drugs & Magic Remedies Act (DMR Act), Drugs and Cosmetics Rules (D&C Rules) and Chapter I.1 and III.4 of the ASCI Code. Complaints against the following advertisements were UPHELD.

- 1. SBS Biotech (Unit-II) Ayurvedic Division (PetSaffa):** The advertisement's claim, "Not Habit forming" was not substantiated as the ingredient in the product - Senna is habit forming. Hence the claim is misleading.
- 2. SBS Biotech (Unit-II) Ayurvedic Division (PetSaffa):** The advertisement's claim, "Not Habit forming" was not substantiated as the ingredient in the product - Senna is habit forming. Hence the claim is misleading. Regarding the No. 1 Brand claim, the copy of the award certificate mentions that the product is No.1 Brand in India's "Best Digestive Medicine" category. The claim, "No 1 Brand India 2016", was therefore considered to be misleading by omission of mention of the category.
- 3. SBS Biotech (Unit-II) Ayurvedic Division (PetSaffa):** The advertisement's claim, "Not Habit forming" was not substantiated as the ingredient in the product - Senna is habit forming. In view of this observation, the claim "No side effects" was not substantiated and this claim is misleading by exaggeration.



- 4. Diabetacare (Dried Blackberries 100% organic):** It was observed that on the back of pack the advertiser has declared content of sugar as zero which contradictory to the USDA database analysis which declares total sugar per 100 grams as 4.88. It was considered that this label claim was considered to be false and grossly misleading in the context of the product name 'Diabetacare 24x7 Diabetes Care'.
- 5. Flipbald:** The testimonial claim (in Hindi) as translated in English, *"I lost 25 kilograms weight in only two months"*, was not substantiated with evidence of product efficacy and is misleading by exaggeration. Also, efficacy being depicted via images of before and after the treatment is misleading.
- 6. Kusum Homeopathic Clinic (Dr Kamal Garg):** The advertisement's claim, "Special treatment of premature ejaculation, lack of sperms, wet dreams, weakness," is considered to be, prima facie, in violation of the D&C Rules.
- 7. Jagat Pharma (Isotine Ayurvedic Eye Drops):** The advertisement's claim, "Dr Basu , with the help of Isotine Eye Drops and various other Ayurvedic medicines has been curing eye problems since 30 years," is considered to be, prima facie, in violation of the DMR Act.
- 8. Dr Natasha Ayurvedic Doctor (Ayurved Tablet Kavish Vati):** The advertisement's claims, "Every night honeymoon. Attention, patients suffering from sex problems", "If you are not satisfied with your sex life, try Kavish Vati today", "After you consume it, you will be satisfying your partner as never before", "First time sex will last upto 35 mins, Second time will last 55 minutes and third time, one hour and ten minutes", "Don't sleep, don't let your partner sleep and please your life partner" and the visual in the advertisement read in conjunction with the claims objected to, imply that the product is meant for the enhancement of sexual pleasure. The claims were considered to be, prima facie, in violation of the D&C Rules.
- 9. Dr Natasha Ayurvedic Doctor (Permanent Course Kavish Majun):** The advertisement's claim, "This 'Majun' is for those men who suffer from premature ejaculation. After you consume this ..., you will never suffer from timing related problems", is considered to be, prima facie, in violation of the D&C Rules.
- 10. Dr Natasha Ayurvedic Doctor (Kavish Permanent Penis Tight Cream):** The advertisement's claim, "The problem of loose penis can be eradicated from roots. After applying this cream, loose penis problem will stop by 100%", is considered to be, prima facie, in violation of the D&C Rules.
- 11. Dr Navneet Agarwal:** The advertisement's claim, "Successful treatment of Piles and Fistula", is considered to be, prima facie, in violation of the D&C Rules.

- 12. Dr. Ayyub Hasan (Maarshal Medical Center):** The advertisement’s claim, “Take treatment from world renowned Senior Epilepsy Specialist Dr Ayyub Hasan ‘Maarshal’ and be free from epilepsy forever”, is considered to be, prima facie, in violation of the DMR Act and the D&C Rules.
- 13. Dr. Roy health solutions clinic (Dr. Sitesh Roy):** The claim, “Voted among Best Doctors in America six years in a row”, was not substantiated, and is misleading by exaggeration. The CCC also expressed its reservations regarding the “Best Doctors” award process and lack of any disclaimers in the advertisement to provide a reference to consumers regarding the nature of this poll.
- 14. Strides Consumer Private Limited (Nixit nicotine lozenges):** The advertisement’s claims, "Nicotine lozenges are unique and better than nicotine gums because: Can reduce withdrawal symptoms significantly”, “Unique with controlled release of nicotine”, “Higher quit rate”, “Lesser chances of relapse”, “Lesser chances of quitting-related weight gain” and “Nicotine Lozenges are more effective than Gum", were not substantiated with product specific clinical data, and are misleading by exaggeration. It was also concluded that the claim, by implication, unfairly denigrates the complainant’s product and other similar competing products in the same category.
- 15. Goodlife Wellness (Slim at home):** The advertisement’s claims (in Gujarati) as translated into English, “Professional consultancy at your doorstep”, “Lose weight”, “100% guarantee”, “Through Naturopathy grains”, “Naturopathy is most safe and effective”, “Good life Weight loss plan is 100% slim at home program”, “Weight loss without any medicine, machine and exercise”, “Dieting is not required”, “Routine food can also be eaten”, “Lose ten kilograms till 17th August 2017 and twenty kilograms till 12th October 2017” and “Hormonal weight loss plan: Hypothyroid PCOD, Water Retention, Teenage girls plan”, were not substantiated with supporting clinical evidence, and with treatment efficacy data, and are misleading by exaggeration.
- 16. Wellness Water Point and Gas Services:** The advertisement’s claims (in Gujarati) as translated into English, “Product name is Alkaline Water.”, “First time in India”, “Change Water and increase Life expectancy”, “Intake Alkaline water and avoid illness”, “According to great Scientists and Doctors; drinking water from various filters and R.O. leads to greater harm as compared to benefit as all types of water are acidic”, “90% of diseases in our body are caused due to water only”, “Advantages of drinking Alkaline water: Migraine can be removed (treated), thyroid can be removed (treated), Cardiopulmonary pain is removed, Relief in Food allergy, Relief from Heart problems, despair can be removed, Advantage in diabetes, Obesity is removed, advantage in blood pressure, memory power increases, one can have complete sleep, Asthama can be removed, Swelling and bile can be removed, Gout can be removed, skin diseases can be removed, T.B. can be removed, stone can be removed”, “Live demo of Alkaline water”, “Alkaline water products are made up of Korean Bioceramic Technology” and

