

The Code for Self-Regulation of Advertising content in India

The Advertising Standards
Council of 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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ASCI's Recognitions

Important provisions of the Acts of Government of India
& Recognition of ASCI 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.gama.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:

fssai

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)



भारतीय खाद्य संरक्षा एवं मानक प्राधिकरण
**Food Safety and Standards
Authority of India**

fssai

AYUSH

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)



आयुष्य मंत्रालय
**MINISTRY OF
AYUSH**



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))



Government of India
Ministry of Health & Family Welfare
Department of Health & Family Welfare



The Drug Controller General of India (DCGI) recognized Self-Regulation in Advertising through ASCI's Code, 2006.



CENTRAL DRUGS STANDARD CONTROL ORGANIZATION
DIRECTOR GENERAL OF HEALTH SERVICES,
MINISTRY OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF INDIA

ASCI's 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 Advertising Standards Council of India (ASCI) and discharge its functions in the interest of the policyholders.



भारतीय बीमा विनियामक और विकास प्राधिकरण
INSURANCE REGULATORY AND DEVELOPMENT AUTHORITY OF INDIA



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.



Directorate of Technical Education, Maharashtra State
तंत्र शिक्षण संचालनालय, महाराष्ट्र राज्य



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.



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(Ministry Of Road Transport & Highways Government Of India)



ASCI's Recognitions

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

Supreme Court of India

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

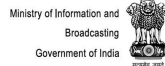
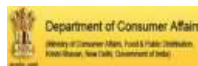
Ref. Page 19, Item No. 4 - **As per the Cable TV Networks (Regulation) Act, all complaints related to advertisements shall be regulated by Advertising Standards Council of India (ASCI).**

ICAS to "ASCI as a Key Stakeholder for" section: ASCI is now a part of the Executive Committee of International Council on Advertising Self-Regulation (ICAS), which unites global Self-Regulatory Organisations (SROs) and international Industry Associations to form a powerful body that will facilitate the establishment of new SROs in emerging markets, help empower them and provide a platform to discuss and work on solutions regarding the global challenges faced for self-regulation in advertising.

ASCI as a Key Stakeholder for



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



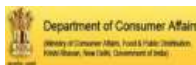
Department of Health Research

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

717/B, AURUS Chambers, S. S. Amrutwar Marg, Worli, Mumbai 400018, India.
Toll Free No.: 1-800-22-2724, Tel: 24955077, 24955076, Fax: 24955071
www.ascionline.org, For queries: contact@ascionline.org

 <https://www.facebook.com/ascisocial>  [@ascionline](https://twitter.com/ascionline)  <http://linkd.in/1DKOv4I>

Mobile App



ASCI ONLINE

Whatsapp



+91 77100 12345



E-LEARNING



HONESTY



DECENCY



RESPONSIBILITY



FAIRNESS

— So you can trust advertising —

The Advertising Standards Council of India (ASCI), established in 1985, is committed to the cause of Self-Regulation in Advertising, ensuring the protection of the 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.

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.
- Minors are defined as persons who are below the age of 18 years.
- Any written or graphic matter on packaging, whether unitary or bulk, or contained in it, is subject to this Code in the same manner as any advertisement in any other medium.
- To publish is to carry the advertisement in any media; 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.

TRUTHFUL & HONEST

- (f) Advertisements inviting the public to take part in lotteries or prize competitions permitted under law or which hold out the prospect of gifts shall 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.

CHAPTER III

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 minors, 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 minors - 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 minors shall not contain anything, whether in illustration or otherwise, which might result in their physical, mental or moral harm or which exploits their vulnerability.

For example, Advertisements:

- (a) Should not encourage minors to enter strange places or to converse with strangers in an effort to collect coupons, wrappers, labels or the like.
- (b) Should not feature dangerous or hazardous acts which are likely to encourage minors to emulate such acts in a manner which could cause harm or injury.
- (c) Should not show minors using or playing with matches or any inflammable or explosive substance; or playing with or using sharp knives, guns or mechanical or electrical appliances, the careless use of which could lead to their suffering cuts, burns, shocks or other injury.



