The Code for Self-Regulation of Advertising content in India
The ASCI Pledge To Advertise With A Conscience

To my organization, business associates, industry and to society at large, I pledge:

To ensure
Honesty, Truthfulness
Decency in advertising, Non – exploitation of vulnerable sections of society especially children,
Fairness in competition

I commit myself to
Advertising with a Conscience.
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ASC1's Recognitions

Important provisions of the Acts of Government of India & Recognition of ASC1 Code by Key Stakeholders:

The ASCI Code is appended in the Cable Television Networks Rules, 1994, Programme and Advertising Codes prescribed under the Cable Television Network Rules, 1994.

Rule: 7 - ‘No advertisement which violates the Code for self-regulation in advertising, as adopted by the Advertising Standard Council of India (ASCI), Mumbai, for public exhibition in India, from time to time, shall be carried in the cable service.’

Codes of Advertising issued by Doordarshan acknowledge ASCI Codes. (Ref. Page 2, Item No.: 14)

The Department of Consumer Affairs (DoCA) have partnered with ASCI to address all complaints pertaining to misleading advertisements received on Grievances Against Misleading Advertisements (GAMA) portal. (Ref.garma.gov.in)

The ASCI Code is appended in the advertising guideline by All India Radio. (Ref. Item No.: 13)
ASCI’s Recognitions
Important provisions of the Acts of Government of India & Recognition of ASCI Code by Key Stakeholders:

The Food Safety and Standards Authority of India through an MoU has partnered with ASCI to address misleading advertisements in the Food & Beverages sector, April 2016. (Ref. fssai.gov.in)

Ministry of AYUSH through an MoU has partnered with ASCI to co-regulate misleading advertisements in the AYUSH sector, January 2017. (Ref. ayush.gov.in)

ASCI was a Member of the Steering Committee formed by the Central Government to look into violations of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003
(Ref. Ministry of Health and Family Welfare Notification dated, 9th June 2010, G.S.R. 489 (E))

The Drug Controller General of India (DCGI) recognized Self-Regulation in Advertising through ASCI’s Code, 2006.
ASCIs Recognitions
Important provisions of the Acts of Government of India & Recognition of ASCI Code by Key Stakeholders:

Insurance Regulatory and Development Authority Act mentions adherence for insurance companies to ASCI Codes.

Ref. Item No.: 12 - Adherence to advertisement code — Every insurer or intermediary shall follow recognised standards of professional conduct as prescribed by the Advertisement Standards Council of India (ASCI) and discharge its functions in the interest of the policyholders.

Appended in the Maharashtra Directorate of Technical Education (DTE) Act

Ref. Item 13 - Every Educational institution shall follow the self-imposed discipline required under the Advertising Standards Council of India Code for Self-regulation in advertising.

Transport Department, Government of NCT, Delhi has recognized the ASCI Code

Ref. Clause 2.3 - All advertisements must comply with the code of advertising practice issued by the Advertising Standards Council of India.

ASCI is a part of a committee constituted by NATIONAL HIGHWAYS AUTHORITY OF INDIA (NHAI) along with NCERT, SCERT to regulate the content of automobile advertisements.
ASCI’s Recognitions

Important provisions of the Acts of Government of India & Recognition of ASCI Code by Key Stakeholders:

The Supreme Court of India (SC), in its judgement dated, 12th January 2017, titled “Common Cause (A Regd. Society) vs. Union of India and ORS”, affirmed and recognized the self-regulatory mechanism put in place for advertising content by ASCI. (Ref. Supreme Court of India order dated, 12th January 2017)

The Supreme Court Committee on Road Safety decided that ASCI and the Society of Indian Automobile Manufacturing (SIAM) to work out a mechanism to telecast only advertisements conforming to road safety. The Committee also complimented ASCI on the launch of their WhatsApp number for registration of complaints by consumers, and requested Director (Road Safety), Ministry of Road, Transport and Highway to publicize this number to increase awareness in the public.

ASCI’s Code of Self-Regulation in Advertising is appended in the Press Council of India’s Norms of Journalistic Conduct 2010 Edition. (Ref. Page 60, Appendix II)

The ASCI Code is appended in Indian Broadcasting Foundation’s Self-Regulatory Guidelines for non-news & current affairs programmes

Ref. Page 19, Item No. 4 - As per the Cable TV Networks (Regulation) Act, all complaints related to advertisements shall be regulated by Advertising Standards Council of India (ASCI).
ASCI as a Key Stakeholder for

Inter-Ministerial Monitoring Committee set up by the Department of Consumer Affairs (DoCA)

National Apex Committee for Stem Cell Research and Therapy (NAC-SCRT)
ASCI as a Key Stakeholder for

Inter-Ministerial Committee (IMC) of the Ministry of Information and Broadcasting (MIB)

ASCI is an important stakeholder in a 16 member Expert Committee on High Fat Sugar and Salt (HFSS) Food and Sugar Sweetened beverages constituted by the Ministry of Health.
The Advertising Standards Council of India (ASCI), established in 1985, is committed to the cause of Self-Regulation in Advertising, ensuring the protection of the interest of consumers. ASCI seeks to ensure that advertisements conform to its Code for Self-Regulation, which requires advertisements to be legal, decent, honest and truthful and not hazardous or harmful while observing fairness in competition.

ASCI is a voluntary Self-Regulation council, registered as a not-for-profit company under Section 25 of the Indian Companies Act. The sponsors of ASCI, who are its principal members, are firms of considerable repute within the industry in India, and comprise of Advertisers, Media, Advertising Agencies and other Professional/Ancillary services connected with advertising practices. ASCI is not a Government body, nor does it formulate rules for the public or the relevant industries.

THE CODE FOR SELF-REGULATION IN ADVERTISING

PURPOSE

The purpose of the Code is to control the content of advertisements, not to hamper the sale of products which may be found offensive, for whatever reason, by some people. Provided, therefore, that advertisements for such products are not themselves offensive, there will normally be no ground for objection to them in terms of this Code.

DECLARATION OF FUNDAMENTAL PRINCIPLES

This Code for Self-Regulation has been drawn up by people in professions and industries in or connected with advertising, in consultation with representatives of people affected by advertising, and has been accepted by individuals, corporate bodies and associations engaged in or otherwise concerned with the practice of advertising, with the following as basic guidelines, with a view to achieve the acceptance of fair advertising practices in the best interest of the ultimate consumer:
I. To ensure the truthfulness and honesty of representations and claims made by advertisements, and to safeguard against misleading advertisements.

II. To ensure that advertisements are not offensive to generally accepted standards of public decency.

III. To safeguard against the indiscriminate use of advertising for the promotion of products, which are regarded as hazardous to society or to individuals to a degree or of a type and which is unacceptable to society at large.

IV. To ensure that advertisements observe fairness in competition so that the consumer’s need to be informed of choices in the marketplace and the canons of generally accepted competitive behavior in business is both served.

The Code’s rules form the basis for judgment whenever there may be conflicting views about the acceptability of an advertisement, whether it is challenged from within or from outside the advertising business. Both the general public and an advertiser’s competitors have an equal right to expect the content of advertisements to be presented fairly, intelligibly and responsibly. The Code applies to advertisers, advertising agencies and media.

RESPONSIBILITY FOR THE OBSERVANCE OF THIS CODE

The responsibility for the observance of this Code for Self-Regulation in Advertising lies with all who commission, create, place or publish any advertisement or assist in the creation or publishing of any advertisement. All advertisers, advertising agencies and media are expected not to commission, create, place or publish any advertisement which is in contravention of this Code. This is a self-imposed discipline required under this Code for Self-Regulation in Advertising from all involved in the commissioning, creation, placement or publishing of advertisements.

This Code applies to advertisements read, heard or viewed in India even if they originate or are published abroad, as long as they are directed to consumers in India or are exposed to a significant number of consumers in India.
THE CODE AND THE LAW

The Code's rules are not the only ones to affect advertising.

There are many provisions, both in the common law and in the statutes, which can determine the form or the content of an advertisement.

The Code is not in competition with law. Its rules, and the machinery through which they are enforced, are designed to complement legal controls, not to usurp or replace them.

"The Code for self-regulation in advertising has been recognized by the Ministry of Information and Broadcasting, Government of India by inserting Rule 7(9) in the Cable Television Networks Rules, 1994 framed under Cable Television Networks (Regulation) Act, 1995."

Rule 7(9) substituted by G.S.R. 459(E), dated 2-8-2006 provides that 'No advertisement which violates the Code for self-regulation in advertising, as adopted by the Advertising Standards Council of India (ASCI), Mumbai for public exhibition in India, from time to time, shall be carried in the cable service.'

DEFINITIONS

For the purpose of this Code:

- An advertisement is defined as a paid-for communication, addressed to the Public or a section of it, the purpose of which is to influence the opinions or behaviour of those to whom it is addressed. Any communication which in the normal course would be recognized as an advertisement by the general public would be included in this definition, even if it is carried free-of-charge for any reason.

- A product is anything which forms the subject of an advertisement, and includes goods, services and facilities.
• A consumer is any person or corporate body who is likely to be reached by an advertisement, whether as an ultimate consumer, in the way of trade or otherwise.

• An advertiser is anybody, including an individual or partnership or corporate body or association, on whose brief the advertisement is designed and on whose account the advertisement is released.

• An advertising agency includes all individuals, partnerships, corporate bodies or associations, who or which work for planning, research, creation or placement of advertisements or the creation of material for advertisements for advertisers or for other advertising agencies.

• Media owners include individuals in effective control of the management of media or their agents; media are any means used for the propagation of advertisements and include press, cinema, radio, television, hoardings, hand bills, direct mail, posters, internet, etc.

• Children are defined as persons who are below the age of 12 years

• Any written or graphic matter on packaging, whether unitary or bulk, or contained in it, is subject to this Code in the same manner as any advertisement in any other medium.

• To publish is to carry the advertisement in any media; be it by printing, exhibiting, broadcasting, displaying, distributing, etc.

STANDARDS OF CONDUCT

Advertising is an important and legitimate means for the seller to awaken interest in his products. The success of advertising depends on public confidence. Hence, no practice should be permitted which tends to impair this confidence. The standards laid down here should be taken as minimum standards of acceptability which would be liable to be reviewed from time to time in relation to the prevailing norm of consumers' susceptibilities.
CHAPTER-I

TRUTHFUL & HONEST REPRESENTATION

To ensure the Truthfulness and Honesty of representations and claims made by advertisements and to safeguard against misleading advertisements

1.1. Advertisements must be truthful. All descriptions, claims and comparisons which relate to matters of objectively ascertainable fact should be capable of substantiation. Advertisers and advertising agencies are required to produce such substantiation as and when called upon to do so by The Advertising Standards Council of India.

1.2. Where advertising claims are expressly stated to be based on or supported by independent research or assessment, the source and date of this should be indicated in the advertisement.

1.3. Advertisements shall not, without permission from the person, firm or institution under reference, contain any reference to such person, firm or institution which confers an unjustified advantage on the product advertised or tends to bring the person, firm or institution into ridicule or disrepute. If and when required to do so by The Advertising Standards Council of India, the advertiser and the advertising agency shall produce explicit permission from the person, firm or institution to which reference is made in the advertisement.