“The quality of Alkaline water is certified by World’s famous organization such as- NSF, FDA, KFDA”, were not substantiated with any supporting evidence, and are misleading by exaggeration.

- 17. Sheth Brothers (Komla Gutika):** The advertisement’s claims (in Gujarati) as translated into English, “For both women and men”, “Komala Gutika helps to make body symmetric which has been shapeless for Women’s bloating abdomen after pregnancy, sedentary life of men and women and intake of junk food by youngsters” and “Stay fit and slim by Komala Gutika”, were not substantiated with product efficacy data, and are misleading by exaggeration.
- 18. Waghanna Vaidyakiya Seva Pvt. Ltd.:** The advertisement’s claim, “Successful cure of incurable diseases including Cerebral Palsy, Down's Syndrome, Paralysis, Asthma” and the print advertisement’s claim, “successful cure for "incurable diseases" including Cerebral Palsy, Down’s Syndrome, Paralysis, Asthma” were considered to be, prima facie, in violation of the DMR Act and the D&C Rules.
- 19. Lifezen Healthcare Pvt. Ltd. (Wonder Pro The Sugar Probiotic):** The advertisement’s claim, “Boosts Immunity” was considered to be misleading by ambiguity as the data provided showed evidence only on immunity against intestinal disorders and not against general immunity of the human body.

FOOD & BEVERAGE:-

- 1. Kelloggs India Pvt. Ltd. (Kelloggs Special K):** The advertisement’s claim, “It is high in protein and fibre” is false as it is not applicable for the serving size of the product and, in the context of a product positioned for weight management, it is misleading by ambiguity. Also the claim, “Foods high in protein and fibre make you feel full and keep hunger pangs away” - Since this claim is linked to the claim of the product being high in protein and fibre, it is also misleading due to the reasons mentioned above. Furthermore, the claim was also inadequately substantiated for the specific product being advertised. The claim, “To manage weight eat a breakfast like Kellogg’s Special K”, was considered to be misleading by ambiguity and implication. The visual of the celebrity when seen in conjunction with the claims is likely to mislead consumers regarding the product efficacy as the advertiser was not able to submit any evidence that the celebrity is in agreement with the claims being made in the advertisement in general, and where she claims this to be her experience in particular. This contravenes the Guidelines for Celebrities in Advertising. Also, the disclaimers in the advertisement were not legible. The heights of the picture area was 386 lines for SD and 1090 for HD. The lowercase elements were measured to be of height of about 7-8 pixels or less for SD and 18-19 pixels for HD formats. The SD clip (provided by the complainant) does not comply whereas the HD clip (provided by the advertiser) does comply with the ASCI Guidelines for Disclaimers Clauses (VII) (i) (1) of ASCI Guidelines for Disclaimers (“For standard definition



images, the height of the text lower case elements shall be not less than 12 pixels (12 pixels lines) in a 576 line raster.”) for SD version of the advertisement.

2. **Yum! Restaurants (India) Private Limited (Pizza Hut):** The disclaimers in the advertisement complained against were not legible and also not in the same language as the audio of the advertisement (Hindi). This does not comply with the ASCI Guidelines for Disclaimers.
3. **G. D. Foods MFG. (India) Pvt. Ltd. (Tops Strawberry Jam):** The advertisement’s claims, "Health Secrets of Strawberry Jam: Intake of strawberry jam helps in improving the health of hair, skin and fingernails. Jam is rich in energy and fibre, which is enough to boost your day. Various other vitamins and minerals are also present that keep you healthy”, and pack shot of the product claiming, "Fruity and Healthy" and "Exotic Jam", were not substantiated with evidence of product efficacy, and are misleading by exaggeration.
4. **G. D. Foods MFG. (India) Pvt. Ltd. (Tops Pineapple Jam):** The advertisement’s claims, "Health Secrets of Pineapple Jam: It is a great source of energy and fibre, thus ideal for a full-day boost. This jam made with pineapple is rich in calcium and Vitamin C. Various other vitamins and minerals help you to stay healthy”, and pack shot of the product claiming, "Fruity and Healthy" and "Exotic Jam", were not substantiated with evidence of product efficacy, and are misleading by exaggeration.
5. **G. D. Foods MFG. (India) Pvt. Ltd. (Tops Orange Marmalade):** The advertisement’s claims, "Health Secrets of Jams: Get a full day boost, as it's a rich source of energy and fibre. This jam comes with the goodness of orange, which is rich in Vitamin C. Various other vitamins and minerals are also present that keep your body and mind healthy", were not substantiated with evidence of product efficacy, and are misleading by exaggeration.
6. **G. D. Foods MFG. (India) Pvt. Ltd. (Tops Mango Jam):** The advertisement’s claims, "Health Secrets of Mango Jam: A great source of energy and fibre that gives you a full-day boost. This mango jam is rich in vitamins and nutrients, thus, aid in digestion and boosts immune system. Packed with antioxidants that help in fighting cancers. Various other vitamins and minerals that keep your body and mind healthy”, and pack shot of the product claiming, "Fruity and Healthy" and "Exotic Jam", were not substantiated with evidence of product efficacy, and are misleading by exaggeration.
7. **G. D. Foods MFG. (India) Pvt. Ltd. (Tops Tomato No Onion No Garlic Ketchup):** The advertisement’s claims, “Health Secrets of Tomato Ketchup: This sauce is a rich source of vitamin A which is commonly associated with healthy eyes. It contributes towards good health as it is low in fat and rich in nutrients. It can help in reducing the risk of prostate cancer”, were not substantiated with evidence of product efficacy, and are misleading by exaggeration.



