
**MISLEADING DRUGS ADVERTISEMENT AND CONSUMER
PROTECTION LAWS**

***Mr. Aditya Chaurasiya, Mr. Devasish Jena, Mr. Satyam Kumar Yadav**

India.

Article Received: 28 February 2026, Article Revised: 18 March 2026, Published on: 08 April 2026

***Corresponding Author: Mr. Aditya Chaurasiya**

India.

DOI: <https://doi-doi.org/101555/ijarp.6768>**ABSTRACT:**

Misleading drug advertisements pose a significant threat to public health and consumer protection, especially in developing nations such as India. These advertisements frequently include overstated, deceptive, or unsubstantiated claims about the effectiveness, safety, and therapeutic benefits of pharmaceutical and herbal products. Such practices may result in self-treatment, postponement of professional medical advice, harmful health consequences, and economic exploitation of consumers. Additionally, the rapid expansion of digital platforms and influencer-based marketing has further amplified the dissemination of such deceptive promotional content.

To tackle these issues, India has developed a robust legal framework, including the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, and the Consumer Protection Act, 2019. These legislations restrict false or misleading claims, regulate the advertisement of specific diseases, and provide avenues for consumer grievance redressal. Regulatory authorities such as :

Central Consumer Protection Authority (CCPA). Advertising Standards Council of India (ASCI). Drugs Controller General of India (DCGI).

play an essential role in supervising and curbing unethical advertising practices.

This article examines the concept, causes, and consequences of misleading drug advertisements, along with the legal measures in place to safeguard consumer interests. It also highlights the need for increased awareness, effective enforcement of regulations, and ethical accountability among pharmaceutical companies and advertisers. Promoting accurate and evidence-based drug information is crucial for protecting public health and sustaining confidence in the healthcare system.

INTRODUCTION

Advertising has a significant impact on our everyday lives. It largely shapes our perceptions and lifestyle, while also influencing our thoughts and attitudes toward ourselves. It often presents ready-made patterns of behavior within a specific context and indirectly suggests what is right or wrong. People tend to accept, often unquestioningly, what is communicated or implied through advertisements. Advertising affects every consumer, even when they are not consciously aware of its influence. In many ways, modern society is dominated by scientific and technological advancements, which advertising effectively utilizes to its advantage.

Advertising is becoming increasingly widespread with each passing day. Companies invest substantial amounts of money in advertising campaigns, leading to enormous financial returns and multi-billion-dollar revenues. Moreover, it has become an essential element for any organization aiming for economic growth and market success, although the cost of advertising continues to rise steadily. As a key component of integrated marketing communication, advertising is a paid form of non-personal communication. Businesses depend heavily on it to create product awareness, introduce new offerings, and communicate product modifications.

The most notable developments in the global advertising industry took place during the twentieth century. It would not be incorrect to describe this period as the “era of advertising,” as it witnessed remarkable progress and innovation in both technology and promotional strategies. In the present era, individual preferences and decisions are strongly shaped by advertisements. As has long been the case, a wide range of products—including olive oil, cattle, horses, other animals, tools, and weapons—have been promoted through advertising, highlighting its enduring and pervasive role in commerce.

The effectiveness of an advertisement largely depends on how it is interpreted by the target audience. Companies and advertising agencies understand that perception is a crucial factor that can greatly influence the success of an advertising campaign. Advertising professionals continuously strive to ensure that their messages are understood by the audience in the intended manner, so that the campaign achieves its goals and delivers the desired outcomes. Consequently, managing and shaping consumer perception has become a challenging and essential responsibility for advertising agencies.

When an advertisement becomes misleading to the consumer:

- When a company promotes a product, such as a refrigerator, by claiming that it is the best in the market and can keep fruits and vegetables fresh for up to 30 days, but the product fails to deliver on this promise, such advertising is considered misleading to consumers.