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

**GUIDELINES FOR SPECIFIC
CATEGORY ADVERTISEMENTS**



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

Guidelines for Qualification of Brand Extension Product or Service

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



ASCI Guidelines for Advertising of Educational Institutions and Programs

Preamble

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

Guidelines

Further to complying with the general rules of 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

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, AAI, INS, IBF, etc. representing India's advertisers, advertising agencies and media to self-regulate advertising content. ASCI currently has no mandate to regulate government or political advertising. Complainants need to be aware that the ASCI is an industry funded body. It is inappropriate for ASCI to assume jurisdiction over the content of political or government advertising in the absence of political parties' or government's support for such advertising to be regulated by ASCI.



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

Chairman,
Board of Governors, ASCI
October 24th 2013

ASCI Guidelines for Disclaimers made in supporting, limiting or explaining claims made in Advertisements

Preamble: Chapter I (4) of the ASCI 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 ASCI 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 claim as 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 12 pixels [12 lines] in a 576 line raster.
 - 2. For high definition images, the height of the text lower case elements shall be NOT LESS THAN 18 pixels [18 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 hoarding 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

	Definition	Period over which can be claimed
New	The words New / Improved must specify what aspect of the product/service is new or improved - viz the product's utility, function, product design, package design, etc.	The word "new", "improved" or an 'improvement' of a product may be used in advertisements only for a period of one (1) year from the time the new or improved product/service has been launched/introduced in the market.

Chairman,
Board of Governors, ASCI
June 1st 2014

VALIDITY & DURATION

COMPLAINTS PROCEDURE

FAST TRACK COMPLAINTS
HANDLING PROCEDURE



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
 - ii. The Drugs & Cosmetic Act 1940 and Rules 1945: (Schedule J) as updated from time to time (Link for preliminary guidance [http://www.cdsc.nic.in/writereaddata/2016Drugs and Cosmetics Act 1940 & Rules 1945.pdf](http://www.cdsc.nic.in/writereaddata/2016Drugs%20and%20Cosmetics%20Act%201940%20&%20Rules%201945.pdf) and [http:// www. indianhealthservices.in /schedules/Schedule_J.pdf](http://www.indianhealthservices.in/schedules/Schedule_J.pdf)).
- 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

CELEBRITIES IN ADVERTISING

COMPLAINTS PROCEDURE

**FAST TRACK COMPLAINTS
HANDLING PROCEDURE**



COMPLAINTS PROCEDURE



COMPLAINTS PROCEDURE

A: Pre Consumer Complaints Council (CCC) Meeting Procedure

The ASCI Code is well publicised and is available on ASCI's website. It is recognized by almost all practitioners in advertising as the universally relevant / applicable Code for Self-Regulation in respect of advertising content in India. It is broad based to cover the entire gamut of media vehicles – Print, TV, Audio-Visual, Radio, Outdoor, Internet, e-mail, SMS, Promotion / Merchandising vehicles etc. and even packaging as a vehicle of mass communication.

The CONSUMER COMPLAINTS COUNCIL (CCC) of ASCI functions as its examining body which considers the complaints raised as well as the response of the advertiser before giving its recommendation as to whether the advertisement in question is violating the provisions of the ASCI Code for Self-Regulation in advertising or not. All CCC recommendations are published on the ASCI website and reported in ASCI's Annual Report.

ASCI and the CCC are not Clearing Houses or Voluntary Censor bodies, and hence advertisements are not pre-cleared or approved. Modifications in advertisements, even though carried out in response to CCC recommendations as advised, are not cleared or approved by the CCC / ASCI. It is implicit that such modifications are in observance of the ASCI 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.

The CCC does not look into claims which are already the subject-matter of proceedings before any Court in India and the disclosure of this information to ASCI is required from the parties involved in the complaint process.