8. **G. D. Foods MFG. (India) Pvt. Ltd. (Tops Zingy Snack Sauce):** The advertisement's claims, "Health Secrets of Zingy Snack Sauce: It is a rich source of vitamin A that keeps your eyes and immune system healthy. It may lower the risk of cardiovascular diseases as it practically has no fat. It brings with it the good health effects and nutrition of fresh tomatoes", were not substantiated with evidence of product efficacy, and are misleading by exaggeration.
9. **G. D. Foods MFG. (India) Pvt. Ltd. (Tops Sweet & Sour Sauce):** The advertisement's claims, "Health Secrets of Sweet & Sour Sauce: Made with fresh tomatoes, this snack sauce has anti-cancer and cardiovascular disease fighting properties. It is rich in anti-oxidants and reduces the risk of various health problems. It also has the highest quantities of Vitamin A, Vitamin C, and Vitamin E", were not substantiated with evidence of product efficacy, and are misleading by exaggeration.
10. **G. D. Foods MFG. (India) Pvt. Ltd. (Tops Classic Sauce):** The advertisement's claims, "Health Secrets of Classic Sauce: It is a rich source of vitamin A that helps in keeping your immune system and eyes healthy. It contributes towards good health as it is low in fat and rich in nutrients. Having it, two or more times in a week can help in reducing the risk of prostate cancer", were not substantiated with evidence of product efficacy, and are misleading by exaggeration.
11. **G. D. Foods MFG. (India) Pvt. Ltd. (Tops Continental Sauce):** The advertisement's claims, "Health Secrets of Continental Sauce: Keeps your immune system and eyes healthy as it is rich in Vitamin A. It contributes towards good health as it is low in fat and rich in nutrients. It can help in reducing the risk of prostate cancer", were not substantiated with evidence of product efficacy, and are misleading by exaggeration.
12. **Heinz India Limited (Complan):** The advertisement indicates that children always eat half and have inadequate intake of food. The advertisement presents Complan as the replacement to half of regular food which children don't eat, while being silent on the importance of balanced meal. The words used in the advertisement, "Bachche hamesha aadha khate hai" (emphasis supplied), apart from not reflecting the actual reality, appear to have caused anxiety in the mind of the complainant that the advertisement validates what is a non-healthy practice of many children. Also, the disclaimers, whether in English or Hindi, are in comparatively much smaller fonts as compared to the visuals in the advertisement and do not seem to run for four seconds as required by ASCI guidelines. Even after correcting the language mismatch the fact remains that the viewers of the advertisement would hardly notice those disclaimers.
13. **Trophic Wellness Pvt. Ltd. (Nutrcharge S & F):** The advertisement's claims, "Clinically proven to reduce fat and central obesity in men and women" and "Can reduce up to 11 kilogram of body weight and up to four inches waist size in three months", were inadequately substantiated and are misleading by gross exaggeration. Further the testimonial claims of a 32 year old man saying that "*due to his overweight he was not getting married and his doctor*

told him that he is at the risk of having diabetes, blood pressure and heart ailments. After searching a lot on internet he found out Nutricharge S&F and started taking it. He has reduced over seven and a half kilograms in three months and plans to continue Nutricharge S&F for three months more.”, as well as the testimonial itself being by a genuine person were not substantiated with supporting evidence and were misleading by gross exaggeration. It was also seen that while there are no endorsement statements by the celebrities themselves, the website contains images of the celebrities (Amitabh Bacchan and Sania Mirza) and when seen in conjunction with the unsubstantiated claims, these “tacit” endorsements are likely to mislead consumers regarding product efficacy. This contravenes the Guidelines for Celebrities in Advertising.

14. Tropic Wellness Pvt. Ltd. (Nutricharge BJ): The advertisement’s claims, “It is a special supplement for improving the health of knee joints”, “It contains selected nutrients like milk calcium, rosehip, glucosamine, vitamin K27 and boswellia”, “It helps in promoting knee health besides maintenance and repair of knee joints and cartilages, reduces pain and inflammation and improves mobility and flexibility of knee joints in osteoarthritis”, “Regular use of Nutricharge BJ can help in avoiding or delaying knee cap surgery” and “For initial results consume it at least for three to six months”, were inadequately substantiated and are misleading by gross exaggeration. Further the testimonial claims of a 62 year old Retired Asst. Commissioner of Police, Mumbai and a regular Half Marathon runner saying that, “since running impacts the knee cartilages, his nutritionist has advised him to take Nutricharge BJ which has several benefits. Nutricharge BJ has vitamins and minerals which is beneficial for bones and joints. From the past six months he has been taking Nutricharge BJ tablets and powder and he now doesn’t feel any pain in his knees and joints”, as well as the testimonial itself being by a genuine person were not substantiated with supporting evidence and are misleading by gross exaggeration. The advertiser did not substantiate that the video testimonial (Prakash Wani) was genuine and unpaid by providing evidence from the model appearing in the same. The complaint regarding endorsement by the Celebrity, it was seen that while there are no endorsement statements by the celebrities themselves, the website contains images of the celebrities (Amitabh Bachchan and Sania Mirza) and when seen in conjunction with the unsubstantiated claims, these “tacit” endorsements are likely to mislead consumers regarding product efficacy. This contravened the Guidelines for Celebrities in Advertising.

