ASCI CCC Decisions: September 2013

ASCI UPHELD COMPLAINTS AGAINST 121 OUT OF 145 ADVERTISEMENTS in September

December 2013: In September 2013, ASCI’s Consumer Complaints Council (CCC) upheld complaints against 121 ads. Education, Health & Personal Care categories continue to lead with the highest number of complaints.

HEALTH AND PERSONAL CARE

The CCC found the following claims in health and personal care ads of 25 advertisers, released in the press to be either misleading, false or not adequately/scientifically substantiated and hence, violating ASCI’s Code. Some of the health care products or services ads also contravened provisions of the Drug & Magic Remedies Act. Complaints against the following ads were UPHELD –

1. Rich Feel Trichology Centre: The print advertisement claimed that it ‘reduces hair fall by 56%’, ‘restores hair regeneration by 78%’, and ‘increases hair growth by 85%.’
2. Hindustan Unilever: In the print advertisement of Ponds Age Miracle, they claim that you can ‘look up to 10 years younger’.
3. Colgate-Palmolive India Ltd: The TVC of Colgate Strong claimed that ‘Colgate hai to no cavities’, ‘Colgate is 100% guaranteed in providing anti-cavity protection’, ‘New and Advanced’,
4. Humsafar Dawakhana: The print advertisement claimed that the ‘thin and skinny, squeezed cheeks get healthy’, ‘By their medicine all boys and girls can make health easily’, ‘through this their hunger will increase, blood will increase’, ‘the food which they have consumed will show its effect on their body and they will become powerful’, ‘successful treatment of all STDs of ladies and gents’.
5. Micronutra: The print advertisement of Maxsol Diabetes claimed that it helps ‘reduce blood sugar, add years to your life’, ‘famous doctor has proven that diabetes is curable’, ‘after having this medicine, patients do not need to take any allopathic medicine.’
6. Dr. Batra’s Positive Health Clinic: The website/email advertisement claimed that you will be ‘treated by trained Trichologists’, ‘zero side effects’, ‘visible results in 94% patients’, ‘treat your hair loss in initial phases to avoid baldness’
7. Bhola Hospital: The print advertisement of Bhola Hospital claimed that it has a ‘Cure of stone without any cut and operation through world’s best modern-latest machines’.
8. GlaxoSmithKline Consumer Healthcare Ltd: The print advertisement of Junior Horlicks claimed that it is an ‘added supplement contents like DHA and CHOLINE in the product that are important for child’s brain development’, ‘Competent and reliable scientific evidence’ (CRSE), ‘supplements containing omega-3 FA like DHA.’
9. Nirogya Clinic: The print advertisement claimed that it is ‘Top no.1 in most successful treatment of sex related problems’, ‘for 100% successful treatment of impotence, night fall, early fall, physical weaknesses, NILL-sperms, thinness of penis, small penis, lacking of tightness, semen in urine, piles, Leucorrhoea & childlessness in women.’
10. Piramal Healthcare Ltd: The print advertisement of Jungle Magic Mosquito Repellent Bands claimed that ‘Every band has special compartment that stores Citronella Oil, aroma of which protects children when they are doing outdoor activities’.
11. Noble Dispensary: The print advertisement claimed that it is a ‘successful treatment for childlessness & diabetes’.
12. Via Gold Energy Powder: The TVC showed various images of men and women in kissing and compromising positions and the powder is to enhance sexual energy in men and women.
13. Ayurex S Capsules & Oil: The print advertisement showed a product benefit meant to enhance sexual pleasure.

15. **Global Health**: The print advertisement of Global Health claimed that it gives a ‘permanent treatment of Slip disk, back pain, sciatica, gout, neck pain, knee pains, arthritis, cervical, tennis elbow, heals pain by 'High-Power Laser' without any operation’, ‘Permanent treatment of all types of pains in only 5-6 sittings by laser’, ‘Reduce fat up-to 2-8 inch’, ‘Reduce weight up-to 5-20 kg’, ‘Male chest reduction’, ‘No surgery, no pain, instant result’.

16. **Prince Pharma**: The model in the print advertisement of **Slimmer Capsules** claimed that ‘First I used to look fat, now… (Directing to a Slim model)’, ‘100% Ayurvedic.’

17. **Dr Jains Zero Figure Clinic**: The print advertisement claimed that one should ‘Just come once and reduce your fat in just 1 hour and get healthy and attractive personality’.

18. **Benda Acupuncture Slimming Centre**: The print advertisement claimed that ‘Lakhs of patients in India and abroad have been cured by Benda's therapy’, ‘Cures cerebral Palsy’, ‘Reduce fat, increase height’, ‘No medicine, no operation, no side effect’.

19. **Sri Durga Ayurvedasala**: The print advertisement claimed that ‘Without side effects through Ayurvedic method your weight can be reduced up to 4kg to 6 kg within 26 days’, ‘it reduces diabetes, diabetes related troubles, high cholesterol’, ‘Solution for Knee pain, leg pain, tight shoulder, paralysis and its related problems, headache, back pain’.