There are three types of Complaints against advertising content which are received by ASCI

1. Complaints from the General Public (including Government Regulators, Consumer Groups)
2. Intra Industry complaints
3. Suo Moto

COMPLAINTS FROM THE GENERAL PUBLIC

SUBMITTING A COMPLAINT

ASCI provides multiple modes of submission of complaints. Complaints may be submitted via an online form, email, telephone and mobile app. Letters may also be sent at the postal address provided on the website. ASCI also responds to complaints made on social media such as Twitter, Facebook as well as complaints received via WhatsApp messaging, wherein the complainant is re-directed to lodge an online complaint so that all information is captured correctly.

1. No fee is required to be paid by any complainant for submitting a complaint to ASCI.
2. When submitting a complaint through any of the above mentioned modes, complainants are required to give their name, information about their profession / organization (if complainant is not an individual) and their contact details such as mobile number and email address. Complainants must provide particulars about the advertisement in question including exactly what is the content of advertisement being complained against and reason why, details of product / service, publication / broadcast as well as clipping / copy of the advertisement, where possible. If locating / identifying the advertisement is not possible, ASCI might not be able to take further steps in the matter. In case of print advertisements, a clipping of the advertisement and name and date of newspaper / documents in which it appeared needs to be provided. In case of Online / TV advertisements, a video clipping or a screen shot of the page as well as the URL link should be provided. If the advertisement complained against is in a language other than Hindi or English, a translation of the advertisement in Hindi or English should preferably be provided.



3. The identity / particulars of the individual complainant is not disclosed to the advertiser except when the complainant is non-public i.e. an industry member, regulator or consumer group or when the nature of complaint is such that complainant identity is required to be disclosed.
4. 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.

PROCESSING A COMPLAINT

(A) REGISTRATION OF COMPLAINT

On receipt of a complaint, an acknowledgement mail will be sent to the complainant by the Secretariat within three business days. A verification process may be undertaken by the Secretariat to prevent fake and frivolous complaints. Thereafter, the complaint will be forwarded to the Designated Officer for examination / evaluation of the complaint.

If multiple complaints have been made against a particular advertisement, it will be within the discretion of ASCI to proceed ahead with one complaint. In such a situation, all the complainants involved will be notified of the situation. If objections are raised on multiple claims in an advertisement, three main objections would be considered per advertisement to make the process efficient.

(B) EXAMINATION OF COMPLAINT

1. After the complaint has been verified for completeness, it will be forwarded to the Designated Officer to evaluate the allegations made in the complaint.
2. In case the complainant has been unable to provide ASCI with a copy of the advertisement in question, steps would 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 period of two business days.

3. If, on a preliminary 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 a recommendation on whether to proceed further with the complaint or not. In case the CCC recommends that no action is to be taken, the complainant will be informed of the same within a period of three business days from the date of the issuing of the CCC meeting minutes. If, however, the allegations in the complaint indicate a possible violation of the ASCI Code, the Designated Officer will send a copy of the complaint to the advertiser concerned, and to the relevant advertising agency, if its details are known, pointing out the provisions of the Code that the advertisement is likely to be in violation of and requesting a written response. The Designated Officer may also mention other concerns with the advertisement not taken up in the complaint in case of any obvious violation of the ASCI Code is not articulated by the complainant.
4. The advertiser will be asked to submit a written response within a period of five business days (extended to seven business days in case of need to support claims technically) along with necessary documentation to substantiate and explain their claims. This exhaustive response would suffice for deliberation by the CCC. However, the advertiser would also be granted a personal hearing (either face to face meeting with the employee representing the advertiser or via telecon) with the designated officer for presenting their response. The Designated Officer may consider arranging a personal hearing with the Technical Expert (either face to face meeting with the employee representing the advertiser or via telecon) as deemed appropriate but within the lead-time provided for the response. No extension of the prescribed time will be granted unless a written request for extension along with the reasons therefor is submitted within two business days from receipt of the complaint by the advertiser.



5. The relevant portions of the supporting documents (tests / reports etc.) submitted by the advertiser are required to be highlighted and the written response has to explain the relevance of each document relied on by the advertiser. No documents submitted after the prescribed time will be considered unless there are extenuating circumstances.
6. The Designated Officer may, on receipt of the written response, seek further clarification from the advertiser 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 ex-parte.
7. Where the opinion of a Technical Expert is required to be taken, the Designated Officer will do so from the panel of Experts associated with ASCI.

