



FACULTY OF JURIDICAL SCIENCES

COURSE: LL.M. 1st Semester

GROUP: Constitutional Law

SUBJECT: Media Law

SUBJECT CODE: LL.M. 110

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Lecture-17



CODE OF ETHICS BY ADVERTISING COUNCIL OF INDIA

The following are excerpts from the Code of Ethics for Advertising issued by the Advertising Council of India:

- o Advertising should be so designed as to conform not only to the laws but also the moral, aesthetic and religious sentiments of the country.
- o No advertisement likely to bring advertising into contempt or disrepute should be permitted. Advertising should not take advantage of the superstition or ignorance of the general public.
- o No advertisements of talismans, charms and character reading from photographs or such other matter as will trade on the superstition of general public shall be permitted.
- o Advertising should be truthful avoid distorting facts and misleading the public by means of implications and omissions. For instance, it should not mislead the consumer by false statements as to:
 - * The character of the merchandise, i.e., its utility, materials, ingredients, origin, etc.;
 - * The price of the merchandise, its value, its suitability of terms of purchase;
 - * The services accompanying purchase, including delivery, exchange, return, repair, upkeep, etc.;
 - * Personal recommendations of the article of service. Testimonials which are fictitious and /or fraudulent or the originals of which cannot be produced must not be used. Anyone using testimonials in advertisements is as responsible for the statements made in them, as he would be if he had made them himself;
 - * The quality of the value of competing goods or the trustworthiness of statements made by others.
- o No advertisement should be permitted to contain any claim so exaggerated as to lead inevitably to disappointment in the mind of the public. Special care is called for in the following cases:

- * Advertisements addressed to those suffering from illness. (In this respect the Code of Standards of Advertising in relation to medicine must be adhered to);
- * Advertisements inviting the public to invest money. Such advertisements should not contain statements, which may mislead the public in respect of the security offered, rates of return etc;
- * Advertisements inviting the public to take part in lotteries or competitions such as are permitted by law or which hold out the prospects of gifts. Such advertisements should state clearly all the conditions for the lotteries or competition or the conditions for the distribution of the gifts;
- * The publication of employment notices requiring fees for application forms, prospects, etc., and security deposits should be forbidden except when such advertisement emanate from governmental or quasi-governmental sources.

o Methods of advertising designed to create confusion of the mind of the consumer as between goods by one maker and another maker are unfair and should not be used.

Such methods may consist in:

- * The imitation of the trade mark or name of competitor or the packaging or labeling of goods; or
- * The imitation of advertising devices, copy, layouts or slogans.

o Advertising should endeavour to gain the goodwill of the public on the basis of the merits of the goods or services advertised. Direct comparison with competing goods or firms and disparaging references are in no circumstances permitted.

o Vulgar, suggestive, repulsive or offensive themes or treatments should be avoided in all advertisements. This also applies to such advertisements, which in themselves are not objectionable as defined above, but which advertise objectionable books, photographs or other matter and thereby lead to their sale and circulation.

o No advertisement should offer to refund money paid.

o The use of National Emblems is prohibited by law in advertisements, trade marks, etc., except by Governmental agencies. Also the use of the pictures of Mahatma Gandhi, the President, the

Vice-President and the Prime Minister of India is forbidden in such advertisements, trade marks, etc., except by previous permission. This rule does not apply to advertising of books, films or other items in which these personages form the chief subject.

DRUGS & MAGIC REMEDIES ACT, 1954:

This act is known as the Drugs and Magic Remedies (objectionable advertisements) act, 1954. This act was enacted to control the advertisements of drugs in certain cases, to prohibit the advertisements for certain drugs for matters connected therewith.

DEFINITIONS:

The important terms appearing in the Act such as advertisement, drug, magic remedy, and registered medical practitioner have been defined in the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954. The definitions are as follows:

Advertisement: “Advertisement” includes any notice, circular, label, wrapper, or other document, and any announcement made orally or by any means of producing or transmitting light sound or smoke. (Section 2(a) of the Act).

Drug: “Drug” includes:

- (i) A medicine for the internal or external use of human being or animals;
- (ii) Any substance intended to be used for or in the diagnosis, cure, mitigation, treatment or prevention of disease in human beings or animals;
- (iii) Any article, other than food, intended to affect or influence in any way the structure or any organic function of the body of human beings or animals;
- (iv) Any article intended for use as a component of any medicine, substance or article, referred to in sub-clauses (i) (ii) and (iii). (Section 2(b) of the Act).

Magic Remedy: “Magic remedy” includes a talisman, mantra kavacha, and any other charm of any kind which is alleged to possess miraculous powers for or in diagnosis, cure, mitigation,

treatment or prevention of any disease in human beings or animals, or for affecting or influencing in any way the structure or any organic function of the body of human beings or animals. (Section 2(c) of the Act).

Registered Medical Practitioner: “Registered medical practitioner” means any person -

o Who holds a qualification granted by an authority specified in, or notified under, Section 3 of the Indian Medical Council Act, 1956; or

o Who is entitled to be registered as a medical practitioner under any law for the time being in force in any State to which this Act extends relating to the registration of medical practitioners. (Section 2(c) of the Act).

SELF-TEST QUESTIONS

S.NO	Question	Option (a)	Option (b)
1.	Advertising should be so designed as to confirm not only to the laws but also the moral, aesthetic and religious sentiments of the country.	True	False
2.	No advertisements of talismans, charms and character reading from photographs or such other matter as will trade on the superstition of general public shall be permitted.	True	False
3.	Personal recommendations of the article of service. Testimonials which are fictitious and /or fraudulent or the originals of which cannot be produced must not be used.	True	False
4.	The quality of the value of competing goods or the trustworthiness of statements made by others.	True	False
5.	Advertisements inviting the public to invest money. Such advertisements should not contain statements, which may mislead the public in respect of the security offered, rates of return etc.	True	False

Answers: 1-(b),2-(a), 3-(a),4-(a),5-(a)