1.4. Advertisements shall neither distort facts nor mislead the consumer by means of implications or omissions. Advertisements shall not contain statements or visual presentation which directly or by implication or by omission or by ambiguity or by exaggeration are likely to mislead the consumer about the product advertised or the advertiser or about any other product or advertiser.

1.5. Advertisements shall not be so framed as to abuse the trust of consumers or exploit their lack of experience or knowledge. No advertisement shall be permitted to contain any claim so exaggerated as to lead to grave or widespread disappointment in the minds of consumers.
For example:

(a) Products shall not be described as ‘free’ where there is any direct cost to the consumer other than the actual cost of any delivery, freight, or postage. Where such costs are payable by the consumer, a clear statement that this is the case shall be made in the advertisement.

(b) Where a claim is made that if one product is purchased, another product will be provided ‘free’, the advertiser is required to show, as and when called upon by The Advertising Standards Council of India, that the price paid by the consumer for the product which is offered for purchase with the advertised incentive is no more than the prevailing price of the product without the advertised incentive.

(c) Claims which use expressions such as “Upto five years' guarantee” or “Prices from as low as Rs. Y” are not acceptable if there is a likelihood of the consumer being misled either as to the extent of the availability or as to the applicability of the benefits offered.

(d) Special care and restraint has to be exercised in advertisements addressed to those suffering from weakness, any real or perceived inadequacy of any physical attributes such as height or bust development, obesity, illness, impotence, infertility, baldness and the like, to ensure that claims or representations directly or by implication, do not exceed what is considered prudent by generally accepted standards of medical practice and the actual efficacy of the product.

(e) Advertisements inviting the public to invest money shall not contain statements which may mislead the consumer in respect of the security offered, rates of return or terms of amortisation; where any of the foregoing elements are contingent upon the continuance of or change in existing conditions, or any other assumptions, such conditions or assumptions must be clearly indicated in the advertisement.
Advertisements inviting the public to take part in lotteries or prize competitions permitted under law or which hold out the prospect of gifts shall take clearly all material conditions as to enable the consumer to obtain a true and fair view of their prospects in such activities. Further, such advertisers shall make adequate provisions for the judging of such competitions, announcement of the results and the fair distribution of prizes or gifts according to the advertised terms and conditions within a reasonable period of time. With regard to the announcement of results, it is clarified that the advertiser's responsibility under this section of the Code is discharged adequately if the advertiser publicizes the main results in the media used to announce the competition as far as is practicable and advises the individual winners by post.

1.6. Obvious untruths or exaggerations intended to amuse or to catch the eye of the consumer are permissible provided that they are clearly to be seen as humorous or hyperbolic and not likely to be understood as making literal or misleading claims for the advertised product.

1.7. In mass manufacturing and distribution of goods and services it is possible that there may be an occasional, unintentional lapse in the fulfilment of an advertised promise or claim. Such occasional, unintentional lapses may not invalidate the advertisement in terms of this Code.

In judging such issues, due regard shall be given to the following:

(a) Whether the claim or promise is capable of fulfilment by a typical specimen of the product advertised.

(b) Whether the proportion of product failures is within generally acceptable limits.

(c) Whether the advertiser has taken prompt action to make good the deficiency to the consumer.
CHAPTER II

NON-OFFENSIVE TO PUBLIC

To ensure that advertisements are not offensive to generally accepted standards of public decency.

Advertisements should contain nothing indecent, vulgar, especially in the depiction of women, or nothing repulsive which is likely, in the light of generally prevailing standards of decency and propriety, to cause grave and widespread offence.
AGAINST HARMFUL PRODUCTS / SITUATIONS

To safeguard against the indiscriminate use of advertising in situations or of the promotion of products which are regarded as hazardous or harmful to society or to individuals, particularly children, to a degree or of a type which is unacceptable to society at large.

3.1. No advertisement shall be permitted which:

(a) Tends to incite people to crime or to promote disorder and violence or intolerance.

(b) Derides any race, caste, colour, creed, gender or nationality.

(c) Presents criminality as desirable or directly or indirectly encourages people - particularly children - to emulate it or conveys the modus operandi of any crime.

(d) Adversely affects friendly relations with a foreign state.

3.2. Advertisements addressed to children shall not contain anything, whether in illustration or otherwise, which might result in their physical, mental or moral harm or which exploits their vulnerability.

For example, Advertisements:

(a) Should not encourage children to enter strange places or to converse with strangers in an effort to collect coupons, wrappers, labels or the like.

(b) Should not feature dangerous or hazardous acts which are likely to encourage children to emulate such acts in a manner which could cause harm or injury.

(c) Should not show children using or playing with...
matches or any inflammable or explosive substance; or playing with or using sharp knives, guns or mechanical or electrical appliances, the careless use of which could lead to their suffering cuts, burns, shocks or other injury.

(d) Should not feature children for tobacco or alcohol-based products.

3.3. Advertisements shall not, without justifiable reason, show or refer to dangerous practices or manifest a disregard for safety or encourage negligence.

3.4. Advertisements should contain nothing which is in breach of the law, nor omit anything which the law requires.

3.5. Advertisements shall not propagate products, the use of which is banned under the law.

3.6. Advertisements for products whose advertising is prohibited or restricted by law or by this Code must not circumvent such restrictions by purporting to be advertisements for other products the advertising of which is not prohibited or restricted by law or by this Code. In judging whether or not any particular advertisement is an indirect advertisement for a product whose advertising is restricted or prohibited, due attention shall be paid to the following:

(a) Whether the unrestricted product which is purportedly sought to be promoted through the advertisement under the complaint is produced and distributed in reasonable quantities, having regard to the scale of the advertising in question, the media used and the markets targeted.

(b) Whether there exist in the advertisement under complaint any direct or indirect clues or cues which could suggest to consumers that it is a direct or indirect advertisement for the product whose advertising is restricted or prohibited by law or by this Code.

(c) Where advertising is necessary, the mere use of a brand name or company name that may also be applied to a product whose Advertising is restricted or prohibited, is not a reason to find the advertisement objectionable provided the advertisement is not objectionable in terms of (a) and (b) above.
CHAPTER IV

FAIR IN COMPETITION

To ensure that advertisements observe fairness in competition such that the consumer’s need to be informed on choice in the marketplace and the canons of generally accepted competitive behaviour in business is both served.

4.1. Advertisements containing comparisons with other manufacturers or suppliers or with other products including those where a competitor is named, are permissible in the interests of vigorous competition and public enlightenment, provided:

(a) It is clear what aspects of the advertiser’s product are being compared with what aspects of the competitor’s product.

(b) The subject matter of comparison is not chosen in such a way as to confer an artificial advantage upon the advertiser or so as to suggest that a better bargain is offered than is truly the case.

(c) The comparisons are factual, accurate and capable of substantiation.

(d) There is no likelihood of the consumer being misled as a result of the comparison, whether about the product advertised or that with which it is compared.

(e) The advertisement does not unfairly denigrate, attack or discredit other products, advertisers or advertisements directly or by implication.

4.2. Advertisements shall not make unjustifiable use of the name or initials of any other firm, company or institution, nor take unfair advantage of the goodwill attached to the trademark or symbol of another firm or its product or the goodwill acquired by its advertising campaign.

4.3. Advertisements shall not be similar to any other advertiser’s earlier run advertisements in general layout, copy, slogans, visual presentations, music or sound effects, so as to suggest plagiarism.
4.4. As regards matters covered by sections 2 and 3 above, complaints of plagiarism of advertisements released earlier abroad will lie outside the scope of this Code except in the under-mentioned circumstances:

(a) The complaint is lodged within 12 months of the first general circulation of the advertisements/campaign complained against.

(b) The complainant provides substantiation regarding the claim of prior invention/usage abroad.

Chairman,
Board of Governors, ASCI
September 14th 2017
Self - Regulation Guidelines for Advertisements depicting Automotive Vehicles

Preamble

Advertisements have a significant influence on people's behaviour. As such, advertisers are encouraged to depict advertisements, in a manner which promotes safe practices, e.g. wearing of helmets and fastening of seat belts, not using mobiles/cell phones when driving, etc.

Guidelines

Specifically, advertisements should not:

a) Portray violation of the Traffic Rules,

b) Show speed maneuverability in a manner which encourages unsafe or reckless driving, which could harm the driver, passengers and/or general public,

c) Show stunts or actions, which require professional driving skills, in normal traffic conditions which in any case should carry a readable cautionary message drawing viewer attention to the depiction of stunts.

Chairman,
Board of Governors, ASCI
April 1st 2008
In order to evaluate the genuineness of an unrestricted product or service brand extension of a product (e.g. liquor and tobacco) whose advertising is prohibited by law, The Advertising Standards Council of India (ASCI) has decided the following objective criteria to be used to qualify a correct Brand Extension product or service (see Chapter III Clause 3.6 (a) of ASCI code):

1. Brand Extension Product or Service should be registered with appropriate Government authority e.g. CENVAT/VAT/FDA/FSSAI/TM etc.

2. (a) In-store availability of the product must be at least 10% of the leading brand in the category the product competes as measured in the Metro Cities where the product is advertised.

OR

2. (b) Sales Turnover of the product or service on should exceed Rs.5 cr per annum nationally or Rs 1 cr per annum per state where distribution has been established.

3. A valid certificate from an independent organization such as ACNielsen or category specific industry association (for distribution and sales turnover) would be required to prove the concerned criteria.

Chairman,
Board of Governors, ASCI
June 28th 2012
Self - Regulation Guidelines on Advertising of Foods & Beverages (F&B)

Preamble

Communication and advertisements related to F&B can have significant impact on the lives of the public in general and their physical and material well being in particular. It is, therefore, imperative that F&B advertisements fulfil their intended roles and advertisers adopt strict principles of self-regulation and not mislead the general public in any manner detrimental to well being. Caution and care should be observed in advertising of F&B especially ones containing relatively High Fat, Sugar and Salt (HFSS). Recognizing the need to promote high standards of business ethics to ensure commercial communication to consumers are responsible and the need to provide honest and truthful information about Food and Beverage products are met, the following guidelines are issued.

Guidelines

1) Advertisements should not be misleading or deceptive. Specifically, advertisements should not mislead consumers to believe that consumption of product advertised will result directly in personal changes in intelligence, physical ability or exceptional recognition. Such claims if made in advertisements should be supported and substantiated with evidence and with adequate scientific basis.

2) Advertisements that include what consumer, acting reasonably, might interpret as health or nutritional claims shall be supported by appropriate scientific evidence and meeting the requirement of basic Food Standards laid down under the Food Safety Standards Act and Rules, wherever applicable.

3) Advertisements should not disparage good dietary practice or the selection of options, such as fresh fruits and vegetables that accepted dietary opinion recommends should form part of the normal diet.
4) Advertisements should not encourage over or excessive consumption or show inappropriately large portions of any food or beverage. It should reflect moderation in consumption and show portion sizes appropriate to the occasion or situation.

5) Advertisements should also not undermine the importance of healthy lifestyles or mislead as to the nutritive value of the food or beverage.

6) Advertisement should not undermine the role of parental care and guidance in ensuring proper food choices are made by children.

7) Advertisements for food or beverages unless nutritionally designed as such should not be promoted or portrayed as a meal replacement.

8) Claims in advertisements should not be inconsistent with information on the label or packaging of the food or beverage.