The complaint, with all supporting information provided by the complainant and the advertiser / agency complained against, along with CCC's Technical Expert's opinion, if any, will be placed on the agenda of the next CCC meeting

INTRA-INDUSTRY COMPLAINTS

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 undergoing the general process mentioned herein or applying for the Fast Track Complaints (FTC) procedure when both advertisers are members of ASCI.

SUBMITTING A COMPLAINT

1. Intra-Industry complainants have the same modes of submitting a complaint as the public.
2. Complainants are required to give their name, information about their designation / organization and their official contact details. Complainants must provide particulars about the advertisement in question including exactly what is the content of advertisement being complained against and reason why, details of product / service, description, publication / broadcast details, etc. A copy of the advertisement must be provided by the complainant.

3. The allegations in the complaint need to be substantiated, where necessary, with support of data / information with the relevant portions highlighted.
4. In cases of Intra-Industry complaints, the identity of the complainant will be disclosed to the advertiser.
5. A hard copy of the complaint as well as the supporting documents must be submitted so that the same may be sent to the advertiser. If, for reasons of confidentiality, the complainant does not want to share proprietary information such as method of testing, etc. then that should be brought to the notice of ASCI in advance.

REST OF THE PROCEDURE FOR PROCESSING INTRA INDUSTRY COMPLAINTS WILL BE SAME AS THE ONE FOR GENERAL PUBLIC COMPLAINTS.

SUO MOTU COMPLAINTS

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 has to register a complaint in writing. Moreover, when a complaint is deliberated upon by the CCC, it can raise a suo motu complaint on any another matter in the originally complained advertisement. The suo motu complaint goes through the same process as other complaints, ensuring that the advertiser is given an opportunity to explain their view point. ASCI also monitors media for advertisements making misleading, false or unsubstantiated claims in media such as TV and Print, etc. If ASCI finds any advertisement from such monitoring as potentially violating the ASCI code, then that will be also processed as a suo motu complaint.



INFORMAL RESOLUTION OF COMPLAINTS

ASCI also 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 advertisement by either modifying or withdrawing the advertisement within ten business days. In case of pack claims, 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 available in the market with manufacturing / packing date with old packaging material beyond four months from the date of CCC recommendations being conveyed. However, the modified or replaced pack visual in advertisement should be complied with within ten business days. In such cases, the complaint would be considered to be resolved informally. It would not be necessary to take the informally resolved complaint through the formal CCC evaluation process. However, if post modification of the advertisement, a complaint against the informally resolved complained advertisement comes in, then it will be processed as per normal CCC evaluation process.

B: CCC Meeting Procedure

To ensure focus in functioning efficiently and effectively, the deliberations of the CCC is to be conducted in the following structured manner:-

QUORUM

The Quorum for the meeting of the CCC shall be five. The regular presence of a Board designated ASCI member in the CCC meeting is appreciated.

CHAIRPERSON AND VICE CHAIRPERSON

From the CCC members present, selection of the Chairperson and Vice Chairperson of the meeting will be made on random (chit) basis.

ADVANCE COMMUNICATION

Copies of the complaint and the advertiser's response to be deliberated would be sent two days prior to the meeting by email to the committee members, so that the CCC members can review the material in advance.

RECUSAL & CONFIDENTIALITY POLICY

A CCC Member must disclose his / her 'interest', if any, in a complaint before it is taken up for discussion at the CCC.

A CCC member who is "interested in the complaint" is defined as:

- Being associated with the complainant advertiser or the advertising agency of the concerned brand of the complainant, OR
- Being associated with the advertiser or the advertising agency of the concerned brand complained against, OR
- A civil society member who, as an individual, has lodged the complaint or is otherwise currently involved in a commercial or legal dispute with the advertiser or is currently consultant to the complainant or the party complained against parties, OR
- A CCC member who has raised the suo motu complaint (not applicable to CCC members when the suo motu complaint is raised by more than one member during a CCC meeting).