- When a detergent advertisement claims that it can remove all types of stains, such as oil, grease, etc., in a single wash, the product must be capable of delivering that result, and the manufacturer should have evidence to support the claim. If it fails to do so, the advertisement is considered misleading or a false statement.
- If a face cream advertisement claims that the product can remove dark spots and enhance skin tone, but fails to deliver these results, then such an advertisement is considered misleading.

Meaning of Misleading Drug Advertisement

A misleading drug advertisement refers to any promotional activity that presents incorrect, unclear, or overstated information about a drug's effectiveness, safety, or quality. These advertisements may promise certain cures, rapid results, or no side effects without proper scientific proof. They often target susceptible groups by taking advantage of fear, hope, or limited awareness.

Common examples include advertisements claiming "instant relief from diabetes," "permanent remedy for sexual weakness," or "completely safe herbal products with no side effects." Such claims are scientifically doubtful and legally restricted.

EXISTING METHODS AND LAWS CONCERNING IN DECEPTIVE ADVERTISEMENT:

There are various laws and regulations related to deceptive advertising that both **safeguard consumers and penalize offenders**. These provisions are found not only in the **Indian Constitution** but also in several other statutes and regulatory bodies that **discourage and take action against violators**. Some examples are given below:

1. Laws applicable to advertising in general (Horizontal)

- Consumer Protection Act, 2019
- Cable Television Networks (Regulation) Act, 1995
- Trade and Merchandise Marks Act, 1958

2. Laws specifically applicable to advertising in certain sectors (Vertical)

- Drugs and Cosmetics Act, 1940
- Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954

3. Regulatory authorities with powers to supervise advertising in their respective sectors

- Telecom Regulatory Authority of India (TRAI)
- Insurance Regulatory and Development Authority (IRDA)

- Securities and Exchange Board of India (SEBI)
- Reserve Bank of India (RBI)
- Medical Council of India (MCI)

CONSUMER PROTECTION ACT,2019:

The Consumer Affairs, Food, and Public Distribution Minister, Ram Vilas Paswan, introduced the Consumer Protection Act, 2019 in the Lok Sabha on July 8, 2019, replacing COPRA 1986. It was passed by the Lok Sabha on July 30, 2019, and later approved by the Rajya Sabha on August 6, 2019. On August 9, Ram Nath Kovind gave his assent, after which it was published in the The Gazette of India.

The Act came into force on July 20, 2020, although certain provisions, such as the establishment of the Central Consumer Protection Authority (CCPA), became effective from July 24, 2020. The features of the Act focus on strengthening consumer rights by promoting transparency and accountability.

In September 2020, the government issued a revised draft of the “advertising code” aimed at safeguarding consumers from deceptive advertisements. The Consumer Protection Act, 2019 empowers consumers to initiate legal proceedings against unfair and misleading marketing practices and to claim compensation for any loss or injury caused by such advertisements.

CONSUMER RIGHTS UNDER CONSUMER PROTECTION ACT,2019:

The following consumer rights are mainly defined under the 2019 consumer protection bill.

- Be protected from the promotion of products and services that pose a risk to property or human life.
- Be knowledgeable about the standard, price, quantity, potency, purity, and quality of products and services.
- Count on having easy access to a range of products and services at affordable rates.
- Get redress for unfair and limiting business practices.

What are the main features of the Consumer Protection Act 2019:

While retaining certain provisions of earlier laws, the Consumer Protection Act, 2019 introduces several new measures to strengthen consumer rights and create a more comprehensive legal framework for consumer protection:

- The definition of “consumer” has been broadened to include both offline and online transactions conducted through electronic means, teleshopping, direct selling, and multi-level

marketing.