9) Advertisement for food and beverages should not claim or imply endorsement by any Government Agency, professional body, independent agency or individual in a particular profession in India unless there is a prior consent, the claim is current and endorsement verifiable and agency body named.

Chairman,
Board of Governors, ASCI
February 1st 2013
Preamble

Educational Institutions such as Universities, Colleges, Schools, Coaching Classes etc., which offer programs of education and training play a vital role in building the intellectual capital of India. Parents place a very high value on the education of their children and are known to make great personal sacrifices to enable their children to get the right education. Unlike a tangible product where it is frequently possible to judge the value of what is being offered by inspection and demonstration, in the field of education and training the value of a program is judged mainly by means such as degrees, diplomas and other qualification nomenclatures, recognition, affiliations, testimonials, accreditations, admissions / job / compensation promises – of which the variety being advertised are many. A significant amount of advertising activity is currently happening reflecting the vast variety of educational programs which are being offered.

Guidelines

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

1. The advertisement shall not state or lead the public to believe that an institution or course or program is official, recognized, authorized, accredited, approved, registered, affiliated, endorsed or has a legal defined situation, unless the advertiser is able to substantiate with evidence.

2.(a) An advertisement offering a Degree or Diploma or Certificate which by law requires to be recognized or approved by an Authority shall have the name of that Authority specified for that particular field.
2.(b) In case the advertised Institution or Program is not recognized or approved by any mandatory Authority, but is affiliated to another Institution, which is approved or recognized by a mandatory Authority, then the full name and location of the said Affiliating Institution shall also be stated in the advertisement.

2.(c) The name of the Affiliating Institution, as indicated in 2(b), shall not be less than 50% of the font size as that of the advertised Institution or Program in visual media such as print, internet, hoarding, leaflet, prospectus etc., including television. In audio media such as radio or TV the name of the Affiliating Institution (if applicable), must be stated.

3. Advertisement shall not state or lead the public to believe that enrolment in the institution or program or preparation course or coaching classes will provide the student a temporary or permanent job, admissions to institutions, job promotions, salary increase etc. unless the advertiser is able to submit substantiation to such effect. In addition, the advertisement must carry a disclaimer stating ‘past record is no guarantee of future job prospects’. The font size of the disclaimer should not be less than the size of the claim being made in the advertisements.

4.(a) Advertisement shall not make claims regarding extent of the passing batch placed, highest or average compensation of the students placed, enrolment of students, admissions of students to renowned educational institutes, marks and ranking of students passed out, testimonial of topper students, institution's or its program's competitive ranking, size and qualification of its faculty, affiliation with a foreign institution, institute's infrastructure, etc. unless they are of the latest completed academic year and substantiated with evidence.

4. (b) Advertisement stating competitive rank of the institution or its program shall also provide full name and date of the publication or medium which released the rankings.
4. (c) Visual of infrastructure of the institution shown in advertisement shall be real and existing at the time of advertisement's release.

4. (d) Testimonial of toppers in an advertisement shall be from students who have participated in the testimony program, exams or subject only from the advertising institute.

4. (e) An advertisement stating the number of passing out students placed for jobs shall also state total number of students passing out from the placed class.

Chairman,
Board of Governors, ASCI
September 1st 2013
ASCII Guidelines for Disclaimers made in supporting, limiting or explaining claims made in Advertisements

Preamble: Chapter I (4) of the ASCII code states that “Advertisements shall neither distort facts nor mislead the consumer by means of implications or omissions...”. Therefore it is important that material claims, which could have a tendency to mislead consumers or which consumers would have difficulty in understanding, made in an advertisement are appropriately qualified or disclaimed to ensure that reasonable consumers with average intelligence are not misled or deceived by means of implications or omissions. These guidelines are meant to help Advertisers, Agencies and Media to interpret the rules in the ASCII Code for Self-Regulation in Advertising in so far as they relate to disclaimers used in Advertising.

Guidelines:

1) A Disclaimer can expand or clarify a claim, make qualifications, or resolve ambiguities, to explain the claim in further detail, 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 claims received or perceived by a consumer.

For Example,

- If the claim is to offer a product or service for “free”, then the disclaimer cannot contradict the claim by seeking some payment for the product or service.

- If the claim is for giving “cash back”, the disclaimer cannot contradict the claim by giving payback only in kind. However, the disclaimer can explain that “cash back” can be construed to mean virtual wallet or any other mode of online payment.

- If the claim in advertisement is for discount on all products, then the disclaimer cannot limit the offer to only select products.
2) A disclaimer should not attempt to hide material information with respect to the claim, the omission / absence of which is likely to make the advertisement deceptive or conceal its commercial intent.

For Example,

- A claim of “best food processing equipment in India” should not be disclaimed by stating “for vegetable processing only” or “in major metros only”
- Disclaimer such as “T&C apply” should indicate where this information is available to consumer for further reference.

3) A disclaimer should not attempt to correct a misleading claim made in an Advertisement.

For Example,

- A claim of internet speed of “upto 10mpbs” should not be limited to “between 12am to 6 am only”.
- Disclaimer for a claim of “lose upto 2 kgs of weight” should not be “when calorie consumption is limited to xx per day”.

4) Requirements for the disclaimers also covers the following -

I. A disclaimer shall be in the same language as the claim of the Advertisement.

II. The font should be in the same font as the claim or sans serif and NOT in italics for better readability.

III. Placement position of disclaimers of a claim on packaging should be in a prominent and visible space and could be ideally on the same panel of the packaging as the claim made.

IV. The direction of disclaimers should be along the direction of the majority of the copy, such that no rotation of head or medium would be needed to read. Preferably, this should be along the natural reading direction of the medium. Exception could be for small packs with limited space (e.g. packaging less than 25 ml/gms).
V. For comparative claims, the basis of comparison must be stated in a font size that is at least 25% of the size of the claim which is being qualified and positioned in close proximity of the claim i.e. immediately next to or immediately below the claim.

VI. If the claim is presented as voice over (VO), then the disclaimer should be displayed in sync with the VO.

VII. A disclaimer should be clear, prominent enough and legible. Disclaimer should be clearly visible to a normally-sighted person reading the marketing communication once, from a reasonable distance and at a reasonable speed.

i. Text height of the disclaimers in television commercials or videos shall conform to the following:

1. For standard definition images, the height of the text lower case elements shall be NOT LESS THAN 14 pixels [14 lines] in a 576 line raster.

2. For high definition images, the height of the text lower case elements shall be NOT LESS THAN 26 pixels [26 lines] in a 1080 line raster.

3. For 4K/UHD images/video, the height of the text shall be NOT LESS THAN 57 pixels [57 lines] in a 2160 line raster.

ii. In print advertising, the font size of disclaimers shall be NOT LESS THAN 7 point for advertisements of 50 cc or less, NOT LESS THAN 9 point for advertisements of 100 cc or less and NOT LESS THAN 10 point for advertisements of more than 100 CC.

iii. In static medium like hoardings or point-of-sale advertising, disclaimers should have font sizes equivalent to 2.6% of the height of the medium and NOT LESS than 10 point font size. For large hoardings of 400 sq feet or more, the font size should be NOT LESS than 100 points.
VIII. Visual presentation in terms of contrast and colour: An advertiser shall ensure that all disclaimers:

I. Be in a colour that contrasts with the background, such that it allows the text to be clearly legible

ii. Not be designed in a way such that the text keeps fading in and out of vision. In such cases, it will normally be necessary to place the text on an opaque single-coloured block.

IX. Comprehension – Advertisers should avoid the use of abbreviations or words that may not be readily understood by a consumer while framing disclaimers.

X. Hold Duration for disclaimer - In television commercials or videos, a disclaimer shall remain in the screen for MORE THAN 4 seconds for every line, and additional 2 seconds for every additional line. If the claim is presented as a voice over (VO), then disclaimer should be displayed in sync with the VO.

XI. Speed for audio disclaimer - In advertisements in Radio / TV / Internet etc., the speed of spoken disclaimers should not exceed 6 syllables per second and its volume should be at the same level as the rest of the audio.

The above Guidelines shall not be in derogation of, or designed to derogate any other law in operation, or shall not include any information, which by law, shall be required to be communicated in a size of manner other than as prescribed above.

Chairman,
Board of Governors, ASCI
October 13th 2016
## Validity & Duration of Claiming New / Improved

<table>
<thead>
<tr>
<th>Definition</th>
<th>Period over which can be claimed</th>
</tr>
</thead>
<tbody>
<tr>
<td>New</td>
<td>The word “new”, “improved” or an 'improvement' of a product may be used in advertisements only for a period of one (1) year from the time the new or improved product/service has been launched/introduced in the market.</td>
</tr>
</tbody>
</table>

Chairman,  
Board of Governors, ASCI  
June 1st 2014
Guideline for Saving For Large Pack Comparison

Marketers may claim saving for larger pack provided the comparison is made without any ambiguity by highlighting number of smaller pack units vs the larger promotional pack (viz. “Save INR XX for a 2 kg pack as compared to four 500 gm packs”). Words to be used “save” and not “off”.

Chairman,
Board of Governors, ASCI
June 10th 2014
Guidelines of Advertising for Skin Lightening or Fairness Improvement Products

Preamble

While all fairness products are licensed for manufacture and sale by the relevant state Food & Drug Administrations (FDA) under the Drugs & Cosmetics Act, there is a strong concern in certain sections of society that advertising of fairness products tends to communicate and perpetuate the notion that dark skin is inferior and undesirable. ASCI Code's Chapter III 1(b) already states that advertisements should not deride race, caste, colour, creed or nationality. Yet given how widespread the advertising for fairness and skin lightening products is and the concerns of different stakeholders in society, ASCI, therefore, felt a need to frame specific guidelines for this product category.

Guidelines

The following guidelines are to be used when creating and assessing advertisements in this category.

1) Advertising should not communicate any discrimination as a result of skin colour. These advertisements should not reinforce negative social stereotyping on the basis of skin colour. Specifically, advertising should not directly or implicitly show people with darker skin, in a way which is widely seen as, unattractive, unhappy, depressed or concerned. These advertisements should not portray people with darker skin, in a way which is widely seen as, at a disadvantage of any kind, or inferior, or unsuccessful in any aspect of life, particularly in relation to being attractive to the opposite sex, matrimony, job placement, promotions and other prospects.

2) In the pre-usage depiction of product, special care should be taken to ensure that the expression of the model/s in the real and graphical representation should not be negative in a way which is widely seen as unattractive, unhappy, depressed or concerned.
3) Advertising should not associate darker or lighter colour skin with any particular socio-economic strata, caste, community, religion, profession or ethnicity.

4) Advertising should not perpetuate gender based discrimination because of skin colour.