20. **Nox Health Care Pvt Ltd**: The print advertisement of **More Life Omega Capsules** claimed that it ‘Helps to prevent one from Pressure, Sugar and Cholesterol’.

21. **Star Multispeciality Hospitals**: The TVC claims that a treatment in the hospital ‘Reduces diabetes up to 80 to 90 percent just with the help of laparoscopic surgery’.

22. **She Like Hair Remover**: The TVC claimed that ‘For unnecessary hair do not worry. Apply the crème and let it dry for 3mins and get a glowing soft skin’. ‘She Like hair remover leaves you with soft skin and a glowing skin’, ‘She Like is fast and safe hair remover.’

23. **Drug Rehabilitation Centre**: The TVC of **Nasha Mukti Kendra** claimed that it ‘eradicates bad habits of intoxication like alcohol and drugs in just 7 days’.

24. **Steamz Agro India Pvt Ltd**: The print advertisement of **Steamz Electronic Cigarette** claimed that ‘Steamz is the smart choice for smokers who are looking for a change’, it is ‘90% Safer than traditional cigarettes & ‘No Passive Smoking, No Cancer’.

**EDUCATION**

The CCC found following claims in print ads by 88 different advertisers were not substantiated violating the ASCI Guidelines for Advertising of Educational Institutions and hence the complaints against the ads were **UPHELD** –

1. **Soldiers Academy**: The academy's print advertisement claimed that it can help you ‘become officer in army.’

2. **Paras Institute of Commerce Pvt. Ltd**: The institute’s print advertisement claimed that ‘its percentage to pass students in CPT Exam-June 2013 is 81 %’ which is not true. Also there were 325 students in two classes and only 190 students passed the CPT exam, the percentage is wrong to misguide students and their parents.

3. **Triumphant Institute of Management Education Pvt. Ltd**: The institute's print advertisement claimed that they have ‘2000+ students in IIMs in CAT 2012, where no CAT training Institute has gone before’.


5. **Adoro Institute of Multimedia**: The institute's print advertisement claimed that it is ‘India's No 1 Animation college.’

6. **Trinity Technologies**: Their print advertisement claimed that it is ‘No. 1 IT Training Institute in Kerala’.
7. Maharishi Markandeshwar University: The print advertisement of the University claimed that it gives ‘9000+ Placements’.

8. Inlingua Bangalore: The online advertisement of Inlingua Bangalore claimed that ‘you can learn a foreign language within 48 hours for sure’.

9. Momentum Coaching: It’s print advertisement claimed that it is ‘Number 1 in Eastern UP.’

10. Alternative Learning Systems (ALS): The print advertisement claims that it is ‘India’s No. 1 IAS Training Institution’.

11. Avinash College of Commerce: The TVC claimed that it ‘Offers 3.6 lakhs salary and guaranteed placements’.

DIMS Institute of Hotel Management, Herbarium Institute of Hotel Management, Sri Santoshi Group of College, SRS College of Engineering & Technology, Data Expert Tech Institute, National Institute of Financial Markets (NIFM), Strokes & Curves School of Design, IAMR Group of Institute, Galgotias University, Global Nature Care Sangathan Group Institutes, Swami Keshvanand Institute of Pharmacy, Harini Academy of Computer Exam, Maa Gayatri Institute of Tech Khatima, S R G Polytechnic College, Sai International Institute of Hotel Management, CMC Academy, Lovely Professional University, JSW School of Nursing & Paramedical, Satyam Fashion Institute, Technology Mobile Training Centre, SGT Institute Of ENGG & Technology, Sri Gururam Rai Institute of Medical & Health, Sri Balaji College of Nursing, Sri SatyaSai Institute of Science & Technology, Simsoft Technologies, KMG Polytechnic College, Suryadatta College of Hospitality Management & Travel Tourism, BiCA (Blitz Institute of Creative Arts), IICE Industrial Training Centre, Mugavari Group of Institute, Genesis House of Accountants, Bahra University, IFTM (Institute of Food & Tech Management), Radha Govind Institute of Technology, Beau Monde College of Fashion Technology, Nandkuvarba Mahila College, Madhviraje Nursing College, Sunrise Group of Institutes, J K Centre for Technician Training, Bengal NaLand Group, Narayanaguru College of Engineering, Pacific Institute of Hotel Management, Bhanwar Rathore Design, GyanSagar College of Engineering, Srinivasa Institute of Engineering Technology, Jain Education Society (Kashi Institute of Technology), Naem College of Management Studies, Kannur Neuro Centre, Gojan School of Business & Technology (NICE), NAT Institute of Computer Education, Akhil Gujarat Para Medical Council (Angel Institute), Pragyan College of Nursing, Bengal Institute of Business Studies, Sri Institute Of Science & Technology, Cochin Engineering Colleges, Jharkhand Institute of Education & Consultancy, Namboothiri Trust - Mookambika School of Engineering, Tapindu Institute of Higher Studies, Maharani Polytechnic College, Akiko Callnet, Imperial Institute, Sri Rawatpura Sarkar Institute, SCAD Group of Institute (Social Change & Development Trust), Arya Group of College, VS Educational Trust (RatnavelSubramaniam College of Engineering & Technology), G D Ambedkar Pratishthan (G D Ambekar College of Hotel Management & Technology), Sanjay Memorial Institute of Technology, Infant Jesus Group of Engineering College, Indian Institute of Management Studies, Punjab Medical Institute of Nursing & Hospital, Christian College of Physiotherapy, Adhunik Group of Institutes, DPG ITM Engg College, Dwarkesh Center, M M Educational Society - (Akshayaa College of Engineering), Royale College of Tour & Hotel Management, DITM Delhi Institute of Technology & Management.