- The term “District Forum” has been replaced with “District Commission.”
- The pecuniary jurisdiction has been revised: the District Commission can handle cases up to ₹1 crore, the State Commission from ₹1 crore to ₹10 crore, and the National Commission for claims exceeding ₹10 crore.
- Apart from earlier provisions, a complaint can now be filed in the jurisdiction where the complainant resides or works. The time limit for filing an appeal has been increased from 30 days to 45 days, with the State Commission retaining the power to condone delays.
- The State Commission is required to have at least four members, including a President.
- The opposite party must deposit 50% of the awarded amount before filing an appeal with the State Commission. The earlier cap of ₹25,000 has been removed under the new Act.
- A key feature of the new law is the provision for electronic filing of complaints. Consumers can file complaints online and attend hearings or examine witnesses through video conferencing.
- The Act also introduces the concept of “Product Liability,” holding manufacturers, sellers, or service providers accountable for harm caused by defective products or deficient services.

Guidelines are given by the central consumer protection authority on the misleading advertisement

To curb misleading advertisements and protect consumers from exploitation or harm, the Central Consumer Protection Authority (CCPA), under the Department of Consumer Affairs, issued the *Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022*. These guidelines are designed to shield consumers from deceptive claims, exaggerated assurances, misinformation, and fraudulent representations. Such advertisements violate key consumer rights, including the right to be informed, the right to choose freely, and the right to safety against hazardous goods and services.

Under Section 10 of the Consumer Protection Act, 2019, the Central Consumer Protection Authority (CCPA) was established to regulate matters related to violations of consumer rights, unfair trade practices, and false or misleading advertisements that adversely affect public and consumer interests. It also works to promote, protect, and enforce consumer rights collectively. Misleading advertisements are defined under Section 2(28) of the Consumer Protection Act, 2019. The guidelines further clarify terms such as “bait advertisement,” “surrogate advertisement,” and “free claim advertisement.”

Disclaimers in advertisements play a crucial role from a consumer perspective, as they may

limit the liability of companies. However, the guidelines clearly state that disclaimers must not hide or obscure essential information related to any claim made in an advertisement. They cannot be used to correct or override a misleading claim. Additionally, the font size and style of the disclaimer must be consistent with that of the main claim, and it must be presented in the same language as the advertisement to ensure legal validity.

The guidelines also set out clear responsibilities for manufacturers, service providers, advertisers, and advertising agencies. Their primary objective is to protect consumer interests and enable informed decision-making by ensuring transparency and accuracy in advertising, rather than relying on exaggeration or deceptive narratives.

Strict penalties have also been prescribed for violations. The CCPA can impose a fine of up to ₹10 lakh for misleading advertisements, which may extend up to ₹50 lakh for repeated offences. Furthermore, endorsers of such advertisements may be prohibited from making endorsements for up to one year, with repeat violations attracting a ban of up to three years.

During the COVID-19 period (COVID-19), many companies made false claims that their products could prevent or cure the virus. If such advertisements are misleading or fail to deliver what they promise, you can take the following steps under the Consumer Protection Act, 2019:

It is unfortunate that some unethical manufacturers exploited consumers' fear during the COVID-19 pandemic by promoting a variety of unverified claims. Over the past few years, a noticeable trend in advertising has been to associate products with supposed benefits related to COVID-19 in order to influence consumer purchasing decisions.

The Advertising Standards Council of India (ASCI), a self-regulatory body, examined such COVID-related claims across a wide range of products during the financial year 2020–21, including garments, paints, air conditioners, fans, laminates, plywood, and floor cleaners. Out of 332 advertisements reviewed for misleading content, only 12 claims were substantiated by manufacturers, highlighting the widespread nature of deceptive advertising.

To verify the authenticity of such claims, expert evaluation is often necessary. Consumers are advised to report suspicious or misleading advertisements to ASCI and relevant regulatory authorities.

According to a 2022 report, more than 6,000 complaints regarding misleading advertisements were filed on the Grievance Against Misleading Advertisements (GAMA) portal, launched by the Department of Consumer Affairs, over a span of three years.

Anurag Thakur, the Union Minister of Information and Broadcasting, informed the Lok Sabha that the portal received 6,154 complaints between 2019 and 2021. Specifically:

- 3,416 complaints were recorded in 2019
- 1,790 in 2020
- 948 in 2021

The Minister further clarified that all advertisements broadcast on private satellite television channels must comply with the Advertising Code prescribed under the Cable Television Networks Rules, 1994. The Ministry of Information and Broadcasting regularly issues advisories to broadcasters to ensure adherence to these standards.