Chairman,
Board of Governors, ASCI
August 14th 2014
Guidelines For Celebrities In Advertising

Preamble
Celebrities have a strong following and hence high credibility among consumers. Therefore, advertisements featuring celebrities need to doubly ensure that claims made in it are not misleading, false or unsubstantiated; so as not to harm the interests of the consumers, especially for products or services which can cause serious financial loss and physical harm. These Guidelines are developed in order that Advertiser is guided to produce and release appropriate advertisements featuring celebrities in it. Advertisements featuring Celebrities or involving Celebrity Endorsements would be subject to the following

Guidelines:

a) Celebrities, for the purpose of this guideline, are famous and well-known people who are from the field of Entertainment and Sports and would also include other famous and well-known personalities like Doctors, Authors, Activists, Educationists, etc. who get compensated for appearing in advertising*.

b) All advertisements featuring Celebrities should ensure that it does not violate any of the ASCI code in letter and spirit. Celebrities are expected to have adequate knowledge of these Codes and it is the duty of the Advertiser and the Agency to make sure that the Celebrity they wish to engage with is made aware of them.

c) Testimonials, endorsements or representations of opinions or preference of Celebrities must reflect genuine, reasonably current opinion of the individual(s) making such representations, and must be based upon adequate information about or experience with the product or service being advertised.
d) 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.

e) Celebrities should not participate in any advertisement of a product or treatment or remedy that is prohibited for advertising under

i. The Drugs & Magic Remedies (Objectionable Advertisements) Act 1954 as updated from time to time (Link for preliminary guidance http://lawmin.nic.in/Id/P-ACT/1954/A1954-21.pdf and http://drugs.kar.nic.in/node/136.html) or


f) Celebrities should not participate in any advertisements for products which, by law, require a health warning such as "............... is injurious to health" in their advertising or packaging.

g) If the Celebrity either directly or through the concerned Advertiser/Agency chooses to seek Advertising Advice from ASCI on whether the advertisement potentially violates any provisions of the ASCI code or not and if the Advertisement is developed fully following the Advertising Advice provided by the ASCI, then the Celebrity would be considered as having completed due diligence. However, ASCI's Advertising Advice will not be construed as pre-clearance of the Advertisement.
You may contact ASCI for seeking details regarding advertising advice procedure or refer www.ascionline.org

*Compensated Rs. 20 lakhs or above as per current limit for appearing in a single advertisement or a campaign or per year, whichever is more AND / OR is listed in top 100 celebrities as per any one of the current and immediate past list of Forbes or the Times or Celebrity track report of Hansa Research or any such list which is intended to be indicative and not exhaustive.

Chairman,
Board of Governors, ASCI
September 14th 2017
Preamble

Awards and rankings are increasingly being used by advertisers to make superiority claims for their products and services in advertising.

Consumers, owing to a lack of knowledge, may be led into believing that an award or ranking which is given to a brand, product, institute or service makes it superior and/or more authentic.

Some of the awards and rankings are likely to mislead the consumer by communicating that the product or service is a recognised one, and raise its esteem in the mind of the consumer as evaluated by experts or by a large body of experts, whereas this actually may not be the case.

It is, therefore, accordingly necessary, that awards and rankings used in advertising should be sourced from credible, recognised, independent bodies which employ ethical processes, rigour and appropriate research so that superiority claims made by advertisers are substantiated and do not mislead consumers.

This is particularly important for claims made by educational institutions which affect children's education, career opportunities and future job prospects. In the healthcare services area, this can severely impact patients' health and wellbeing.

Key reference for applicable ASCI Chapters

Chapter I - To ensure the Truthfulness and Honesty of representations and claims made by advertisers and to
Safeguard the consumer against misleading advertisements:

1.1 Advertisements must be truthful.

1.2 Where advertising claims are expressly stated to be based on or supported by independent research or assessment, the source and date of such independent research or assessment must be indicated in the advertisement.

1.3 Advertisements shall not, without the permission from the person, firm or institution under reference, contain any reference to such person, firm or institution which confers an unjustified advantage to the product advertised or which tends to bring the person, firm or institution into ridicule or disrepute.

1.4 Advertisements should disclose all material facts which if suppressed or distorted would mislead the consumer by implication or omission.

1.5 Advertisements should be framed in such manner as to gain consumer trust and not exploit his/her lack of understanding or knowledge.

Guidelines

These guidelines are developed to guide Advertisers for appropriate reference to award/s or ranking/s claim/s in advertising and will assist the advertiser to understand why ASCI's Consumer Complaints Council (CCC) may accept or reject, the mention of a certain award or ranking.

1. Awards/Rankings should not be used as an alternative for consumer or scientific research or testing.
which is required to substantiate a superiority claim about the effective use or performance of products or services.

2. Advertisements that refer to awards/rankings should indicate clearly the name of the organisation that has provided the award/ranking and the month and year in which the award/ranking was pronounced.

3. The validity of the award/ranking so used to substantiate a claim should be of a period preceding the advertisement by not more than 12 months. In some cases if the year of the award period is self-explanatory then such reference to the award being current is not applicable.

4. The permission or consent of the person, institution or organisation conferring the award/ranking should be obtained in writing before being used in the advertisement.

5. Photographs of the award/certificate/the awards function or the list of invitees to the award function, is by itself not sufficient evidence to support the award. Additionally, details on the protocol/process followed by the awarding/ranking organization is required to substantiate the claim.

6. Awards/rankings based on surveys done in one area (say, a city or state) cannot be extrapolated to include a larger territory (say, India, Asia, World). Institutions cannot extrapolate data to substantiate their claim. Additionally, awards/rankings given in one category cannot be used to promote an institution in another category. For example—
§ If a university ranked 25th on a national level, cannot claim that it is in the top-5 in say the North zone, unless the awarding organisation publishes a zonal ranking as well.

§ If the award is given to a particular department of a college or to a college under a university then the same cannot be attributed to the college or university respectively

7. To substantiate the award/ranking claim, the Advertiser needs to give an undertaking that there is no commercial relationship or conflict of interest between the awarding organisation/the research agency/jury members and the advertiser and that they are two independent entities. To be specific, there should be no direct or indirect payment made by the advertiser to the Institution or organisation granting such award.

8. For a complaint lodged at ASCI against an advertisement claiming award/ranking, the concerned Advertiser would be required to provide details on the protocol/process followed by the awarding/ranking organization for conferring the award/ranking on the product/service. This would mean and include but shall not be limited to:

i. The criteria for granting award/ranking, which should be published and available in the public domain.

ii. The process followed, i.e. either via Market research or by a Panel decision

i. If it is by means of a market research then its authenticity needs to be supported:
a. Is the market research agency a member of a recognised Market Research Association such as Market Research Society of India (MRSI) or ESOMAR. The sample size and methodology adopted.

ii. If there has been no market research but award granted is based on a panel/jury decision, then in such case:

a. the credentials and qualifications of the panel/jury judging the subject of the claim made for the brand
b. the detailed process followed by the panel in arriving at the decision
c. How many brands/products were assessed? What was the criteria used and what was the methodology deployed by the panel in arriving at its decision?

9. For a complaint lodged at ASCI against an advertisement claiming award/ranking for a school/college/university/educational enterprise, then the concerned Advertiser would be required to provide details on the protocol/process followed by the awarding/ranking organization for conferring the award/ranking on the institution. This should include:

I. The evaluation parameters which must be clearly specified and the respective scores obtained by the educational institutions on each parameter so specified.

ii. The parameters should cover various aspects, such as, infrastructure, students per class, faculty strength and profile, outcomes (academic results/awards/higher studies), teaching methodology, sports education, co-curricular activities, leadership and life-skills, etc.
iii. Only when a multi-faceted evaluation is done can there be a fair evaluation of the quality of education provided by an educational institution.

iv. Where multiple parameters are used, the weightages between various parameters need to be indicated.

10. For a complaint lodged at ASCI against an advertisement claiming award/ranking for a healthcare enterprise/hospital/treatment, then the concerned Advertiser would be required to provide details on the protocol/process followed for conferring the award/ranking on the product/service. This should include:

i. Evaluation parameters which are clearly specified and the scores obtained by leading healthcare providers on each parameter is published.

ii. The parameters should cover various aspects, such as, infrastructure, number and profile of doctors, their experience and qualifications, patient care outcomes, innovation in treatment/protocols and impact on business operations or patient care outcomes and medical KPIs.

iii. Where multiple parameters are used, the weightages between various parameters need to be indicated.

iv. Where doctor, patient or general public perception is incorporated in the evaluation process, the study should be collected by an independent reputable agency, the sample size and spread, target group definition, sampling method and the field control procedures should be clearly specified.
v. The questionnaire and data collection records should be available to ASCI for review.

Chairman,
Board of Governors, ASCI
January 9\textsuperscript{th} 2020
ASCI’s policy on complaints against Political and Government advertisements

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

1) ASCI’s self-regulation system is established as an industry initiative with the objective of regulating commercial communication, i.e. advertising which, directly or indirectly, solicits the exchange of money for goods and services. ASCI’s Code specifically states that “The Code for Self-Regulation has been accepted by individuals, corporate bodies and associations engaged in or otherwise concerned with the practice of advertising in the best interest of the ultimate consumer.” Therefore, political, and non-commercial government advertising attempting to influence voters does not come under the ambit of ASCI.

2) It is important to ASCI’s integrity that it is seen as an impartial adjudicator free from the perception of political bias. It is not possible to make decisions about whether a political or non-commercial government advertisement breaches the Code without the potential for being seen as taking a political viewpoint.

3) ASCI has mandates from industry associations such as ISA, AAAI, INS, IBF, etc. representing India’s advertisers, advertising agencies and media to self-regulate advertising content. ASCI currently has no mandate to regulate government or political advertising. Complainants need to be aware that the ASCI is an industry funded body. It is inappropriate for ASCI to assume jurisdiction over the content of political or government advertising in the absence of political parties’ or government’s support for such advertising to be regulated by ASCI.
ASC II recommends that anyone who has complaints against any political advertisements should write to the Election Commission of India and send complaints against non-commercial government - released TV advertisements to Ministry of Information and Broadcasting, New Delhi, which is the regulator for TV content and for press advertisements to the Press Council of India, New Delhi which is the regulator for print content.

Chairman,
Board of Governors, ASCI
October 24th 2013
COMPLAINTS PROCEDURE
COMPLAINTS PROCEDURE

A. The ASCI Code and Guidelines for Self-Regulation in advertising content (herein after referred to as the Code) is well publicised and is available on ASCI's website (https://ascionline.org). It is recognized by Practitioners in advertising as the universally relevant/applicable Code for Self-Regulation in respect of advertising content in India. It is broad-based and relates to the entire gamut of media vehicles – Print, TV, Digital Media / Social Media / Websites, Audio-Visual, Radio, Outdoor, Internet, e-mail, SMS, Promotion / Merchandising vehicles, etc. and even packaging / label as a vehicle of mass communication.

B. The Consumer Complaints Council (CCC) of ASCI functions as its examining body which considers complaints raised as well as the response of the advertiser, whether such advertiser is a member or a non-member of ASCI, before giving its recommendations as to whether the advertisement in question violates the provisions of the Code. All recommendations of CCC / Fast Track Complaint Panel (FTCP) / CCC Review (CCCR) Independent Review Process (IRP) are published on ASCI's website and in ASCI's Annual Report.

C. ASCI and the CCC/ CCCR/ FTCP/ IRP are not clearing houses or voluntary censor bodies and hence advertisements are not pre-cleared or approved by them. Modifications in advertisements, even though carried out in response to CCC/ CCCR/ FTCP/ IRP recommendations as advised are not cleared or
approved by the CCC / CCCR / FTCP / IRP. It is implicit that such modifications are in observance of the Code and have been motivated by the spirit of the Code, not just the letter itself. Such modified advertisements could therefore again be subject to the forces / conventions in the market place and to the perceptions of the public.