15. Agro Global Resources P. Ltd. (Wagga Wagga Diabetes Care): The packaging claims, “Diabetes Care”, “Helps control blood sugar”, and the advertisement’s claims, “Ab Diabetes se kya darna sugar control karna hai toh oil badal kar dekho”, “Diabetes Care”, and “The Australian that helps control blood sugar”, were inadequately substantiated. The claims refer to a serious disease, namely diabetes and its biomarker, namely blood sugar and insulin level. The claim “Ab Diabetes se kya darna sugar control karna hai toh oil badal kar dekho”, imply that Wagga Wagga oil has therapeutic properties and these may influence the diabetic patients / consumers to believe that by consuming the advertised product, one can overcome



the problem of diabetic complications. The disclaimers in the advertisement are not in the same language as the audio of the advertisement (Hindi) and contravened the ASCI Guidelines for Disclaimers.

PERSONAL CARE:-

- 1. Hindustan Unilever Ltd. (Dove Hair fall Shampoo):** The advertisement's visuals showing lesser hair fall for Dove were misleading by exaggeration.
- 2. Olivia Health Care (Olivia Herb Bleach):** The advertisement's claim, "Enriched with Haldi, Chandan, Nimbu and AloeVera", was not substantiated with supporting data showing presence of these ingredients in the product. Also the claim, "Dermatologically tested", "No Burning", "No itching", "No redness", and "No long hours of waiting" were not substantiated with any test reports. These claims are misleading by ambiguity and implication that the bleach is herbal, acts faster than other bleaches and the ingredients prevent any harsh effects.
- 3. Hindustan Unilever Ltd. (Fair and lovely Anti Marks Treatment):** It was observed that the clinical study supports the advertisement claims of "100 % marks reduced". However, one of the pre-requisites of the study is that the subjects are required to avoid exposure to sun in excess of 30 minutes. In absence of such disclaimer, the advertisement was considered to be misleading by omission. It was noted that the disclaimers in the advertisement are not clearly legible and not in compliance with the ASCI Guidelines for Disclaimers.

EDUCATION:-

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

- 1. AIM Bhopal:** The advertisement's claim, "For the first time in Bhopal an institute has given selection in AILET and NLIU Bhopal from crash course programme", was not substantiated with any verifiable comparative data of the advertiser's institute and other similar institutes to prove that they were the first in Bhopal to give selection from crash course programme. Furthermore, the claim is misleading by ambiguity and exaggeration.
- 2. CL Educate Ltd:** The advertisement showing Kabir Jaiswal as AIR 58 in the advertisement is misleading and is a misrepresentation of facts. The advertiser did not provide data to substantiate that all the students shown under the Bhopal Centre results are their Test Series students and not the previous year's students, which is also misleading.



- 3. Vedavyasa Trust (Vedavyasa Institute of Technology):** The advertisement's claims, "100% results in Btech", "94% success for Btech courses in the college", "institution is famous for placements", were not substantiated with verifiable supporting data, and were misleading by exaggeration.
- 4. Amity University:** The advertisement's claim, "India's No.1 not-for-profit private University in the India Rankings 2017 - with the logo of NIRF, Ministry of HRD, Government of India" was not substantiated, and is misleading by ambiguity and implication.
- 5. Nachiketa Higher Secondary School:** The advertisement's claim, "100% Job Placement", was not substantiated with authentic supporting data such as detailed list of students who have been placed through their Institute, contact details of students for verification, enrolment forms and appointment letters received by the students, nor any independent audit or verification certificate. Also, the claim is misleading by exaggeration.

OTHERS:-

- 1. Dainik Bhaskar Group (Dainik Bhaskar Newspaper):** The advertisement's claim (in Gujarati) as translated into English, "Divya Bhaskar is Bharat's No.1 and World's fourth newspaper having maximum number of circulation", was not substantiated with supporting comparative data for circulation figures, and is misleading by exaggeration. Also, the source and date of research and criteria for assessment for the claim made was not indicated in the advertisement.
- 2. Carrier Midea India Private Limited (Midea Water Purifiers):** The advertisement's claim, "Midea UV, to ensure 100% safe water is dispensed", was not substantiated and is misleading by exaggeration.
- 3. Alphathum Project Housing:** The advertisement inviting consumers to invest in the housing project, without appropriate disclaimers was misleading by omission.
- 4. Scot Apparels (Scotlane):** The advertisement's claim, "Winner of India's Most Trusted Brand", was not adequately substantiated, and is misleading by ambiguity and exaggeration.
- 5. Haier Appliances India Pvt. Ltd. (Haier refrigerator):** The advertisement's claim (in Gujarati) as translated into English, "Haier has been the World's No. 1 deep freezer brand continuously for the past eight years", was not substantiated with any verifiable comparative data of the advertiser's product and other competitor products, or any third party validation. Also the claim, "Upto 40% savings in electricity", was not substantiated with comparative technical data/test reports. The claims are misleading by exaggeration.