The key factor in determining whether a CCC member is "interested in the complaint" is whether the member is getting any monetary compensation from either complainant or complained parties.

Such interested member/s will not participate in the CCC proceedings when the complaint is being discussed. In addition, any CCC member who has any other reason to believe that he / she is an interested party is also expected to not participate in the CCC proceedings when the complaint is being discussed. Also, Technical Expert who is a member of CCC deliberating the complaint and who has provided technical evaluation for the same complaint will not be part of decision making of that specific complaint.

The information provided to CCC members and the decision on the complaint is confidential and a CCC member should not disclose or use this information or decision in any manner, whatsoever.



For any breach of above stated recusal or confidentiality policy, the Board may take appropriate action which could include termination of the appointment of the member from the CCC after providing due process of getting an explanation from the concerned member.

MEETING PROCEDURE

- A. The Secretary General / Designated Officer should read out the complaint number and complaint. He or she should also summarise the advertiser's response.
- B. The Chairperson should ensure that each member present gets an opportunity to express his / her opinion. After each person has given his / her views, the Chairperson should give his / her views and then seek a consensus on the recommendation. If a consensus is not forthcoming, the recommendation should be voted upon and the Secretary General / Designated Officer should record the overall vote only and not the specific vote of any individual CCC Member.
- C. The CCC meeting protocols do not provide for personal representations by complainant / advertiser / agency in respect of complaints being deliberated upon at the CCC meeting.

C: Post CCC Meeting Procedure

Once the CCC has taken a decision on the complaint, (which will be recorded in the minutes of the CCC meeting), the party complained against will be informed of the CCC recommendation, within three business days from the date of issuance of the minutes of meeting. If the complaint is Not Upheld, the complainant and the advertiser will be informed simultaneously by means of the automated system of online status change / and an email / letter.

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 recommendation within three business days. The advertiser will be given ten business days to assure time bound compliance with the CCC recommendation by withdrawing the offending advertisement or modifying it so as to avoid contravening the ASCI Code. 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 available in the market with manufacturing / packing date with old packaging material beyond four months from the date of CCC recommendations being conveyed. However, the modified or replaced pack visual in advertisement should be complied with within ten business days. The complainant will also be informed of the CCC recommendations post five business days.

If a positive response is not received or compliance is not assured by the advertiser, within ten business days as above, a letter from the Vice-Chairman, ASCI, will be dispatched to the advertiser requesting their compliance commitment immediately, no later than five business days from the last due date for compliance, to the withdrawal of the offending advertisement or its appropriate modification so as to avoid contravening the ASCI Code. Simultaneously, the concerned agency and the concerned media vehicle will be advised that the advertisement contravenes the Code.



In case of non-compliance by the advertiser of the CCC Upheld complaint recommendation, ASCI will inform the concerned Regulatory Authority or Government Department (such as Ministry of Information & Broadcasting, Department of Consumer Affairs, Food Safety & Standards Authority of India, Ministry of Ayush, etc.) for their appropriate action as per existent laws as well as communicate this to the industry bodies (such as Indian Broadcasting Foundation, Indian Newspaper Society, etc.) for also their appropriate action.

INDEPENDENT REVIEW PROCESS (IRP)

The ASCI provides both the parties (i.e. advertiser and complainant) with the option to seek a review of the recommendations made by the Consumer Complaints Council (CCC).

The Independent Review Process of the CCC recommendations is undertaken by the Chairman, a retired Judge of the Supreme Court/High Court, and assisted by the Secretary General/Chief Complaints Officer/ Chief Administrative Officer, familiar with the proceedings. They could be accompanied by the Chairman/Vice-Chairman, as the case may be, of the CCC who heard the initial complaint and a Technical Expert, where necessary.