D. The CCC/ CCCR/ FTCP/ IRP do not entertain complaints relating to advertisements which are found to be identical to the subject matter of a proceeding which is sub judice or has already been decided by a Court of law or before any Regulatory Authority in India. The onus of disclosing such information to ASCI lies on the complainant at the time of filing the complaint. However, when advertisers object to proceeding with a complaint on the grounds that the subject matter is sub judice or has already been decided by a Court of law or before any Regulatory Authority in India, the CCC/ IRP shall proceed to first test the preliminary issue as to whether the complaint made to ASCI is subject matter of a proceeding which is presently sub judice or has already been decided before any Court of law or Regulatory Authority in India before proceeding on the complaint. The decision of CCC/ IRP, as the case may be, in this regard shall be binding on the parties’ subject to the review options available to the parties within the ASCI framework. ASCI shall refuse to proceed further with the complaint when it is determined by CCC / CCCR/ FTCP/ IRP that the complaint made to ASCI is the subject matter of a proceeding which is presently sub judice or has already been decided before any
E. There are four types of Complaints against advertising content which are received by ASCI:
   a. Complaints from the General Public / Consumers
   b. Complaints from Non-public, such as Government Regulators, Consumer Groups and Industry Bodies
   c. Intra Industry complaints
   d. Suo Motu complaints

1. SUBMITTING A COMPLAINT

1A. COMPLAINTS FROM THE GENERAL PUBLIC / CONSUMER/ NON-PUBLIC

I. Complaints may be submitted via a text on WhatsApp, an online form, by way of mobile app, email or telephone. Letters may be sent to the postal address provided on the website. ASCI also responds to complaints made on social media such as Twitter, Facebook and Instagram wherein the complainant is re-directed to lodge an online complaint or via WhatsApp so that all the information is captured correctly.

ii. No fee is required to be paid by any complainant for submitting a complaint to ASCI.

iii. When submitting a complaint through any of the above-mentioned modes, a complainant is required to give his/her name, information about his/her profession / organization (if the complainant is not an individual) and his/her contact details such as mobile number and email address.
iv. Anonymous or pseudonymous complaints will not be entertained.

v. Complainants must provide particulars about the objected advertisement in question including exactly what content of the advertisement is being complained against, details of the product / service, publication / broadcast details as well as a clipping / copy of the advertisement, if possible. If locating / identifying the advertisement is not possible, ASCI may not be able to take further steps in the matter.

vi. In case of a print advertisement, a clipping of the advertisement and the name and the date of the newspaper / documents in which it appeared needs to be provided. In case of Online advertisements a screen shot of the page as well as the URL link should be provided, for TV advertisements, telecast details with date, time and name of channel/s, a video clipping or a corresponding YouTube/digital advertisement should be provided.

vii. If objections are raised against multiple claims in an advertisement then three main objections / claims as per the Complainant will be considered per advertisement to make the process efficient.

viii. If the advertisement complained against is in a language other than Hindi or English, it is preferred that a translation of the advertisement in Hindi or English be provided.

ix. The identity / particulars of the individual complainant are not disclosed to the advertiser except when the
xiv. No documents submitted after the prescribed time will be considered unless – (a) there are extenuating circumstances for the same; and (b) the ASCI Secretariat allows the reasonably delayed submission upon a written request by the complainant with reasons for delay explained and at the discretion of the Secretariat.

x. Complaints will be processed by an Officer of the ASCI Secretariat designated for that purpose. The Designated Officer/s will be the point of contact in ASCI for the parties involved and the name, contact details of such Designated Officer shall be clearly communicated to the parties involved for further communication with respect to the complaint.

xi. The Complainant is required to provide specific grounds for objection as the basis of the complaint. The specific objections raised in the complaint need to be substantiated, where necessary, with support data / information with the relevant portions highlighted.

xii. Upon a request from the ASCI Secretariat, if the complainant fails to confirm the advertisement objected to and/or does not furnish the requested details within five business days from such request, the complaint will be considered incomplete and closed.

xiii. The complaint may be closed if the complainant withdraws his/her complaint in writing.

xiv. No documents submitted after the prescribed time will be considered unless – (a) there are extenuating circumstances for the same; and (b) the ASCI Secretariat allows the reasonably delayed submission upon a written request by the complainant with reasons for delay explained and at the discretion of the Secretariat.
1B. INTRA-INDUSTRY COMPLAINTS

I. When an advertiser lodges a complaint against another advertiser, it is considered to be an intra-industry complaint. Intra-industry complainants have the option of taking recourse to the general process mentioned herein (free of cost) or may apply for the Fast Track Complaints (FTC) procedure (on payment of prescribed fees) only when both the parties are members of ASCI.

ii. The Complainant is required to give his/her name, information about his/her designation / organization and his/her official contact details. Complainants must provide particulars about the objected advertisement in question including exactly what the content of the advertisement being complained against is by means of framing of issues, details of the product / service, publication / broadcast details as well as a clipping / copy of the advertisement. A copy of the advertisement must be provided by the complainant.

iii. If objections are raised against multiple claims in an advertisement then three main objections / claims as per the Complainant will be considered per advertisement to make the process efficient.

iv. If the advertisement complained against is in a language other than Hindi or English, the complainant will provide a translation of the advertisement in English.

v. The Complainant is required to provide grounds for objection as the basis of the complaint on the issues framed. The objections raised in the complaint need to
be substantiated, where necessary, with support data / information with the relevant portions highlighted. This data will be shared by ASCI with the advertiser complained against as part of the complaint.

vi. In cases of intra-industry complaints, the identity of the complainant will be disclosed to the advertiser.

vii. Complaints will be processed by an Officer of the ASCI Secretariat designated for that purpose. The Designated Officer/s will be the point of contact in ASCI for the parties involved and the name, contact details of such Designated Officer shall be clearly communicated to the parties involved for further communication with respect to the complaint.

viii. A hard copy of the complaint as well as the supporting documents must be submitted so that the same may be forwarded to the advertiser.

1C. SUO MOTU COMPLAINTS

i. When a member of the ASCI Board, CCC or the Secretariat makes a complaint, then it is treated as a suo motu complaint. The Board member, CCC member or the Secretariat is required to register a complaint in writing. Moreover, when a complaint is deliberated upon by the CCC/CCCR/FTCP/IRP, it can raise a suo motu complaint on any other matter in the originally complained advertisement, which was not raised by the complainant. Such matters will however be a subject matter of a fresh complaint and the Advertiser shall be given adequate opportunity to provide its substantiation after issues are framed and shared with the Advertiser.

ii. ASCI monitors media for advertisements publishing
iii. The suo motu complaint goes through the same process as the other complaints.

2. **THE PROCEDURE FOR PROCESSING COMPLAINTS IS SET OUT BELOW, EXCEPT FOR FAST TRACK COMPLAINTS WHICH IS EXPLAINED IN A SEPARATE SECTION.**

I. On receipt of a complaint, an acknowledgement by email / hardcopy will be sent to the complainant by the Designated Officer within **three** business days. A verification process to ascertain the genuineness of a Complaint will be undertaken by the Designated Officer to prevent fake and vexatious complaints.

ii. If objections are raised against multiple claims in an advertisement, three main objections / claims as per the Complainant will be considered per advertisement to make the process efficient. If multiple complaints have been made against a particular advertisement, it will be within the discretion of the Designated Officer to proceed with one complaint, which will be treated as the parent complaint. In such a situation, all the complainants involved and the Advertiser will be notified.
3. EXAMINATION OF A COMPLAINT

i. After the complaint has been verified for completeness, it will be evaluated for the objections raised therein.

ii. To decide the most appropriate course of action in dealing with a complaint, the following criteria will be considered by the Designated Officer:

   a. Whether any action is required on the complaint;
   
   b. Whether the advertiser can be advised to consider the complainant’s feedback for possible amendment(s);
   
   c. Whether to seek the advertiser’s response on the complaint received.

iii. The Designated Officer will attempt to resolve the complaints in the most efficient manner.

iv. Not all complaints require a formal investigation as in some cases, there is no consumer detriment envisaged or the objection is not likely to cause grave and widespread offence (e.g. personal/individual opinions of complainants). In such cases, the complaints will be deemed to be resolved by appropriate communication from ASCI to the complainant and/or advertiser.

v. In case the complainant has been unable to provide ASCI with a copy of the advertisement in question, steps will be taken by the Designated Officer to procure it from the advertiser concerned. At this stage, while a copy of the complaint may be sent to the advertiser, no written response would be sought. The advertiser is asked to provide a copy of the advertisement in question within a
vi. The complaint is processed only if the advertisement continues to be published / telecast within a period of three months prior to the date of the complaint. For digital media, the Designated Officer may evaluate whether to take up such complaints for the period prior to three months of the complaint depending on the nature of the objections raised and/or consumer exposure envisaged.

vii. If upon examination, the complaint appears frivolous or without any basis, the Designated Officer will put up the complaint before the CCC at their next meeting for recommendations on whether to proceed further with the complaint or not. In case the CCC recommends that no action is to be taken, the complainant and the advertiser will be informed within three business days from the date of the issuance of the CCC meeting minutes.

viii. If however the objections raised in the complaint indicate a possible violation of the Code, the Designated Officer will send a copy of the complaint to the advertiser concerned and / or to the concerned media, if its details are known, pointing out the provisions of the Code that the advertisement is likely to be in violation of, and request a written response.

ix. The Designated Officer may also suo motu mention other concerns with the advertisement not taken up in the complaint in case any obvious violation of the Code is not articulated by the complainant.
4. COMMUNICATION WITH THE ADVERTISER

The following procedure provides a detailed mechanism for the resolution of complaints and ensures that parties are given a fair opportunity to state their case and deal with any objections against them, thereby meeting the ends of natural justice:

i. The advertiser is required to submit a written response on the objections raised within a period of five business days from receipt of the complaint (extended to seven business days in case of the need to support claims technically) along with necessary documentation to substantiate and explain their claims, where necessary. This exhaustive written response on the objections raised will suffice for deliberation by the CCC. However, the advertiser may seek a meeting with the ASCI Secretariat if they wish to seek any clarification / guidance regarding the complaint.

ii. The Designated Officer may, on receipt of the written response on the objections raised, seek further clarification from the advertiser to be submitted within five business days, if necessary. In case there is a failure on the part of the advertiser to submit any response within the prescribed time, the Designated Officer will proceed with the complaint on the basis of the material available.

iii. No documents submitted after the prescribed time period including the extension granted, will be considered by the Designated Officer unless there are extenuating circumstances for the delay. No further extension of the prescribed time period will be granted, unless a written request is submitted for such extension.
vii. Post the telecon / meeting with the Technical Expert and the brief written response, the Designated Officer may seek further clarification from the advertiser within three business days from the receipt of the complaint by the advertiser.

iv. Post submission of the advertiser's response, where the opinion of an Independent Technical Expert/s is required to be taken, the Designated Officer will select an appropriate person from the panel of Independent Technical Experts associated with ASCI after checking for conflict of interest, if any. Technical Experts are neutral and independent persons selected by the ASCI Board of Governors based on their specialization in a particular technical field. A copy of the Technical Expert's Report will be provided to the advertiser and if requested by the complainant. The report shall also carry a statement confirming no conflict of interest of the expert in relation to the relevant complaint.

v. The Designated Officer may consider arranging a telecon / meeting between the Technical Expert (either face to face or via telecon) and/ or with the employees representing the advertiser / complainant) as deemed appropriate but within the time period provided for the response to the Technical Expert's opinion and prior to the CCC meeting.

vi. The parties may submit brief response to the said Report within three business days of receipt of the same. The technical expert would be granted two business days to review the brief response.

vii. Post the telecon / meeting with the Technical Expert and the brief written response, the Designated Officer may seek further clarification from the advertiser within three
viii. The complaint, with all supporting information provided by the complainant and the response / data provided by the advertiser complained against, along with the Technical Expert's opinion and response of the parties to the said opinion, if any, will be placed on the agenda of the next CCC meeting. The Technical Expert's views on the parties' response to the technical opinion will also be taken into consideration by the CCC.