6. **Bharti Airtel Ltd.:** The advertisement's claim, "Rs 244 - Unlimited Local + STD Airtel call +1GB/day 4G/3G/2G for 70 days (On 4G HS + 4G SIM)", was misleading by ambiguity and exaggeration as the advertiser did not clarify if the said benefit claimed is indeed Unlimited for Local & STD or capped at a particular limit. The advertisement contravened the ASCI Guidelines for Disclaimers ("A disclaimer can expand or clarify a claim, make qualifications, or resolve ambiguities, to explain the claim in further details, but should not contradict the material claim made or contradict the main message conveyed by the advertiser or change the dictionary meaning of the words used in the claim as received or perceived by a consumer.")
7. **Guru Maa Janki Devi:** The advertisement's claims (in Hindi) related to astrology, providing solutions for various problems, "Solutions by phone call (free astrology consultancy) agar aapka pati, beti ya premi kisi ke vash main ho, shaadi ya vise main deri, sautan ya dushman se chootkara, court case mein jeet, talaak, pyaar mein dhoka, grihkalesh, pati patni mein anban, prem vivaah, contact....." were false, not substantiated and misleading by gross exaggeration. Also, the advertisement exploits consumers' lack of knowledge and is likely to lead to grave or widespread disappointment in the minds of consumers.
8. **Lucky Mycro Fine Appliances Pvt. Ltd. (Mycro Fine Atta Maker):** The advertisement's claims (in Gujarati) as translated into English, "The Electric Motor contains Power saver turbo Technology which saves 40% Electricity" and "It contains double action cleaning technology", were not substantiated with supporting technical data, and are misleading by exaggeration.
9. **Amazon.com, Inc. (Parachute Advanced Coconut Hair Oil):** The website communication claiming the MRP of the product as Rs.149 was false. The advertisement offering the product at the discounted price of Rs.142, when the actual MRP of the product is Rs.135, distorts facts and is therefore misleading consumers as to the actual discount being offered.
10. **Dabur India Limited - Dabur Odomos:** The advertisement's claim "yani machoro se best protection" & "isliye na machine se, na coil se, best protection sirf Dabur Odomos se" were not substantiated and were misleading by exaggeration.

SUO MOTO ACTION

The advertisements given below were picked up through ASCI's Suo Moto surveillance of print and TV media via National Advertisement Monitoring Services (NAMS) project. Out of 100 advertisements, total of 62 advertisements were considered to be misleading. Of these 32 advertisements against Healthcare, 26 belonged to the Education category, two belonged to the Personal category, and two belonged to Food & Beverage category.



HEALTHCARE:-

The CCC found the following claims of 32 advertisements in health care products or services to be either misleading or false or not adequately / scientifically substantiated and hence violating ASCI's Code. Some of the health care products or services advertisements also contravened provisions of the Drugs & Magic Remedies Act (DMR Act), Drugs and Cosmetics Rules (D&C Rules) and Chapter I.1 and III.4 of the ASCI Code. Complaints against the following advertisements were UPHELD.

- 1. Dr Biswaroop Roy Chowdhury (Indo Vietnam Medical Board - Virtual-72 Hrs Diabetes Reversal Program):** The advertisement's claim, "Yes, you can be free of 3Ds - Diagnosis Drugs DiabetesForever in just three days or precisely 72 hrs", was not substantiated with clinical evidence among statistically significant and representative sample size, and is misleading by gross exaggeration. Furthermore, the claim implies complete cure for Diabetes which is in breach of the law as it violated the DMR Act.
- 2. 34 Heart Care:** The testimonial claims related to heart treatment were not substantiated with any clinical evidence, and are misleading by gross exaggeration. Furthermore, efficacy being depicted via images of before and after the treatment is misleading.
- 3. Qi Lifecare Pvt. Ltd. (Qi Spine Clinic):** The advertisement's claim, "New isolation treatment for severe back pain which have helped 67-year-old avoid second spine surgery", was not substantiated with treatment efficacy data among statistically significant sample size, and is misleading by gross exaggeration. Furthermore, support data based on the testimonial of one patient claiming the benefit of the treatment, was not considered to be representative of a large population and hence not adequate, and was misleading by omission of specific conditions that are applicable.
- 4. Dr. Richa's Unique Clinic:** The advertisement's claim, "India's Best Doctors International Health Award", was not substantiated and the claim is misleading by exaggeration. Also, the advertiser did not provide a copy of this particular award/certificate as claimed in the advertisement.
- 5. Dr Richa's Unique Clinic: The advertisement's claim,** "Increase your two to seven centimetres height within two months" is considered to be, prima facie, in violation of the DMR Act and the D&C Rules.
- 6. Surya Amrit Jivan:** The advertisement's claims, "Increase Sexual Intercourse time upto 50 mins", "The sure shot ayurvedic medicine to increase length and thickness of organ, sloppy organ, thinness, loose organ", and the visual in the advertisement read in conjunction with the claims objected to imply that the treatment is meant for enhancement of sexual pleasure. These were all considered to be, prima facie, in violation of the D&C Rules.