The Independent Review Process is applicable where the CCC recommendations are made after considering the response received from the Advertiser and on fulfilling the following conditions by the party seeking review under the Independent Review Process:

- a. A written application, in the prescribed form, (available on our website www.ascionline.org) is submitted within ten business days of receipt of CCC recommendations.
- b. The application is accompanied by a non-refundable prescribed Fee plus applicable taxes. However if the complainant seeking review is a recognized NGO working for furthering the interest of Consumers or a Government institution, the applicable fee may be waived or reduced at the discretion of ASCI.
- c. The Parties will be at liberty to provide additional information/material not submitted earlier together with the application as per (a) above.

Additional information/material submitted by the complainant seeking a review will be sent to the advertiser who shall send his response to the ASCI secretariat in five business days from the date of receipt of such additional information/material.

- d. The advertiser seeking review confirms suspension of the offending advertisement, pending the Independent Review Process recommendations.



e. By submitting the Independent Review Process application it is understood that the advertiser shall accept and comply with the recommendations made by the Chairman of the Independent Review Process.

f. Party filing for an IRP should not be in non-compliance of a CCC/FTCP/IRP Upheld Complaint recommendation or currently have any court proceedings against any CCC/FTCP/IRP recommendation.

The Independent Review Process 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.

Proceedings under the Independent Review Process are not adversarial or adjudicatory in nature and hence parties may be represented in the meeting by their company officials only.

The Chairman of the Independent Review Process, after hearing both parties, will give his/her recommendations within two business days thereafter. In case, additional information or clarification is required from either party or the technical expert, the Chairman may, as per his/her discretion, continue the hearing on another convenient date.

In the event either of the parties do not wish a personal hearing, the Chairman of the Independent Review Process may complete the review based on the additional information/material submitted and his/her findings would be conveyed over e:mail to both the parties within a period of two business days.

Independent Review Process shall not be applicable in case of ex-parte CCC recommendations. However, Re-examination of such recommendations will be undertaken by the CCC on payment of prescribed fee plus applicable taxes (which at the discretion of ASCI maybe reduced/ waived off in deserving cases) and adhering to the conditions laid down in clause (a) (d) & (e) above.

Chairman,
Board of Governors, ASCI
September 2017

**ASCI INTRA INDUSTRY,
INTER ADVERTISER MEMBER
FAST TRACK COMPLAINTS
HANDLING PROCEDURE**



ASCI INTRA INDUSTRY, INTER ADVERTISER MEMBER FAST TRACK COMPLAINTS HANDLING PROCEDURE

In addition to the normal procedure that ASCI has in addressing complaints that are received, a fast track procedure has also been put in place for expeditious resolution of intra industry, inter member complaints.

Any advertiser-member who wishes to lodge a complaint with ASCI against an advertisement of another advertiser-member alleging violation of the ASCI code can lodge such a complaint and seek resolution of the complaint in two ways:

- Under the normal procedure where the complaint will be adjudicated by the Consumer Complaints Council (CCC).
- Under the Fast Track Procedure for intra-industry complaints by the Fast Track Complaints Panel (FTCP) as below:
 1. Under the Fast Track procedure, the complainant would be required to notify ASCI that the complainant wishes to make use of the FTCP procedure. The ASCI Board will prescribe a non-refundable fee that 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. To be eligible to make use of the fast track procedure, the following is mandated:
 - (a) the complainant and party complained against should both be ASCI members;
 - (b) the complainant should not have any membership subscription dues pending towards ASCI beyond October 1 during relevant fiscal year;
 - (c) there should not be any litigation proceedings 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 matters which are sub-judice before the Courts in India and members are required to disclose such information before initiating a complaint before ASCI; and