5. INFORMAL RESOLUTION OF COMPLAINTS

i. ASCI provides for informal resolution of a complaint in case the advertiser, on receipt of a complaint, readily volunteers to address the objections raised against the claims or visuals in the advertisement by either withdrawing or modifying the advertisement within ten business days of the receipt of the complaint from ASCI in line with the letter and the spirit of the Code. The advertiser, where agrees to modify the advertisement, may share the modified advertisement with ASCI, if advertiser so desires. In such cases, the complaint will be considered to be resolved informally.

ii. In case of pack claims, the compliance period for packaging material to be modified or replaced in the marketplace will be a maximum of four months.

iii. No product should be packed with old packaging material beyond four months from the date of
confirmation of compliance. However, the modified or replaced pack visual depicting such claims in advertisements in other media should be complied with within ten business days of receipt of the complaint from ASCI. In such cases, the complaint will be considered to be resolved informally.

iv. It is not necessary to take the informally resolved complaint through the formal CCC evaluation process. However, if the advertiser does not implement the changes within ten business days, the complaint will be placed for the CCC examination. If post modification of the advertisement, a complaint against such advertisement comes in, then it will be processed as per the normal CCC evaluation process.

6. CCC MEETING PROCEDURE

i. To ensure efficient and effective functioning, the deliberations of the CCC are to be conducted in the following structured manner given below:-

a. The ASCI Board constitutes a panel of 28 members, which comprise two CCC groups of 14 members each. Each CCC has eight members from civil society and six are ASCI members.

b. The Quorum for the CCC meeting shall be five. The regular presence of a Board designated ASCI member in the CCC meeting is appreciated.
c. From amongst the CCC members present, selection of the Chairperson and Vice-Chairperson of the meeting will be made on a lot basis.

d. Copies of the complaints to be deliberated upon will be sent one business day prior to the meeting by email to the CCC members who have confirmed their attendance, so that the members can examine the material in advance.

e. At the meeting, the Designated Officer shall read out the complaint number, the complaint, objections raised and shall read out the advertiser's response(s) and opinion of the Independent Technical Expert before the members present.

f. The Chairperson shall ensure that each CCC member present gets an opportunity to express his/her opinion. After each CCC member has given his/her views, the Chairperson shall give his/her views and then seek a consensus on the recommendations. If a consensus is not forthcoming, the recommendations will be voted by a show of hands. The Designated Officer shall record the overall vote only and not the specific vote of any individual CCC member.

g. The Technical Expert who has provided technical evaluation for a complaint will not be part of the decision making of that specific complaint.

h. The CCC meeting protocol does not provide for personal representations by the complainant / advertiser as their exhaustive written responses will suffice for deliberation by the CCC and is in accordance with the principles of natural justice.
i. In the event that the advertiser does not respond, the CCC is free to arrive at its recommendations based on information available with it.
7. POST CCC MEETING PROCEDURE

i. The CCC will provide to the Designated Officer, in brief, its recommendations laying down the basis on which the complaint is either upheld or not upheld.

ii. In the event the complaint is upheld, the CCC’s recommendations will lay down the precise breach of the Code or of any other legislation concerning advertising content.

iii. Post the CCC minutes being issued, the advertiser and the complainant will be informed of the CCC recommendations, within three business days. The complainant and the advertiser will be informed simultaneously by means of the automated system of online status change / and an email / letter.

iv. If the complaint is upheld, then the advertiser and its agency as well as media (if it was referred to in the complaint) will be informed of the CCC recommendations. The advertiser will be given ten business days to implement the CCC recommendations by withdrawing the offending advertisement or modifying it prior to the due-date to avoid continued violation of the Code.

v. Compliance period for modification of packaging material will be for a maximum of four months. No product should be packed with old packaging material beyond four months from the date of confirmation of compliance. However, the modified or replaced pack visual depicting such claims in advertisements in other media should be complied with within ten business days from the date of the CCC recommendations being conveyed.
vi. The advertiser and the complainant are advised not to publish the CCC recommendations in any news medium including newspaper, media coverage, website, digital media, social media and others.

vii. In the event that an advertiser is aggrieved by the recommendations of the CCC in matters of ex-parte complaints, a re-examination of the CCC recommendations may be sought under the Re-examination procedure.

viii. In the event that any of the parties are aggrieved by the CCC / Re-examination recommendations, a review of the same may be sought under the CCC-Review / Independent Review Process.

ix. If confirmation of compliance with CCC recommendations is not received or implementation of CCC recommendations is not ensured by the advertiser within ten business days as above, a communication (letter/email) from the Vice-Chairman, ASCI, will be dispatched to the advertiser. This communication will request implementation of the recommendations within five business days from the date of receipt of the letter. Simultaneously, the concerned agency and the concerned media vehicle if named in the complaint will be informed that the advertisement contravenes the Code. This communication will also be sent to all ASCI Media Members, as applicable.

x. Thereafter, in the absence of confirmation of compliance or in case of non-compliance by the
advertiser with the CCC recommendations, ASCI will provide a copy of the said recommendations to the concerned Regulatory Authority or Government Department for appropriate action.

xi. A quarterly status report on timely completion of the process shall also be placed before the Board of Governors from time to time.
ASCI INTRA INDUSTRY,
INTER ADVERTISER MEMBER
FAST TRACK COMPLAINTS
HANDLING PROCEDURE
ASCI MEMBER INTRA INDUSTRY, INTER ADVERTISER FAST TRACK COMPLAINTS HANDLING PROCEDURE (FTC)

1. In addition to the regular procedure that ASCI follows in addressing intra industry complaints, a fast track procedure has been put in place for expeditious resolution of intra industry, inter member complaints.

2. SUBMITTING A COMPLAINT
   
i. The complainant is required to notify ASCI via e-mail that they wish to make use of the FTC procedure.

   ii. Fast Track Complaint will be processed on payment of a non-refundable prescribed fee plus applicable taxes and the fee will be required to be deposited along with the complaint by way of a pay order, cheque or direct credit in favour of The Advertising Standards Council of India.

   iii. To be eligible for the fast track procedure, the following is mandated:

       a. The complainant and the party complained against must both be ASCI members;

       b. The complainant should not have any membership subscription dues pending towards ASCI beyond October 1 of the relevant fiscal year;

       c. There should not be any litigation proceedings pending between the parties having a subject matter / issue which might come under the consideration of FTCP while examining the complaint. ASCI does not look into complaints which are found to be the
subject matter of a proceeding which is sub-judice or has already been decided by a Court of law in India. The onus of disclosing such information to ASCI lies on the complainant at the time of filing the complaint. However, Consumer Complaints Council (CCC) / Re-examination / CCCR / FTCP / Independent Review Process (IRP) are not precluded from testing the preliminary issue as to whether the complaint made to ASCI is the subject matter of a proceeding which is presently sub judice or has already been decided before any Court of law or Regulatory Authority in India, when objected by the advertiser, and then proceed further. The recommendation of CCC/ Re-examination / CCCR/ FTCP/ IRP as the case may be, in this regard shall be binding on the parties subject to the review options available to the parties. ASCI shall refuse to proceed further with the FTC when it is determined that the complaint made to ASCI is the subject matter of a proceeding which is presently sub judice or has already been decided before any Court of law or Regulatory Authority in India and then proceed further;

d. The complainant should not be in non-compliance of a CCC/ Re-examination/ CCCR/ FTCP/ IRP upheld complaint recommendations or currently have any Court proceedings against any CCC/ Re-examination / CCCR/FTCP/IRP recommendations.

iv. As in the case of the intra-industry complaints procedure, complainant must provide particulars about the objected advertisement in question
including exactly what the content of the advertisement being complained against is, details of the product/service, publication/broadcast details as well as a clipping/copy of the advertisement. A copy of the advertisement must be provided by the complainant.

v. If the advertisement complained against is in a language other than Hindi or English, the complainant will provide a translation of the advertisement in English.

vi. If objections are raised against multiple claims in an advertisement, three main objections/claims will be considered to make the process efficient.

vii. The Complainant is required to provide grounds for objection as the basis of the complaint. The objections raised in the complaint need to be substantiated, where necessary, with support data/information with the relevant portions highlighted. This data will be shared by ASCI with the advertiser complained against as part of the complaint.

viii. The identity of the complainant will be disclosed to the advertiser.

ix. A hard copy of the complaint as well as the supporting documents/material must be submitted so that the same may be forwarded to the advertiser.

3. THE PROCEDURE FOR PROCESSING FTC IS SET OUT BELOW.

On receipt of a complaint, an acknowledgment by email will be sent to the complainant by the Designated Officer within one business day. A verification process to ascertain whether
the complaint meets the FTC criteria will be undertaken by the Designated Officer.

4. EXAMINATION OF A COMPLAINT

i. After the complaint has been verified for completeness, it will be evaluated for the objections raised therein.

ii. To decide the most appropriate course of action in dealing with a complaint, the following criteria will be considered by the Designated Officer:

a. Whether any action is required on the complaint;

b. Whether the advertiser may be advised to consider the complainant's feedback for possible amendment(s);

c. Whether to seek the advertiser's response on the complaint received.

iii. The Designated Officer will attempt to resolve the complaints in the most efficient manner.

iv. Not all complaints require a formal investigation.

v. The complaint is processed only if the advertisement is being published/telecast within a period of three months prior to the date of the complaint. For digital media, the Designated Officer may evaluate whether to take up such complaints for the period prior to three months of the complaint depending on the nature of
the objections raised and/or consumer exposure envisaged.

vi. The Designated Officer may also suo motu mention other concerns with the advertisement not taken up in the complaint in case any obvious violation of the Code is not articulated by the complainant.

