

## CORPORATE OFFICE

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## MISLEADING ADVERTISEMENT INDUSTRY

THIS ARTICLE COVERS “DAILY CURRENT AFFAIRS”, AND THE TOPIC DETAILS “MISLEADING ADVERTISEMENT INDUSTRY”. THIS TOPIC IS RELEVANT IN THE “SOCIAL ISSUES” SECTION OF THE UPSC CSE EXAM.

### WHY IN THE NEWS?

In an effort to protect consumers from deceptive advertising, the Supreme Court of India has mandated that advertisers must provide self-declarations prior to promoting products through the media. Additionally, the Union government has swiftly revoked a letter from the AYUSH Ministry that excluded Rule 170 of the Drugs and Cosmetics Rules, 1945.

### DIRECTIONS GIVEN BY THE SUPREME COURT

- **Submission of Self-Declarations:** Advertisers are now required to provide self-declarations before promoting products in the media. This entails declaring that their advertisements are not deceptive and do not contain untrue statements about their products aimed at preventing consumer deception.
- **Online Portal for Advertisers:** Advertisers planning to air TV commercials must upload their declarations on the ‘Broadcast Seva’ portal. This portal acts as a centralised platform for stakeholders to seek permissions, registrations, and licences from the Ministry of Information and Broadcasting for broadcast-related activities. A similar portal is set to be established for print advertisers.
- **Responsibility of Endorsers:** Social media influencers, celebrities, and other public figures endorsing products are now held accountable. They are expected to exercise responsibility by possessing sufficient knowledge about the products they endorse, thereby avoiding any deceptive advertising practices.
- **Ensuring Consumer Protection:** A transparent process is to be established for consumers to report misleading advertisements. Additionally, measures will be put in place to ensure that consumers receive updates on the status and outcomes of their complaints, thereby enhancing consumer protection.
- The directives from the Central Consumer Protection Authority (CCPA) emphasise the necessity of transparency concerning paid endorsements made by influencers.

1. **Guideline 8** is regarding advertisements targeting or involving children.
  2. **Guideline 12** talks about the obligations of manufacturers, service providers, and advertising agencies. These guidelines aim to safeguard consumers' trust from being compromised or exploited due to their limited awareness.
  3. **Guideline 13** mandates responsible behaviour in advertising, requiring endorsers to possess adequate information or experience regarding the specific food product they endorse. It further stipulates that the endorsement must not be deceptive.
- **Criticism of the Decision to Exclude Rule 170:** This move comes after the Supreme Court expressed disapproval of the government's directive concerning the management of advertisements linked to Ayurvedic and Ayush products as per **Rule 170 of the Drugs and Cosmetic Rules, 1945**. The Ministry of Ayush instructed all State/ UT Licensing Authorities and Drug Controllers of AYUSH regarding the removal of **Rule 170** (along with associated provisions) from the 1945 Rules. Rule 170 prohibits the advertising of Ayurvedic, Siddha, or Unani drugs without approval from licensing authorities.

### REGARDING ADVERTISEMENT REGULATIONS IN INDIA

- In India, the regulation of misleading advertisements is primarily overseen by several governmental bodies and legal frameworks. The key regulatory authorities involved in this process include the **Advertising Standards Council of India (ASCI)**, the **Central Consumer Protection Authority (CCPA)**, and the Ministry of Information and Broadcasting. Additionally, various laws and regulations are in place to address deceptive advertising practices.
- The Advertising Standards Council of India (ASCI) plays a significant role in regulating advertising content. It is a **self-regulatory organisation comprising members from the advertising industry, media, and consumer activists**. ASCI operates based on a code of self-regulation, which sets standards for ethical advertising practices. Advertisements that violate ASCI's code are subject to scrutiny and can be withdrawn or modified based on ASCI's recommendations.
- The Central Consumer Protection Authority (CCPA) is another crucial regulatory body tasked with protecting consumers' interests and ensuring fair trade practices. CCPA issues guidelines and directives aimed at curbing misleading advertisements and unethical marketing tactics. It emphasises transparency in advertising, especially concerning paid endorsements by influencers, and holds endorsers accountable for the products they promote.
- Furthermore, specific laws and regulations govern the advertising of certain products, such as the **Drugs and Cosmetics Act of 1940** and the **Food Safety and Standards Act of 2006**. These laws mandate that advertisements for pharmaceuticals, food products, and other regulated goods comply with stringent requirements, including obtaining approvals from relevant authorities before dissemination.

### PROBLEMS CAUSED BY MISLEADING ADVERTISEMENTS

- **Consumer Deception:** Misleading advertisements can deceive consumers by providing false or exaggerated information about products or services. This deception can lead to consumers making uninformed purchasing decisions, spending money on products that do not meet their expectations, or even causing harm to themselves or others if the advertised product does not deliver as promised.

- **Financial Loss:** Consumers may suffer financial losses as a result of misleading advertisements. They may pay higher prices for products based on false claims or purchase ineffective or substandard goods that fail to deliver the promised benefits. This can result in wasted money and dissatisfaction with the purchase.
- **Health and Safety Risks:** Misleading advertisements for products such as pharmaceuticals, health supplements, or medical devices can pose health and safety risks to consumers. False claims about the effectiveness or safety of these products may lead individuals to use them without proper medical guidance, potentially causing harm or adverse side effects.
- **Undermining Trust:** Misleading advertising erodes trust in businesses and undermines confidence in the marketplace. When consumers are repeatedly exposed to deceptive marketing tactics, they may become sceptical of all advertising messages, making it harder for legitimate businesses to reach and connect with their target audience.
- **Unfair Competition:** Misleading advertisements can give unethical businesses an unfair advantage over competitors who adhere to truthful and transparent marketing practices. By making false claims or misrepresenting their products, businesses may attract customers away from competitors who offer genuine products or services.
- **Legal and Regulatory Consequences:** Businesses that engage in misleading advertising may face legal and regulatory consequences, including fines, penalties, and damage to their reputation. Regulatory bodies and consumer protection agencies actively monitor advertising practices and take action against companies found to be in violation of advertising standards and regulations.