Complaints against advertisements of all above educational institutes were UPHELD because of unsubstantiated claims that they ‘provide 100% placement/AND/OR they claim to be the no.1 in their respective fields’. 
CONSUMER DURABLES

Godrej & Boyce Mfg Company Ltd: The print advertisement of Godrej Air Conditioner has a misleading message and shows exaggerated view of saving of electricity with implied comparison with leading brands. The CCC concluded that the advertisement was misleading by exaggeration and implication and contravened Chapter I.4 of the Code. The complaint was UPHELD.

TELECOM

Aditya Birla Management Corporation P. Ltd: In the promotional offer of Idea Cellular, it claimed that ‘Pay Rs.299 for 4 beer (330ml) or 2 shot with a choice of starter worth Rs 550. To buy this offer SMS GB pxc to 55456340 @ Rs 10. (Dial *777*65# for more offers)’. The advertisement was an SMS with illegal content (Advertisement of alcoholic beverages) on 11th, 25th & 26th August 2013 from their own SMS server. The complaint was UPHELD.

FOOD & BEVERAGES

The CCC concluded that the claims mentioned in these 4 advertisements were not substantiated. The advertisements contravened ASCI’s Code. The complaints were UPHELD.

1. Jivo Wellness: The print advertisement of Jivo Canola claimed that it is ‘America and Canada’s No 1 cooking oil.’
2. Westmalle: In the print advertisement of Westmalle Trapist Beer claimed that it is ‘the finest handcrafted Beers for the First Time in Hyderabad’. This advertisement was promoting the Westmalle Brand of Beer, openly soliciting customers.
3. Merisant India Ltd.: The print advertisement of Equal Sweeteners claimed that this ‘Product is 30% cheaper’.
4. Parle Products P. Ltd: The print advertisement of Hide n Seek displays the misleading layering of the cream in the biscuit. It is shown quite thick and spreads till edges. Even the wrapper shows the cream layer to be thicker than what actual product has

OTHERS

1. Bharti Softbank Ltd: The online print advertisement of Hike Messenger shows a library scene where extremely vulgar language is used by a teenager indirectly suggesting how Hike Messenger should be used to avoid such a situation. This advertisement is extremely distasteful and vulgar. The advertisement contravened Chapter II of the Code. The complaint was UPHELD.
2. Xerion Retail Pvt Ltd.: The website advertisement of Jabong.com shows a discounted price of ‘Rs. 1’ as against the original price of Rs.1499 for ‘Puma Flow Backpack Red Backpack’. When the complainant called their 24 X 7 Customer Support on phone number 0124 6128000, to order this backpack, he was told that the backpack would be available for Re 1 only if purchased with some other item, and that the price of Re 1 is ‘for advertisement only’ and the details of the offer would be posted on the website ‘after three days’. This is a case of blatantly false and deceptive advertising. The complaint was UPHELD.

During the month of September, the CCC also received complaints against 24 other advertisements. The complaints were received against the advertisements of Procter & Gamble Hygiene & Health Care Ltd - AmbiPur, Hindustan Unilever Ltd - Vim Dish bar, HT Media - Hindustan Hindi Daily, Unique Identification Authority of India (UIDAI) – Aadhar Card, I.T.C. Limited - Sunfeast Yippee Noodles, Shree Baidyanath Ayur Bhawan - Baidyanath Sundari Sakhi, Midas Care Pharmaceuticals – Relispray Nitron, Colgate-Palmolive India Ltd - Colgate Strong Teeth, Kunnath Pharmaceuticals - Musli Power Extra, Vini Cosmetics Pvt. Ltd - Fogg Perfume, Bharti Airtel Ltd - Sirf Ek Rupayemein, Hindustan Unilever Ltd - Fair & Lovely Fairness cream, Amrutanjan Roll-On, Cadbury Silk, Cadbury Eclairs, CRUSOE, Fair & Lovely (Advanced Multi
Vitamin), Fair and Lovely, FLIPKART, Garnier shampoo, Honda Amaze, Hero Honda (Hero Motocorp), LIC, Nandu Lungies. However, as these advertisements did not contravene ASCI’s codes or guidelines, the complaints were NOT UPHELD.

About Advertising Standard Council of India (ASCI)
Advertising Standard Council of India is a voluntary organization self-regulating advertising content for the advertising industry. The Role and Functioning of the ASCI & its Consumer Complaints Council (CCC) is in dealing 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 consequently in contravention of the ASCI Code for Self-Regulation in Advertising.

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