5. COMMUNICATION WITH THE ADVERTISER

The following procedure provides a detailed mechanism for the resolution of complaints and ensures that parties are given a fair opportunity to state their case and deal with any objections against them, thereby meeting the ends of natural justice.

i. Within one business day of the receipt of a FTC, which is complete in all aspects described above, the Designated Officer shall inform vide e-mail, the advertiser against whom the complaint is received to provide a written response along with necessary documentation to substantiate and explain their claims. This exhaustive written response will suffice for deliberation by the FTCP. The Advertiser will be given the complete set of documents along with the complaint as well as the name of the complainant. The advertiser is required to submit their response within four business days from receiving the complaint (excluding the day of receipt of the complaint if the complaint e-mail has been received post noon).

ii. No documents submitted after the prescribed time period will be considered by the Designated Officer unless there are extenuating circumstances for the delay. No extension of the prescribed time period will be granted. In the event that the advertiser requires some
more time to prepare their defence or would like a postponement of the meeting, they will be required to suspend their advertisement from the fourth business day of having received the FTC complaint.

iii. If the response is technical in nature, then the Designated Officer will take the opinion of a Technical Expert within two business days of receipt of the Advertiser’s response from the panel of Independent Technical Experts associated with ASCI. The Technical Expert is a neutral and independent person who is selected by the ASCI Board of Governors based on his / her specialization in that technical field. A copy of the Technical Expert's Report will be provided to the advertiser and the complainant. The parties may submit a brief response to the said Report within one business day of receipt of the same. The technical expert would be granted one business day to review the brief response.

iv. An FTC Panel meeting will be conducted on the following business day after the Technical Expert's review of the brief response (subject to the availability of the Technical Expert).

v. The complaint, with all supporting information provided by the complainant and the response / data provided by the advertiser complained against, along with the Technical Expert's opinion and response of the parties to the said opinion, if any, will be tabled at the FTCP meeting. The Technical Expert's views will be taken into consideration by the FTCP.
6. INFORMAL RESOLUTION OF FAST TRACK COMPLAINTS

i. ASCI provides for informal resolution of a complaint in case the advertiser, on receipt of a complaint, readily volunteers to address the objections raised against the claims or visuals in the advertisement by either withdrawing or modifying the advertisement in line with the letter and the spirit of the Code and subject to the verification of the modified advertisement by the Designated Officer within seven business days of receipt of the complaint from ASCI.

ii. In case of pack claims, the compliance period for packaging material to be modified or replaced in the market place will be a maximum of four months.

iii. No product should be packed with old packaging material beyond four months from the date of confirmation of compliance. However, the modified or replaced pack visual in advertisements in other media should be complied with within seven business days. In such cases, the complaint will be considered to be resolved informally.

iv. It is not necessary to take the informally resolved complaint through the formal FTCP evaluation process. However, if post modification of the advertisement, a new complaint against the modified advertisement comes in, then it will be processed as per normal CCC/FTCP evaluation process.
7. **FTCP MEETING PROCEDURE**

To ensure efficient and effective functioning, the deliberations of the FTCP are to be conducted in the following structured manner given below:

i. The ASCI Board constitutes a panel of 28 members, which comprise two CCC groups of 14 members each. Each CCC has eight members from civil society and six are ASCI members.

ii. An attempt would be made for the fast track complaint to be addressed by a FTCP of any seven from the 28 member panel. The Quorum for the FTCP meeting will be five members. Where necessary, ASCI may invite the Independent Technical Expert for the FTCP meeting.

iii. From amongst the FTCP members present, selection of the Chairperson and Vice-Chairperson of the meeting will be made on a lot basis.

iv. Copies of the complaint, the advertiser's response and technical expert's response, if any, to be deliberated will be sent one business day prior to the meeting by email to the FTCP members who have confirmed their attendance, so that the FTCP members can examine the material in advance.

v. Prior to the FTCP meeting, independent personal representations will be offered with the FTCP of not more than 30 minutes per party and of not more than two employees of the complainant and advertiser. This may also be availed via telecon.
vi. Post personal representations, at the FTCP meeting, the Designated Officer shall read out the complaint and the issues framed therein. He / She shall also summarize the advertiser’s response(s) and opinion of the Independent Technical Expert before the members present.

vii. The Chairperson shall ensure that each member present gets an opportunity to express his/her opinion. After each person has given his/her views, the Chairperson shall give his/her views and then seek a consensus on the recommendations. If a consensus is not forthcoming, the recommendations shall be voted by a show of hands. The Designated Officer shall record the overall vote only and not the specific vote of any individual FTCP Member. The Technical Expert who has provided technical evaluation for a complaint will not be part of the voting for that specific complaint.

viii. In the event that the advertiser does not respond or abstains from making a personal appearance, the FTCP is free to arrive at its recommendations based on information available with it.

8. POST FTCP MEETING PROCEDURE

i. The FTCP will provide to the Designated Officer, in brief, its recommendations laying down the basis on which the complaint is either upheld or not upheld within one business day of the conclusion of its meeting.

ii. In the event the complaint is upheld, the panel’s recommendations will lay down the precise breach of the Code or of any other legislation concerning advertising content. The Designated Officer shall, on the basis of the view of the Panel, communicate the
recommendations of the Panel to the advertiser and the complainant within one business day of the receipt of the FTCP recommendations.

iii. If the complaint is upheld, then the advertiser will have to inform the media concerned within two business days to withdraw the advertisement and ensure its implementation within seven business days of notification of FTCP recommendations.

iv. Compliance period for packaging material to be modified or replaced in the market place will be a maximum of four months. No product should be packed with old packaging material beyond four months from the date of the receipt of FTCP recommendations. However, the modified or replaced pack visual in advertisements in other media should be complied with within seven business days from the date of the receipt of FTCP recommendations.

v. The advertiser is required to confirm compliance to ASCI and implement FTCP recommendations within seven business days of receiving the FTCP recommendations.

vi. The advertiser and the complainant are advised not to publish the FTCP recommendations in any news medium including newspaper, media coverage, website, digital media, social media and others.

vii. In the event of any of the parties are aggrieved with the recommendations of the FTCP, a review of the same may be sought under the CCC-Review / Independent Review Process.
viii. If confirmation of compliance with FTCP recommendations is not received or implementation of FTCP recommendations is not ensured by the advertiser within seven business days as above, a communication (letter/email) from the Vice-Chairman, ASCI, will be dispatched to the advertiser. This communication will request implementation of the recommendations within five business days from the date of receipt of the letter. Simultaneously, the concerned agency and the concerned media vehicle if named in the complaint will be informed that the advertisement contravenes the Code. This communication will also be sent to all ASCI Media Members, as applicable.

ix. Thereafter, in the absence of confirmation of compliance or in case of non-compliance by the advertiser with the FTCP recommendations, ASCI will provide a copy of the said recommendations to the concerned Regulatory Authority or Government Department for appropriate action within two business days.

x. The FTCP shall be completed and disposed of on the basis of available information / material within 12 business days from the date of filing the complaint. The reasons for non-completion of the same within the said period shall be duly communicated by ASCI Secretariat in writing to the parties involved. A quarterly status report on timely completion of the process shall also be placed before the Board of Governors from time to time.
RE-EXAMINATION OF CCC / FTCP RECOMMENDATIONS

i. In the event that an advertiser is aggrieved by CCC/FTCP recommendations which are made ex-parte, a re-examination of such CCC/FTCP recommendations may be sought by the advertiser under the re-examination procedure.

ii. Re-examination of such recommendations will be undertaken by the CCC on payment of a non-refundable prescribed fee plus applicable taxes (which at the sole discretion of ASCI maybe reduced/waived off in deserving cases) and adhering to the conditions below:

a. A written application, in the prescribed form (available on our website https://ascionline.org), is submitted within ten business days of receipt of the CCC/FTCP recommendations.

b. The advertiser seeking re-examination confirms suspension of the offending advertisement or modification of the advertisement by removing all claim/s objected to by the CCC/FTCP across all media including but not limited to print, television, digital media - YouTube, websites, etc., pending the re-examination recommendations. However, upon a request made by the advertiser, where it appears to the Chairperson/Vice-Chairperson of the CCC/FTCP that its continued transmission on/through/by any medium does not cause public harm or its continuation is not against public interest or fair competition, then the advertiser may
continue to display the advertisement pending completion of re-examination.

c. After giving an assurance for suspension / modification of the advertisement, if the said advertisement with objected claim/s appears in any media prior to the re-examination being held or prior to the release of the re-examination recommendation, ASCI may decline to conduct that particular re-examination and all further Re-examination/ CCCR/ FTCP/ IRP requests from the advertiser for a period of three months and also withhold the re-examination recommendation, as applicable.

d. In case of modification in the advertisement, the Designated Officer shall verify if the modification is in line with the letter and the spirit of the Code.

e. The advertiser seeking a re-examination should not be in non-compliance of CCC/ Re-examination/ CCCR/ FTCP/ IRP upheld complaint recommendations or currently have any court proceedings pending against any CCC/ CCCR/ FTCP/ IRP recommendations.

f. By submitting an application for re-examination, the advertiser undertakes to accept and comply with the recommendations made by the CCC.

iii. The advertiser and the complainant are advised not to publish the re-examination recommendations in any news medium including newspaper, media coverage, website, digital media, social media and others.
CCC-REVIEW OF CCC / FTCP RECOMMENDATIONS

1. Under the CCC-Review ("CCCR") procedure, ASCI provides for a review of the recommendations of CCC / FTCP in the event that an aggrieved party wishes to rely upon additional material which had not been submitted before the CCC / FTCP when the complaint was being considered.

2. CCCR will be undertaken by the CCC on payment of a non-refundable prescribed fee plus applicable taxes and upon adhering to the conditions below:

i. The advertiser seeking CCCR confirms suspension of the objected advertisement or modification of the advertisement by removing all claim/s objected to by the CCC / FTCP across all media including but not limited to print, television, digital media - YouTube, websites, etc., pending the CCCR recommendations. However, upon a request made by the advertiser, where it appears to the Chairperson / Vice-Chairperson of the CCC / FTCP (that decided upon the original complaint) that its continued transmission on / through / by any medium does not cause public harm or its continuation is not against public interest or fair competition, then the advertiser may continue to display the advertisement pending completion of CCCR.

ii. After giving an assurance for suspension / modification of the advertisement, if the said
advertisement with objected claim/s appears in any media prior to the CCCR being held or prior to the release of the CCCR recommendation, ASCI may decline to conduct that particular CCCR and all further Re-examination / CCCR / FTCP / IRP requests from the advertiser for a period of three months and also withhold the CCCR recommendation, as applicable.

iii. In case of modification in the advertisement, the Designated Officer shall verify if the modification is in line with the letter and the spirit of the Code.

iv. The party seeking a CCCR should not be in non-compliance of CCC/ Re-examination / FTCP/ CCCR / IRP upheld complaint recommendations or currently have any court proceedings pending against any CCC/ Re-examination/ FTCP/ CCCR / IRP recommendations.

3. The CCC-Review Procedure is as follows:

i. A written application, in the prescribed form (available on our website https://ascionline.org), is submitted within ten business days of receipt of the CCC/ FTCP recommendations.

ii. The CCCR applicant (Advertiser or Complainant) will submit any additional information / relevant material to the ASCI Secretariat within ten business days of submitting the CCCR application.

iii. Such additional information / relevant material submitted by the party seeking review, will be sent to the other party who shall send his / her response to the ASCI secretariat within five business days from the date of receipt of such additional information / relevant material.
iv. The rest of the CCCR procedure will be the same as the regular CCC procedure.

4. By submitting an application for CCCR, the advertiser undertakes to accept and comply with the recommendations made by the CCC.

5. The advertiser and the complainant are advised not to publish the CCCR recommendations in any news medium including newspaper, media coverage, website, digital media, social media and others.

6. In the event that any of the parties are aggrieved by the CCCR recommendations, a review of the same can be sought under the Independent Review Process.
INDEPENDENT REVIEW PROCESS (IRP)

1. The ASCI provides the Advertiser and the Complainant with the option of an Independent Review Process. IRP is conducted by the Chairperson who is a retired Judge of the Supreme Court/High Court. The IRP ensures that parties are given a fair opportunity to state their case and deal with objections against them, thereby meeting the ends of natural justice.