### MAINS PRACTISE QUESTION

**Q1. How do misleading advertisements contribute to unfair competition in the marketplace, and what legal and regulatory consequences do businesses face for engaging in deceptive advertising practices?**

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## WORLD WILDLIFE CRIME REPORT 2024

THIS ARTICLE COVERS 'DAILY CURRENT AFFAIRS' AND THE TOPIC DETAILS OF "WORLD WILDLIFE CRIME REPORT 2024". THIS TOPIC IS RELEVANT IN THE "ENVIRONMENT" SECTION OF THE UPSC CSE EXAM.

### WHY IN THE NEWS?

The United Nations Office on Drugs and Crime (UNODC) recently released the World Wildlife Crime Report 2024. This document analyses the illegal trade in wildlife from 2015 to 2021.

This is the third edition (2024) of the report, which investigates the trends in the illegal trade of protected wildlife species. It offers a comprehensive examination of the damages and consequences

of wildlife crimes, explores what drives the trends in wildlife trafficking, and reviews the current understanding of how effective various interventions are in addressing this issue.

### KEY HIGHLIGHTS OF THE REPORT:

- The report shows rhinos and pangolins were the most impacted animal species. The rhino Horn Market was the largest, at 29%, and the Pangolin Scales Market was close to 28%.
- The Elephant Ivory Market ranked third at 15%. Other species affected included eels, crocodiles, parrots, cockatoos, various carnivores, turtles, tortoises, snakes, and seahorses, which made up additional, smaller percentages of the market.
- The plant species most impacted were cedars and other members of the Sapindales order, with their market share at 47%. Following closely, the market for Rosewoods was the second largest, covering 35%.
- The Agarwood market and other species from the Myrtales order were the third largest, constituting 13%. Other species that faced significant effects included the golden chicken fern and orchids, among various others.
- The data on seizures of biodiversity products reveals that corals constitute 16% of the total seizures, while crocodilians represent 9%. Elephants and bivalve molluscs each account for 6% of the seizures.
- Among the commodities seized, 16% comprised Coral Pieces, 15% comprised live specimens, and 10% comprised Animal Product Medicines. The remainder included animal meat, shells, small leather goods, and other commodities, each representing a smaller proportion.

### WHAT IS WILDLIFE CRIME?

Wildlife crime encompasses unlawful actions related to trading, poaching, collecting, and exploiting wild flora and fauna. Such actions often breach both local and global legal frameworks. This crime poses a severe risk to the variety of life on our planet, undermines conservation initiatives, and disrupts the natural balance. **Key aspects include:**

1. **Poaching:** Illegal hunting or capturing of wild animals. Poaching often targets species for their valuable parts, such as elephant ivory, rhino horns, or tiger skins.
2. **Illegal Logging:** Harvesting timber from protected forests or without appropriate permits affects flora and fauna.
3. **Unregulated Fishing:** It includes practices such as illegal, unreported, and unregulated (IUU) fishing, which depletes fish stocks and harms marine ecosystems.
4. **Trafficking and Smuggling:** Involves the illegal trade and transport of wildlife across borders, often facilitated by organized crime networks.
5. **Environmental Impact:** Wildlife crime contributes to the decline of species populations, habitat destruction, and disruption of ecosystems, leading to broader environmental and socio-economic consequences.

India ranks among the top 20 nations for wildlife trafficking and is among the top 10 when it comes to trafficking via air. The primary routes for international wildlife trafficking to and from India are through the Northeast region or airports. Chennai and Mumbai airports are significant centres for such illicit activities.

### **WAY FORWARD:**

- Update and refine both national and international laws to be thorough and current, establishing significant penalties to discourage wildlife-related offences. Offer targeted training programs for law enforcement, customs officials, and judicial staff to enhance their skills in recognising and managing wildlife crimes. Ensure organisations fighting wildlife crime are well-equipped with the necessary technology and resources.
- Enhance the capabilities of global organizations such as INTERPOL and CITES to lead coordination and intelligence-sharing efforts. Promote collaborative operations among nations to dismantle cross-border wildlife trafficking rings.
- Implement initiatives to raise public awareness about the negative impacts of wildlife crime and the critical need for conservation. Engaging local communities in conservation ensures they receive economic advantages from wildlife protection.
- Expand and enhance the scale of protected zones, ensuring thorough management and surveillance. Preserve and rehabilitate biodiversity pathways to facilitate the secure movement and genetic diversity among animal communities.
- Use uncrewed aerial vehicles and photographic surveillance to oversee wildlife and instantly counteract poaching efforts. Implement GPS tagging and various tracking mechanisms to observe the migration patterns of at-risk animals. Employ data analysis techniques to foresee and avert areas prone to wildlife crimes.

### **MAINS PRACTICE QUESTION:**

- Q. Examine the role local communities play in combating wildlife crimes. How do technology and innovation contribute to the fight against illegal wildlife trade?**

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