- 7. Ganga Ayurvedic Clinic:** The advertisement's claims, "Increase hold back time upto 40 minutes", "Ayurvedic sure shot treatment for increasing length and thickness of organ, discharge, nightfall, thin sperm, loose and sloppy organ" and the visual in the advertisement read in conjunction with the claims objected to imply that the treatment is meant for enhancement of sexual pleasure. These were all considered to be, prima facie, in violation of the D&C Rules.
- 8. Pushpa Clinic:** The advertisement's claims, "Treatment of baldness with challenge", "100% Money Back Guarantee if no result within 15-60 days", "Only Medicine" and the visual in the advertisement implies cure for Baldness, were considered to be, prima facie, in violation of the D&C Rules.
- 9. Baba Haridas Ayurveda (Night Gold Tablets):** The advertisement's claims, "A complete solution to sex problems", and the visual on the product packaging read in conjunction with the claim objected to imply that the product is meant for enhancement of sexual pleasure. Also the advertisement provides link to website which refers to "This 100% natural sex enhancer is one of a kind in its extraordinary effectiveness. It helps to increase one's libido (sexual desire) and works as a powerful stimulant for both sexes", were considered to be, prima facie, in violation of the D&C Rules.
- 10. Sri Karpagam Herbals:** The advertisement's claims, "Spondylitis cures in 48 days" and "Nervous Disorders will be cured for sure", were considered to be, prima facie, in violation of the DMR Act and the D&C Rules.
- 11. Gaharwar Pharma Products Pvt. Ltd. (P.V. Tone Oil and Capsule):** The visual in the advertisement implies that the product is meant for enhancement of sexual pleasure. Hence, the advertisement is considered to be, prima facie, in violation of the D&C Rules.
- 12. Dindoyal Industries Limited (303 Capsule):** The advertisement's claims, "Bring Energy and Passion in your married life", "Fulfill the expectations of your life partner", "For MEN only" and the visual in the ad read in conjunction with the claims objected to imply that the product is meant for enhancement of sexual pleasure. These claims were considered to be, prima facie, in violation of the D&C Rules.
- 13. Dindoyal Industries Limited (303 Gold Power Oil):** The advertisement's claim, "303 Gold Power Oil helps is activating idle nerves" and the visual in the advertisement and product packaging read in conjunction with the claim objected to imply that the product is meant for enhancement of sexual pleasure. This is considered to be, prima facie, in violation of the D&C Rules.

- 14. Apna Ayurveda (Apna Ayurveda Products):** The advertisement's claims, "Lack of Passion", "Premature Ejaculation", "Small Organ", "Loose Organ", "Laxity" and "One Step towards Satisfaction," were considered to be, prima facie, in violation of the D&C Rules.
- 15. Rajnish Hot Deals Pvt. Ltd. (Kasaav Dusting Powder):** The advertisement's claims, "Solving problems of loosely shrinkage of genitals and helps strengthen those genitals helps strengthen those genitals muscles which tightens it and makes every woman feel energetic and younger" and "With 15 days of Kasaav powder relieve the old memories with new confidence and exaltation," were considered to be, prima facie, in violation of the D&C Rules.
- 16. Rajnish Hot Deals Pvt. Ltd. (Kasaav Dusting Powder):** The advertisement's claims, "100% Effective from first day" and "Gives new vigour and excitement in 15 days and awakens youth feeling", were not substantiated with product efficacy data, and are misleading by exaggeration. Referring to the website quoted in the advertisement www.kasaav.com which has the claims regarding tightening and rejuvenation of vagina and related impact on marital life. These claims imply that the product is meant for enhancement of sexual pleasure, which is in breach of the law as it violated the DMR Act.
- 17. Rajnish Hot Deals Pvt. Ltd (Playwin Plus Capsule):** The advertisement's claims, "One Capsule One hour before", "Get powerful strength in every moment" and the visual in the advertisement and product packaging read in conjunction with the claims objected to imply that the product is meant for enhancement of sexual pleasure, were considered to be, prima facie, in violation of the D&C Rules.
- 18. Rajnish Hot Deals Pvt. Ltd. (Playwin Capsule):** The advertisement's claims, "This storm of immense passion will make your partner enjoyable", "The unique experience of strength and happiness that will make your married life special", "Your passion and their love will bring pleasure in married life", "Massage on weak nerves with few drops of Play Win Oil, it will strengthen the vital organs of the body", "Experience the unique joy of your married life" and the visual in the advertisement and on the product packaging, read in conjunction with the claims objected to imply that the product is meant for enhancement of sexual pleasure. These claims were considered to be, prima facie, in violation of the D&C Rules.
- 19. Rajnish Hot Deals Pvt. Ltd. (Play Win Oil and Capsule):** The advertisement's claims, "That Passion which makes your partner more excited", "Gain your power, stamina , strength", "By massage on weak nerves with few drops of Play Win Oil , it will strengthen the vital organs of the body. This will ensure happy and satisfied married life", "Growth of power, extra timing and strength", "Without interruption take abundant pleasure in married life", "Get joy in married life with more passion" and the visual in the advertisement and on product packaging read in conjunction with the claims objected to imply that the product is meant for the enhancement of sexual pleasure. Also, the advertisement provides link to a website which refers to "Moreover, Playwin Oil helps to keep the penis erected for a comparatively longer

time period as well as controls the problem of pre-mature ejaculation” and ”Playwin Capsule works instantly that means – in minutes after consuming, you can start enjoying truly mind blowing sex”. Hence these claims were considered to be, prima facie, in violation of the D&C Rules.