With effect from July 24, 2020, the Consumer Protection Act, 2019 led to the establishment of the Central Consumer Protection Authority (CCPA), which has the authority to investigate misleading advertisements either suo motu or based on complaints and directions from the central government.

SUGGESTIONS:

- Consumers should be provided with prompt and convenient options, such as filing complaints online.
- Affordable and user-friendly digital platforms for lodging complaints should be made available.
- To discourage unfair trade practices, consumers should actively report any unethical activities.
- Children should be educated about health-related claims made in advertisements for specific products.
- Irrespective of how a product is portrayed in advertisements, consumers should carefully check the nutritional information before purchasing.

CONCLUSION

In today's world, media has become the most influential platform, reaching a vast audience and significantly shaping consumer perceptions. However, the growing presence of misleading and deceptive advertisements has negatively impacted consumer behavior. People are frequently exposed to exaggerated claims and false promises about products and services, which gradually erode their trust in advertising. When consumers realize that companies are being dishonest, they are more likely to withdraw their loyalty and avoid such brands

altogether.

This study highlights that deceptive advertising not only misguides consumers but also creates a general sense of distrust toward all forms of promotion. As a result, consumers are compelled to follow a more cautious and detailed decision-making process, verifying information before purchasing any product or service. It emphasizes the importance of awareness and vigilance while making buying decisions.

Consumers should also be informed about available legal remedies such as seeking injunctions, requesting correction of misleading advertisements, and claiming compensation for damages. In response to increasing concerns over deceptive advertising, the Ministry of Health introduced the Medicines and Magic Remedies (Objectionable Advertisements) (Amendment) Bill, 2020 to address evolving challenges and technological advancements.

Despite the existence of legal frameworks like the Consumer Protection Act, 2019, their enforcement in effectively curbing misleading advertisements remains limited. Therefore, it becomes essential for consumers to stay well-informed and critically evaluate products and services before making decisions. They should not rely solely on advertising claims.

Additionally, consumer attitudes and societal pressures often contribute to the success of misleading advertisements. In a world where people seek quick results and ideal appearances, many fall prey to unrealistic promises. Hence, individuals should develop self-awareness, think rationally, and avoid being influenced by exaggerated marketing narratives. Being informed, cautious, and confident in one's choices is key to preventing deception.

REFERENCES:

1. *Articles – Manupatra*, <https://articles.manupatra.com/journals/International-Journal-of-Law-Management-and-Humanities>.
2. *Aayush Pandey*. (2021 July 05). *Misleading advertisements in the food industry and Consumer Protection laws*.
3. *Abernethy, A. M., & Butler, D. D.* (1992). *Advertising information: Services versus products*. *Journal of Retailing*, 68(4), 398-/419.
4. *Khan, K. M., Azam, M. K., & Khan, M. A.* (1991). *Information or persuasion: A content analysis of magazine advertisements in India*. *International Journal of Marketing*, 3(2), 55-63.
5. *Resnik, A., & Stern, B. L.* (1977). *An analysis of information content in television advertising*. *Journal of Marketing*, 41(1), 50-/53.
6. *The Consumer Protection Bill, 2019*, <https://prsindia.org/billtrack/the-consumer->

- protection- bill-2019.*
7. Centre issues 'Guidelines on the Prevention of Misleading Advertisements and Endorsements for misleading Advertisements, 2022; (June 10, 2022). <https://pib.gov.in>.
 8. Ministry of Consumer Affairs Food and Public Distr (Feb16,2023).
 9. <https://consumeraffairs.nic.in>
 10. Richa Jhanwar and Dishita Khanddia. (Nov. 7, 2020), *Advertisement-and-Its-Misleading. INTERNATIONAL JOURNAL Of LAW MANAGEMENT & HUMANITIES, vol.3(8), 2581- 5369.*