



ISSN (E): 2277-7695

ISSN (P): 2349-8242

TPI 2024; 13(4): 80-82

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www.thepharmajournal.com

Received: 03-02-2024

Accepted: 025-03-2024

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Role of Advertising Standards Council of India (ASCI) in food & beverages industry: A review

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Abstract

Misleading food advertisements often exploit inaccurate claims regarding product attributes, nutrition, health benefits or origin, leaving consumers with ill-informed choices. The Advertising Standards Council of India (ASCI) assumes a pivotal role in overseeing advertising practices within the food industry, ensuring transparency and responsibility. As a self-regulatory entity, ASCI establishes rigorous guidelines and codes for food advertisers, stressing accurate information, supported assertions and ethical communication. This curbs deceptive ads that could influence buying decisions. ASCI's involvement extends to fostering responsible advertising through partnerships with government bodies, industry associations and consumer organizations. Collaborating with the Food Safety and Standards Authority of India (FSSAI), ASCI counters false health and nutritional claims by food processors. It's already engaged with the Department of Consumer Affairs, addressing misleading ads in key sectors. This underscores ASCI's profound impact in upholding the authenticity of Indian food and beverage advertisements.

Keywords: Food industry, ASCI, food safety, FSSAI, misleading advertisements

Introduction

Marketing tactics frequently target the generation of substantial sales and revenue. Marketing is a business principle which uses research and other methods to promote products and services. Advertisements serve as a means to introduce a range of foods and services to the general public (Arnas, 2006) [1]. Advertising is comparable to a morally neutral energy source, much like electricity. It possesses the ability to both enlighten and potentially harm. Its contribution to society hinges on the manner in which it is employed (Bhatnagar *et al.*, 2013) [2]. For numerous decades, advertising has saturated our visual and auditory surroundings. It functions as a form of communication aimed at persuading an audience, influencing their actions in connection with a commercial proposition (Dang, 2019) [3]. Cognitive neuroscience research reveals that when we encounter something visually edible, even in images like advertisements or digital screens, our brain promptly gauges the probable energy density of the food. Subsequently, it automatically shifts visual attention towards the most energy-dense element within the scene (Ruzzoli *et al.*, 2020) [4].

ASCI

The impact of advertisements on consumer decision-making is indisputable. Hence, it is crucial for advertisements to uphold fairness and truthfulness. While advertisements naturally aim to highlight the positive aspects of a product or service, some may tend towards exaggeration. However, when advertisements knowingly convey falsehoods or distort facts, thus leading consumers astray, it crosses a line and becomes objectionable (www.consumeraffairs.nic.in). Several concerns have afflicted the marketing landscape concerning misleading advertising. Foremost among these is the issue of advertisements aimed at children. Crafted to target individuals lacking the capacity to discern truth from falsehood, these ads can be contended as inherently misleading. The Advertising Standards Council of India (ASCI) plays a pivotal role in the food and beverage industry by ensuring ethical and responsible advertising practices (www.mygov.in).

The Advertising Standards Council of India (ASCI) is a voluntary self-regulatory council established in 1985. Its team comprises the Board of Governors and the Consumer Complaints Council (CCC). ASCI's overarching goal is to maintain and enhance the public's confidence in advertising. All four key sectors involved in advertising, namely advertisers, advertising agencies, media (owners of press, television, radio, etc.), and related sectors (outdoor agencies,

PR, market researchers, ad producers, business schools, etc.), unite and voluntarily commit to adhering to a set of guidelines or rules, i.e., the code, aimed at protecting consumer interests and ensuring fair play among competitors (www.ascionline.in).

The Food Safety and Standards Authority of India (FSSAI) collaborated with the Advertising Standards Council of India (ASCI) to jointly monitor misleading health and nutritional claims made by food processing companies. ASCI has an ongoing collaboration with the Department of Consumer Affairs to address misleading advertisements across six priority sectors, encompassing areas like agriculture and food, health, education, housing, financial services, and e-commerce. In the previous year, the Department entrusted ASCI with overseeing the GAMA (Grievances against Misleading Advertisements) web portal for complaint resolution. Similar cooperative regulatory endeavours could be pursued by ASCI and FSSAI to safeguard consumers against misleading, untrue, and unsupported assertions by food companies. (www.fssai.gov.in).

Dated June 28th, 2016, New Delhi: In a steadfast move towards fostering co-regulation within advertising, the Food Safety and Standards Authority of India (FSSAI) has formalized a MoU in collaboration with the Advertising Standards Council of India (ASCI). Focusing on the realm of misleading advertisements within the Food and Beverage sector (F&B), ASCI will undertake a comprehensive oversight of these advertisements across diverse media platforms. Bestowed with autonomous monitoring authority by FSSAI, ASCI is tasked with processing complaints against deceptive F&B advertisements. The MoU also necessitates ASCI to communicate instances of non-compliance with its decisions to FSSAI, facilitating subsequent actions in accordance with FSSAI Act provisions. FSSAI received instances of misleading advertisements through the "GAMA PORTAL". To date, 21 cases have been received, with 06 already resolved by FSSAI, while the remaining cases are undergoing various stages of review and resolution (www.fssai.gov.in).

Complaints concerning misleading F&B advertisements will be forwarded by FSSAI to ASCI for evaluation. ASCI will assess these complaints in line with its established code and guidelines, encompassing scrutiny for breaches of the FSS Act and Regulations concerning advertisements featuring deceptive, unsupported, or untrue assertions. This collaboration will establish a framework for overseeing misleading advertisements, contributing to the efficient alignment of advertisements through well-defined guidelines and suitable measures (www.fssai.gov.in).