- 20. Chaturbhuj Pharmaceutical Company (Japani Oil):** The advertisement’s claims, “Experience energy, power and Strength”, “Famous and effective for strength in men” and the visual in the advertisement and the product packaging read in conjunction with the claim objected to implies that the product is meant for enhancement of sexual pleasure, were considered to be, prima facie, in violation of the D&C Rules.
- 21. Shree Maruti Herbal (Stay-On Power Oil):** The advertisement’s claims, “Reach new heights of joy”, “Only for men”, “Increases the energy and enthusiasm” and the visual in the advertisement and on the product packaging imply that the product is meant for enhancement of sexual pleasure. Also the link to the website which refers to “Massage 5-6 drops of oil every day on the male organ for enhanced blood flow & erection. This Oil is a combination of 9-herbs and is intended as an external massage oil to improve blood flow and provide better erections”. These claims were considered to be, prima facie, in violation of the D&C Rules.
- 22. Shree Maruti Herbal (Stay-On Capsule and Oil):** The advertisement’s claims, “For Excitement , vigour and strength”, “You will get a feeling of youthfulness, resistance power, pep, excitement , strength and vigour in your body” and the visual in the advertisement and product packaging read in conjunction with the claims objected to imply that the products are meant for the enhancement of sexual pleasure. Also the link to the website which refers to “Stay-On Capsules are a miracle of Ayurveda, and while these are very effective for ensuring sexual wellbeing and letting you get over sexual dysfunctions” and “Massage 5-6 drops of oil every day on the male organ for enhanced blood flow & erection.” These claims were considered to be, prima facie, in violation of the D&C Rules.
- 23. Shree Maruti Herbal (Stay-On Oral Liquid):** The advertisement’s claims, “Starts work in 30 minutes” and the visual in the ad read in conjunction with the claim objected to imply that the product is meant for enhancement of sexual pleasure. Also the link to the website which refers to “Use the Stay-On Oral Liquid to get over any of the problems like erectile dysfunction or premature ejaculation which may be bothering you, this instantly makes you feel energetic and full of vigour and vitality.” These claims were considered to be, prima facie, in violation of the D&C Rules.
- 24. Shree Maruti Herbal (Stay-On Oral Liquid):** The advertisement’s claims, “A Drink for Couples, to Have More Fun!”, “Fun begins in 30 mins!” and the visual in the advertisement read in conjunction with the claims objected to imply that the product is meant for enhancement of sexual pleasure. Also the link to the website which refers to “Use the Stay-On Oral Liquid to

get over any of the problems like erectile dysfunction or premature ejaculation which may be bothering you, this instantly makes you feel energetic and full of vigour and vitality.” These claims were considered to be, prima facie, in violation of the D&C Rules.

- 25. Shree Maruti Herbal (Stay-On Power Capsules):** The advertisement’s claims, “Men swear & Women admire” and the visual in the advertisement and product packaging read in conjunction with the claims objected to imply that the product is meant for the enhancement of sexual pleasure. Also, the link to the website which refers to “to Stay-On Capsules are a miracle of Ayurveda, and while these are very effective for ensuring sexual wellbeing and letting you get over sexual dysfunctions.” These claims were considered to be, prima facie, in violation of the D&C Rules.
- 26. Punarnava Ayurvedic (Thyrodon Ghan):** The advertisement’s claims, claims, “Ten times more powerful concentrated juice” and “That gives you immediate relief from the different diseases of Thyroid”, were not substantiated with evidence of product efficacy and are misleading by exaggeration.
- 27. Sri Bhagwan Mahavir Heart Centre:** The advertisement’s claim, “Without bypass and without angioplasty”, is considered to be, prima facie, in violation of the DMR Act.
- 28. Sardar Ji Skin Cure:** The advertisement’s claims, “Freedom from obesity guaranteed”, “Reduce up to 15 kilograms”, “Get rid of baldness in two hours” and “White spots,” were considered to be, prima facie, in violation of the DMR Act and the D&C Rules.
- 29. Innovative Cure Health and Beauty Clinic:** The advertisement’s claim, “Increase height from two to five centimetres”, is considered to be, prima facie, in violation of the DMR Act and the D&C Rules.
- 30. Chahal Clinic:** The advertisement’s claim, “Grow new hair from the roots through best treatment without any surgery” is considered to be, prima facie, in violation of and the D&C Rules.
- 31. Star Dental Centre P. Ltd:** The advertisement’s claim, "Over 4,00,000 satisfied customers", both in respect of the total number of customers and the assertion that they are all satisfied, was not adequately substantiated, and was therefore misleading by exaggeration.
- 32. MSR India Limited (Dr Copper Seamless Copper Bottle):** The advertisement’s claim, “Drinking water from this bottle, helps cure/prevent obesity, joint pain, diabetes, thyroid and cancer like dangerous diseases”, was not substantiated with conclusive evidence or published scientific research data, and is misleading by gross exaggeration.

FOOD & BEVERAGES:-

1. **Excelus Brands LLP - Kettle Studio (The Grannary Chips):** The advertisement's claim, "Binge Irresponsibly", contravened Clause 4 of the ASCI Guidelines on Advertising of Food & Beverages ("Advertisements should not encourage over or excessive consumption or show inappropriately large portions of any food or beverage. It should reflect moderation in consumption and show portion sizes appropriate to the occasion or situation.")
2. **The Bombay Burmah Trading Corporation Limited (Oothu Green Tea):** The advertisement's claims, "Helps to reduce the effects of carcinogens, to maintain cholesterol at healthy levels, to manage blood sugar and blood pressure levels" and "reduce the effects of toxins on liver", were inadequately substantiated with evidence of product efficacy, and are misleading by exaggeration.

PERSONAL CARE:-

1. **Naturoma Herbal (Saffire Sunfree):** The advertisement's claims, "SPF 30" and "SPF 40", were not substantiated and are misleading by exaggeration.
2. **SBS Biotech Ayurvedic Division (Roop Mantra Skin Care Products):** The advertisement's claims, "face will be bright and skin also will be tight" and "Use for three weeks see the results", were not substantiated with product efficacy data, and are misleading by exaggeration.

EDUCATION:-

The CCC found following claims in the advertisements by 26 different advertisers were not substantiated and, thus, violated ASCI Guidelines for Advertising of Educational Institutions. Hence complaints against these advertisements were UPHELD.

1. **IBA (Indus Business Academy):** The advertisement's claim, "Best Education Brand 2017 Award by Economic Times", is misleading by ambiguity and omission of the reference that it is one of many brands recognized by the Economic Times.
2. **Alhind Group (Alhind Academy):** The advertisement's claim, "No.1 institute in travel & tourism", was not substantiated with any verifiable comparative data of the advertiser's institute and other similar institutes in the same category or through a third party validation. The claim was misleading by exaggeration.