- (d) the complainant should not be in non-compliance of a CCC / FTCP Upheld Complaint recommendation or currently have any Court proceedings against any CCC / FTCP Upheld complaint recommendation.
- 2. As in the general complaint process, in the case of intra-industry complaints, details of the complaint including its supporting data / information are required to be given by the complainant who must also provide the advertisement in question with proper documented substantiation of the allegations, where needed. This data will be shared by ASCI with the advertiser complained against as part of the complaint.
- 3. Within one business day of the receipt of such a complaint, which is complete in all aspects described above, to be addressed under the FTC procedure, the Designated Officer shall inform vide e:mail, the advertiser against whom the complaint is received to provide written response. The Advertiser will be given the complete set of documents along with the complaint as well as the name of the complainant. If, for reasons of confidentiality, the complainant does not want to share proprietary information such as method of testing, etc. then that should be brought to the notice of ASCI in advance. The advertiser is required to submit their response within four days from receiving the complaint (excluding the day of receipt of the complaint if the complaint e:mail has been received post noon). If the response is technical in nature, the technical expert would be granted one business day to review the complaint and the response. A FTC Panel meeting would be conducted on the following day. The Advertiser as well as complainant shall appear before the Designated Officer /and Technical Expert (if the subject matter is technical) prior to the FTC Panel meeting. A maximum of two persons representing each party should be available at the hearing.
- 4. The ASCI Board will constitute a panel of 28 members from within the two CCC groups with 16 being from civil society and 12 being from industry. 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 would be five members.



5. The FTCP to adjudicate the Fast Track complaints will mainly examine the written submissions of the complainant and the response of the advertiser. However, both the complainant and the advertiser complained against will be required to be available in ASCI premises in order to answer any queries or explanation that FTCP may have during the meeting's proceedings. A maximum of two persons representing each party should be available at the hearing. Only employees of the complainant and advertiser's company will be permitted to take part in the proceedings, if called upon by the FTCP. The FTCP can invite a Technical Expert for advice at the hearing if they decide to do so. In the event that the party complained against wants some more time to prepare its defence, it will have to agree to suspend its advertisement from the fourth business day of having received the notice. In the event that the advertiser complained against does not respond or abstains from making a personal appearance, the FTCP is free to arrive at its decision based on information available with it and its own judgement.
6. The FTCP will notify its recommendation within one business day of the conclusion of its meeting to the Designated Officer who will, in turn, intimate the same to both the parties within one business day of receipt of the recommendation of the FTCP. The FTCP will provide to the Designated Officer, in brief, its findings laying down the basis on which the complaint is either Upheld or Not Upheld. In the event the complaint is Upheld, the panel's recommendation will lay down the precise breach of the ASCI Code or of any other legislation concerning advertising content. The Designated Officer shall, on the basis of the view of the Panel, communicate the findings of the Panel to the parties concerned. 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 recommendation. For pack claims, the lead time for changeover would be maximum four months from the date of the FTCP recommendation. The advertiser is required to confirm compliance to ASCI within seven business days of receiving the FTCP recommendation.

7. In the event of any of the parties being aggrieved with the findings of the FTCP, a review of the findings of the FTCP can be sought by the Retd. Judge as the Chairman provided the additional fee for independent review, as applicable, is paid and additional data / information is furnished as required per the IRP. In case a complaint against an advertisement is Upheld by the FTCP, then the IRP can be granted only if the advertisement against which the complaint is Upheld is withdrawn or modified.

If a positive response is not received or compliance is not assured by the advertiser, within two business days as above, a letter from the Vice-Chairman, ASCI, will be dispatched to the Advertiser requesting their compliance commitment immediately, no later than within five business days, to the withdrawal of the offending advertisement or its appropriate modification so as to avoid contravening the ASCI Code. Simultaneously the concerned agency and the concerned media vehicle will be advised that the advertisement contravenes the Code.

In case of non-compliance by the advertiser of the CCC Upheld complaint recommendation, ASCI will inform the concerned Regulatory Authority or Government Department (such as Ministry of Information & Broadcasting, Department of Consumer Affairs, Food Safety & Standards Authority of India, Ministry of Ayush, etc.) for their appropriate action as per existent laws as well as communicate this to the industry bodies (such as Indian Broadcasting Foundation, Indian Newspaper Society, etc.) for also their appropriate action.

Chairman,
Board of Governors, ASCI
May 2017



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 "ASCIonline" 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).

WE BELIEVE IN EMPOWERING YOU *with* E-LEARNING

Saves Time



Saves Money



Saves Effort



learning.ascionline.org

For Registration: ☎1-800-22-2724 / 91-22-24955076 ✉contact@ascionline.org