2. IRP is available where a party is aggrieved by the recommendations of the Consumer Complaints Council (CCC) / Re-examination / Fast Track Complaint Panel (FTCP) / CCC-Review (CCCR), on any of the following grounds:-

   i. Where it is alleged that the “preliminary issue” as to whether the subject matter in a proceeding which is sub judice or has already been decided by a Court of Law in India is identical to the subject matter of the Complaint made to ASCI;

   ii. Where it is alleged that there is a substantial flaw in the recommendations of the CCC/ Re-examination / FTCP/ CCCR;

   iii. Where it is alleged that there has been a substantial flaw in adhering to the prescribed procedure under the Code.

3. In the event that the applicant relies / produces additional material which had not been submitted before the CCC /
Re-examination / FTCP, the application will be referred back to the CCC for “CCC-Review” of such additional material as per the procedure set out therein.

4. IRP shall not be applicable in case of ex-parte CCC / ex-parte FTCP recommendations.

5. IRP shall be taken up on fulfilling the following conditions by the applicant :-

   i. A written application, in the prescribed form (available on our website https://ascionline.org), must be submitted within ten business days of receipt of CCC/ Re-examination / CCCR / FTCP recommendations.

   ii. The application must be accompanied by a non-refundable prescribed fee plus applicable taxes. However, if the applicant seeking review is a recognized NGO working for furthering the interest of individual consumers or a government institution, the applicable fee may be waived or reduced at the sole discretion of ASCI.

   iii. The advertiser seeking review confirms implementation of the recommendations of CCC/ Re-examination/ CCCR/ FTCP by suspending/ modifying the objected advertisement / by removing all claim/s objected to by the CCC / Re-examination / CCCR/ FTCP
iv. Upon a request made by the advertiser, where it appears to the Chairperson / Vice-Chairperson of the CCC/ Re-examination / CCCR / FTCP that its continued transmission on / through / by any medium does not cause public harm or its continuation is not against public interest or fair competition, then the advertiser may continue to display the advertisement pending completion of the IRP.

v. A party seeking an IRP should not be in non-compliance of recommendations of CCC/ Re-examination / CCCR / FTCP or have any court proceedings pending against any CCC/ Re-examination/ CCCR/ FTCP/ IRP recommendations.

vi. By submitting an application for IRP, the advertiser undertakes to accept and comply with the recommendations made by the IRP.

6. After confirming suspension / modification of the advertisement by the due date, if the said advertisement with objected claim/s appears in any media prior to the IRP being held or prior to the release of the IRP recommendation, ASCI may decline to conduct that particular IRP and all further IRP / CCCR / FTCP requests from the advertiser for a period of three months and may also withhold the IRP recommendation, as applicable.

7. IRP meeting will be convened once in a fortnight / month.
Both the complainant and the advertiser will be
intimated as to the date, time and venue of the
meeting at least five business days prior to the date of
the meeting.

8. No party will be allowed to produce additional material
that requires further examination on the date of
hearing, without the permission of the Hon'ble
Chairperson and on the conditions that may be
imposed by the Hon'ble Chairperson.

9. In the event that the Chairperson seeks the opinion of
a new technical expert, a copy of the written opinion
will be sent to both the parties and the IRP Chairperson three business days prior to the IRP
meeting. Technical opinions will be referred to in the
IRP recommendations.

10. The IRP Chairperson will be assisted by the
Designated Officer who is familiar with the
proceedings and the independent technical
expert/s, where necessary.

11. Proceedings under the IRP are not adversarial or
adjudicatory in nature and hence parties may be
represented in the meeting by their company officials
only. A maximum of three employees of each party
should be available at the meeting and each party will
be allotted 30 minutes to present their oral arguments
or as per the duration decided by the Chairperson of
the IRP. The identity of a consumer complainant will be
protected and his/her physical presence/participation via telecon at the IRP for simultaneous
personal hearing is subject to his/her consent.
12. In case additional information or clarifications are required from either party or the technical expert, the Chairperson may, as per his/her discretion, continue the hearing on another convenient date.

13. In the event that either of the parties do not wish to personally attend the meeting, the IRP Chairperson may complete the review based on the available information.

14. The IRP Chairperson, after finally hearing both parties, will forward the recommendations to the ASCI Secretariat within five business days, who shall communicate the same to the parties within two business days.

15. The IRP shall be completed and disposed of by the Hon'ble Chairperson on the basis of available information / material within 20 business days from the date of the IRP application regardless of whether the parties remain present or not. The reasons for non-completion of the same within the said period shall be duly communicated by ASCI Secretariat in writing to the parties involved. A quarterly status report on timely completion of the process shall also be placed before the Board of Governors from time to time.

16. The advertiser will implement compliance of the IRP recommendation within 20 business days of the IRP application. In case of non-compliance by the advertiser of the IRP recommendations, ASCI will provide a copy of the said recommendations to the concerned Regulatory Authority or Government Department for appropriate action within two business days.

17. The advertiser and the complainant are advised not to publish the IRP recommendations in any news
medium including newspaper, media coverage, website, digital media, social media and others.

RECUSAL & CONFIDENTIALITY POLICY OF CCC / FTCP AND TECHNICAL EXPERT(S)

i. A CCC / FTCP Member / Technical Expert must disclose on appointment to ASCI his / her affiliations, whether personal/commercial with any advertisers and update the ASCI Secretariat on a regular basis.

ii. Soon after his/her appointment and thereafter by 30th April each year, all the members of CCC must disclose his / her 'interest', if any, with various stakeholders in the advertising industry by submitting a written declaration.

iii. A CCC / FTCP Member / Technical Expert must disclose his/her "interest", if any, in relation to a complaint before it is taken up for discussion at the CCC / FTCP / IRP.

iv. A CCC / FTCP Member / Technical Expert who has an "interest" in the complaint is defined as:

a. Being associated with the complainant, complainant advertiser or the advertising agency of the complainant brand, OR

b. Being associated with the advertiser or the advertising agency of the concerned brand complained against, OR
c. A member who has lodged the complaint or is otherwise currently involved in a commercial or legal dispute with the advertiser or is currently a consultant to the complainant or the advertiser, OR

d. Being involved in or associated with the same industry/type of industry in relation to which the complaint has been made, whether as a direct competitor or not, OR

e. A CCC / FTCP Member / Technical Expert who has raised the suo motu complaint (not applicable in the case where the suo motu complaint is raised by more than one member during a CCC/ FTC meeting).

v. The key factor in determining whether a CCC / FTCP Member / Technical Expert is “associated with” either party is, if the person or his / her immediate family member or organization has received any monetary compensation and/or any other benefit from either the complainant or the advertiser.

vi. In addition, any CCC/ FTCP Member/ Technical Expert who has any other reason to believe that he / she is an interested person must not participate in the CCC/ FTCP/ IRP proceedings when the complaint is being discussed.

vii. The interested person is required to adhere to a six-month cooling-off period after the completion of the assignment/tenure by which the person was considered to be an interested party.

viii. Such interested person/s will not participate in the CCC / FTCP / IRP proceedings when the complaint is being discussed.
ix. The Technical Expert who has provided technical opinion for a complaint will not be part of the decision making of that specific complaint / re-examination / CCCR / IRP.

x. The information provided to the CCC / FTCP Member / Technical Expert, deliberations at the CCC / CCCR / FTCP/ IRP, and the recommendations on the complaint are confidential. A CCC / FTCP Member / Technical Expert must not disclose or use this information or decision / recommendations in any manner whatsoever.

xi. For any breach of the above stated recusal or confidentiality policy, the Board may take appropriate action which may include termination of the appointed member from the CCC / FTCP/ Panel of Technical Experts after getting an explanation from the concerned member, which is considered unsatisfactory.
ADVERTISING ADVICE

ASCI offers pre-production/release Advertising Advice to its members. A panel of experienced persons has been formed who have

a) Close knowledge of the ASCI Code and Rules and

b) Experience in working of ASCI Board and/or its Consumer Complaints Council (CCC).

Advertising Advice is defined as confidential, non-binding pre-publication/release advice about a specific advertising proposal, provided by ASCI to its member advertiser, agency or media. The forms which Advertising Advice takes may vary, but it has two essential characteristics:

- It is non-binding

- It concerns a specific advertising proposal (i.e. an advertisement with copy and visuals).

Advertisers who are members of ASCI can ask for Advertising Advice directly or through their advertising agencies. There will be no charge for Advertising Advice for the advertisements of an advertiser who is a member of ASCI.

Non Advertiser Members can avail Advertising Advice on payment of fees (INR 25,000 per creative), by sending their request to ASCI on contact@ascionline.org.

The advice is not binding on the advertiser or on ASCI's CCC. This will be stated upfront to the advertiser seeking Advertising Advice. However, chances of the complaint
against an advertisement cleared by the Advertising Advice panel being upheld by the CCC reduces significantly and vice versa.

Advertiser seeking Advertising Advice should email or send the proposed advertisement’s story board or a/v script for TV / radio and copy plus visual for print / digital advertisement with specific, if any, concerns they want the Advertising Advice panel to look at to the ASCI Secretary General.

Members can also upload request for Advertising Advice on the ASCI Online system for which they have Corporate Log In access.

The Advertising Advice Panel would provide its feedback within seven business days from having received a complete request.

Chairman,
Board of Governors, ASCI
April 2017
SUSPENSION PENDING INVESTIGATION

In exceptional circumstances, when it appears prima facie that an advertisement is in serious breach of the Code and its continued transmission on/through/by any medium causes or has the effect of causing public harm and/or injury or its continuation is against public interest, then the Company would, pending investigation, forthwith direct the advertiser/the advertising agency/the media buying agency and the media concerned to suspend the advertisement. In the event of suspension of any advertisement in the manner as aforesaid, the Consumer Complaints Council shall at the earliest and not later than 30 days from the date of the suspension, adjudicate whether or not the advertisement is in breach of the Code and pass appropriate order accordingly after giving a reasonable opportunity of hearing to the advertiser whose advertisement has been suspended.

This decision of the suspension is to be taken by the Chairman (or, in his absence, the Vice Chairman) of the Company, in consultation with two members of the Consumer Complaints Council.

Chairman,
Board of Governors, ASCI
December 2012
AWARDS

European Advertising Standards Alliance
- Global Best Practice Awards

Gold 2016
ASCi Mobile App “ASClonline” for prompt and efficient complaint handling at no cost to the consumer.

Gold 2013
Reduced the time taken to process complaints

Silver 2012
National Advertising Monitoring Service (NAMS)

Bronze 2011
Three Pronged Awareness Campaign (Regulators, Ad Agencies, Consumers)

Bronze 2010
Guidelines for Advertising of Educational Institutions

Silver 2008
Collaboration with the Indian Government to spread Self-Regulation

Maddies Mobile Awards 2015
ASCiOnline Mobile App wins a bronze at E4M’s The Maddies Mobile Awards 2015 for the Social / Not for Profit Campaign Category.

International Recognitions
ASCi is a part of the Executive Committee of International Council on Advertising Self-Regulation (ICAS).

Special Recognition awarded by ICAS in 2019
For ASCi’s “Guidelines for Celebrities in Advertising” at the first-ever ‘Global Awards for Effective Advertising Self-Regulation’
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learning.ascionline.org
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