3. **Bansal Learning Private Limited (Bansal IIT/JEE Medical Foundation):** The advertisement's claim, "100% Scholarship", was not substantiated with supporting evidence of 100% scholarships availed by any of their students, and was misleading by ambiguity regarding the amount of scholarship and the total number of scholarships being offered.
4. **Murugesan Institute of Technology-Polytechnic (Murugesan Polytechnic College):** The advertisement's claim, "State level first college to offer jobs in multinational companies for 3722 people in the last three years alone", was inadequately substantiated and is misleading by ambiguity and exaggeration.
5. **Jhunjhunu Defence Academy:** The advertisement's claim, "Guarantee of 100% fees return on stamp paper", was not substantiated with any supporting evidence of the students who were refunded the fees, and is misleading by gross exaggeration.
6. **IIPHS College of Fire and Safety Management:** The advertisement's claim, "India's 1st safety college", was not substantiated with any verifiable comparative data of the advertiser's institute and other similar institutes, or any third party validation to prove this claim. Also, the claim is misleading by exaggeration.
7. **KiiT Group of Institutions (KiiT International School):** The advertisement's claim, "Excellent placement in top Universities of the World", was not substantiated with authentic supporting data such as detailed list of students who have been placed through their Institute, contact details of students for verification, names of the universities and evidence to support placements of their students in them. Also, the claim is misleading by exaggeration.
8. **Tirunelveli IPE (DON NEET- JEE School):** The advertisement's claim, "If you can't clear NEET, get 100% course fee back", was not substantiated with any supporting evidence of the students who were refunded the fees and is misleading by exaggeration.
9. **Unique Publishers (Unique Shiksha):** The advertisement's claim, "India's best institute for Civil Services Preparations", was inadequately substantiated and is misleading by ambiguity and exaggeration.
10. **Dhaanish Ahmed Group of Institutions (Dhaanish Ahmed Institute of Technology):** The advertisement's claim, "Placement provided for all the students in the batch 2013-2017", was inadequately substantiated with authentic supporting data such as detailed list of students who have been placed through their Institute for batch 2013-2017, 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.
11. **CKS Integrate College of Education:** The advertisement's claim, "Won 8 Awards in Whole District", was not adequately substantiated, and is misleading by ambiguity and implication.

- 12. Lovely Professional University:** The advertisement's claim, "610 students hired by Cognizant in a single day", was inadequately substantiated. No claim support data was furnished for the claim, "LPU sets the record of the Highest Placements in North India for three consecutive years", that compared data of the advertiser's institute and other similar institutes. The claims are also misleading by ambiguity and exaggeration.
- 13. Talent Technology Pvt. Ltd.:** For the advertisement claim, "100% placement assistance", the use of 100% is not relevant for "placement assistance" claim. The use of "100%" as a descriptor in the claim is misleading by implication.
- 14. Career Point University Kota:** For the advertisement claim, "100% placement assistance", the use of 100% is not relevant for "placement assistance" claim. The use of "100%" as a descriptor in the claim is misleading by implication.
- 15. AJK College Of Arts And Science:** For the advertisement claim, "100% placement assistance", the use of 100% is not relevant for "placement assistance" claim. The use of "100%" as a descriptor in the claim is misleading by implication.
- 16. Smt. T. V. Mehta Charitable Foundation (B.H. Gardi College of Engineering and Technology):** For the advertisement claim, "100% placement assistance", the use of 100% is not relevant for "placement assistance" claim. The use of "100%" as a descriptor in the claim is misleading by implication.
- 17. Chandra Study Circle:** The advertisement's claim, "State No.1 Faculty", was not substantiated with any verifiable comparative data of the advertiser's institute and other similar institutes, or any third party validation; and was misleading by exaggeration.

Complaints against nine advertisements of all educational institutes listed below mostly are UPHELD because of unsubstantiated claims that they 'provide 100% placement/AND/OR they claim to be the No.1 in their respective fields':

Airwin Academy, Dhanwantari institute & Placement, Chellammal Educational Trust- Lourdes Mount College of Engineering & Technology, Kumaran Nursing School, Madras Institute of Hotel Management and Catering Technology, NIMS International Institute of Hotel Management, Chennai's Amirta International Institute of Hotel Management, Chennai's Amirta International Institute of Hotel Management and Kingston Engineering College.



About The Advertising Standards Council of India (ASCI)

ASCI is a self-regulatory organization for the advertising industry to promote, maintain, monitor and uphold fair, sound, ethical and healthy principles and practices of advertising for the protection of interest of consumers and the general public. Established in 1985, ASCI's role has been acclaimed by various Government agencies. The Govt. bodies including The Department of Consumer Affairs (DoCA), Food Safety and Standards Authority of India (FSSAI) and Ministry of AYUSH have partnered with ASCI to address all misleading advertisements in their respective sectors. In January 2016, the Supreme Court of India in its judgement has also affirmed and recognized the self-regulatory mechanism put in place for advertising content by ASCI. On the global platform, ASCI is a part of the Executive Committee of International Council on Ad Self-Regulation (ICAS). ASCI has also bagged six awards at the European Advertising Standards Alliance (EASA) Global Best Practice Awards.

ASCI & its Consumer Complaints Council (CCC) deal with Complaints received from Consumers and Industry against Advertisements which are considered as False, Misleading, Indecent, Illegal, leading to Unsafe practices, or Unfair to competition, and in contravention of the ASCI Code for Self-Regulation in Advertising. Under its National Advertisement Monitoring Service (NAMS), ASCI proactively monitors over 80% of new print and all new TV advertisements released in the country every month, for contravention of Chapter I of the ASCI code. (Source: www.ascionline.org)



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