

No. A-50013/102/2021-DM
Government of India
Ministry of Information & Broadcasting
Digital Media Division

Date: 12th March, 2023

Advisory

To,

1. Publishers of news and current affairs content on digital media
2. Publishers of online curated content on digital media
3. Private Satellite TV channels
4. Online advertisement intermediaries
5. Self-regulating bodies of news and current affairs content publishers on digital media
6. Self-regulating bodies of online curated content publishers
7. Self-regulating bodies of Private Satellite TV channels
8. Social Media Platforms

Subject: Advisory on prohibition of Advertising, Promotion and Endorsement of unlawful activities prohibited under various laws - reg

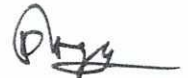
Madam/Sir,

Attention is invited to Central Consumer Protection Authority's (CCPA) Advisory dated 06.03.2024 (copy enclosed) on the abovementioned subject whereby it is cautioned that any advertisement or endorsement, whether directly or indirectly, of activities which are otherwise prohibited by law, including but not limited to betting or gambling, through advertisements or promotions, shall be subject to rigorous scrutiny. In this regard, special attention is drawn towards celebrities and influencers who are endorsing such products/services.

2. All the concerned stakeholders are advised to comply with the abovementioned Advisory and also advisories issued by this Ministry dated 13.06.2022, 03.10.2022, 06.04.2023 and 25.08.2023, refraining from publishing advertisements of online betting or gambling platforms and/or any product/service that promotes such platforms in a surrogate manner.

3. This issues with the approval of the competent authority.

Encl: as above



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CCPA-1/1/2024-CCPA
Central Consumer Protection Authority

Krishi Bhawan, New Delhi
Dated 6 March 2024

Subject: Advisory in terms of Consumer Protection Act, 2019 on Prohibition of Advertising, Promotion, and Endorsement of unlawful activities prohibited under various laws

It has come to the notice of Central Consumer Protection Authority (CCPA) that there are increasing instances of direct as well as surrogate advertisement and endorsements of activities considered illegal such as betting or gambling.

2. Betting and gambling are prohibited under the Public Gambling Act 1867 and considered illegal in most regions across the country. Advertisement of online betting platforms and apps promotes an activity that is predominantly banned and carries significant financial and socio-economic implications on consumers, particularly the youth.

3. Further, in this regard Ministry of Information and Broadcasting has already issued various advisories [No. DM/15/2022-DM dated 13.06.2022, 03.10.2022, 06.04.2023 and 25.08.2023. available at

<https://mib.gov.in/sites/default/files/Advisory%20dated%2025.08.2023%20with%20enclosures.pdf>

<https://mib.gov.in/sites/default/files/Advisory%20to%20Private%20Satellite%20TV%20Channels%2003.10.2022.pdf>

<https://mib.gov.in/sites/default/files/06.04.2023%20Advisory%20on%20Betting%20Advertisements.pdf>

https://mib.gov.in/sites/default/files/Advisory%20on%20online%20betting%20advertisements%2013.06.2022%282%29_0.pdf]

warning media platforms against promoting betting and gambling platforms. The online advertisement intermediaries have also been advised not to target such advertisements towards the Indian audience.

4. It has come to our attention that betting platforms are employing celebrities and influencers to endorse and promote their betting activities. Consequently endorsement by celebrities gives an impression that indulging in such activity is acceptable.

5. Engaging in the promotion or advertisement of online gambling and betting, given its unlawful status in majority of the states, renders one equally liable for participating in an illegal activity. Hence, celebrities and influencers are advised to refrain from endorsing and promoting illegal betting and gambling activities.

6. The Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022 categorically prohibits

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advertisements of products or services that are prohibited from being produced, sold, or provided under any law for the time being in force.

Clause 9 of Guidelines on Prevention of Misleading Advertisements provides as under:

Advertisements prohibited by law. — In addition to the prohibited advertisements as set out in these guidelines, no advertisement shall be permitted which is designed, produced and published in respect of goods, products or services which are prohibited from being produced, sold or provided or which are prohibited from being advertised under any law for the time being in force or under any rules or regulations made thereunder

7. **It is to be noted that what is expressly prohibited under other prevalent laws is also prohibited under Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022** which applies to all advertisements regardless of medium. (Cable TV, Online, Digital Media, print Media etc)

8. Accordingly, it is hereby cautioned that any advertisement or endorsement, whether directly or indirectly, of activities which are otherwise prohibited by law, including but not limited to betting or gambling, through advertisements or promotions, shall be subject to rigorous scrutiny.

9. In case the aforementioned guidelines are violated, stringent measures as per the provisions of Consumer Protection Act, 2019 shall be initiated against the entire spectrum encompassing manufacturers, advertisers, publishers, intermediaries, social media platforms, celebrities, influencers, endorsers, and any other relevant stakeholders.


Rohit Kumar Singh
Chief Commissioner

Copy to:

1. Secretary, Ministry of Information and Broadcasting, Government of India
2. Secretary, Ministry of Electronics & Information Technology
3. Secretary, Press Council of India
4. Self-Regulatory Bodies under Cable Television Network (Amendment) Rules, 2021.
5. Self-Regulatory Bodies under Information Technology Guidelines and Digital Media (Intermediary Ethics Code) Rules, 2021
6. Online Advertisement Intermediaries
7. Secretary, Advertising Standards Council of India (ASCI)
8. Various associations of print media and electronic media.