FSSAI will also address the labelling matter. The aim is to ensure that ingredient information is presented in a manner accessible to all buyers, regardless of their scientific expertise. The scientific panel responsible for setting labelling standards has recently reviewed various aspects and formulated recommendations pending approval. While ASCI focuses more on self-regulation, FSSAI is poised for increased efficacy with the impending enactment of a recall policy, outlining a systematic mechanism. Recent data reveals that ASCI's Consumer Complaints Council upheld grievances against 90 out of 156 advertisements in March 2021, including 10 involving food and beverage companies. The ASCI and its Consumer Complaints Council (CCC) are responsible for addressing complaints from consumers and

the industry regarding advertisements that are deemed false, misleading, indecent, illegal, promoting unsafe practices, or unfair to competition. These actions are in violation of the ASCI Code for Self-Regulation in Advertising (www.fssai.gov.in).

The Food Safety and Standard Authority of India (FSSAI) is responsible for protecting and promoting public health through the regulation and supervision of food safety. According to the Food Safety and Standards Act 2006, "any person who publishes or is party to the publication of an advertisement, which (i) falsely describes any food or (ii) is likely to mislead as to the nature or substance or quality of any food or gives false guarantee, shall be liable to a penalty which may extend to ₹10 lakh.

Self-Regulation guidelines on advertising of foods & beverages (F&B)

Careful attention is essential when advertising Food and Beverage (F&B) products, particularly those with relatively high Fat, Sugar and Salt (HFSS) content. Recognizing the importance of maintaining strong business ethics to ensure responsible communication with consumers, and the obligation to provide transparent and truthful information about F&B items, the following guidelines have been established.

1. Advertisements must be truthful and not deceitful. Particularly, they shouldn't create false beliefs that using the promoted product will lead to personal improvements in intelligence, physical capability, or recognition. If such claims are included, they must be backed by evidence and a solid scientific foundation.
2. Advertisements containing health or nutritional claims should be backed by suitable scientific evidence and adhere to the basic Food Standards outlined in the Food Safety Standards Act and Rules, if applicable, as understood by a reasonable consumer.
3. Advertisements must refrain from criticizing sound dietary habits or the choice of options like fresh fruits and vegetables, which established dietary consensus suggests as integral to a balanced diet.
4. Ads should avoid promoting excessive consumption or depicting excessively large portions of any food or drink. Instead, they should endorse moderation in consumption and depict portion sizes suitable for the occasion or context.
5. Advertisements must not downplay the significance of healthy lifestyles or provide false information about the nutritional value of the advertised food or drink.
6. Ads mustn't diminish the influence of parental care and guidance in ensuring children make appropriate food choices.
7. Unless explicitly nutritionally designed for such, ads for food or beverages should refrain from promoting or depicting them as substitutes for complete meals.
8. Advertisements must align with information on the label or packaging of the food or beverage, avoiding inconsistencies in claims.
9. Advertisements related to food and beverages must refrain from asserting or implying approval by any Indian Government Agency, professional organization, independent entity, or individual in a specific profession, unless there is prior authorization, the claim is up-to-date, and the endorsement is provable with the agency or body specified (www.fssai.gov.in)

Table 1: Analyzing claims, consumer complaints and adjudicative decisions in advertising by ASCI (www.ascionline.in).

S. No	Claim	Complaint	Decision
1	Supreme Sunflower Oil is "Toppe (paunch) control oil", "Low Cholesterol", and "Low Fat"	The conclusions made in the advertisement are deceptive and imply a miraculous solution.	The advertisement is likely to encourage unhealthy overconsumption, potentially leading to obesity.
2	"Happy Heart", "Healthy Soups"	This suggests that consuming Maggi soups improves heart health.	The claim "Happy Heart" is misleading by implication. Additionally, the claim "REAL recognizes that soups which are low in Fat & Cholesterol help heart stay healthy" is misleading due to ambiguity.
3	Children who eat Sunfeast Milky Magic grow taller	This commercial is highly exaggerated and misleading, suggesting that biscuits play a significant role in a person's growth.	The visual presentation is likely to take advantage of children's susceptibility. The advertisement is misleading due to its significant exaggeration.
4	The TV commercial (animated film) depicts "lots of bananas falling from trees and becoming biscuits"	The TV commercial gives the impression that "Tiger Banana biscuits" are packed with bananas. However, the product contains only 0.5% banana powder.	The claims made were substantiated

Conclusion

In conclusion, the Advertising Standards Council of India (ASCI) assumes a crucial role within the food and beverage industry by upholding ethical advertising practices. Through vigilant oversight and enforcement of guidelines, ASCI ensures that advertisements accurately represent products, avoid deceptive claims, and prioritize consumer well-being. By collaborating with regulatory bodies and industry stakeholders, ASCI contributes to a transparent and responsible advertising environment, fostering consumer trust and facilitating informed choices. This partnership between ASCI and the food and beverage industry not only safeguards consumer interests but also promotes a harmonious balance between business growth and ethical standards.

Acknowledgement

Authors acknowledge their gratitude to the Department of Processing and Food Engineering, College of Agricultural Engineering, University of Agricultural Sciences, Raichur for invaluable assistance in the completion of this review paper.

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