



2024 AVIA Regulating for Growth – Advertising Matrix for India

	Pay TV	OCC TV	Foreshadowed changes
GENERAL			
<i>Overview of Regulation</i>	<p>There is no single legislation that regulates advertising at Indian law.</p> <p>The Press Council of India Act, 1978, the Cable Television Regulation Act, 1995, the Consumer Protection Act, 2019, the Indecent Representation of Women (Prohibition) Act, 1986, and the Bharatiya Nyaya Sanhita, 2023 (the replacement of the Indian Penal Code, 1860), and the rules issued thereunder, broadly regulate advertising in India.</p> <p>Other legislations regulate the advertising of specific products such as the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of trade and Commerce, Production, Supply and Distribution) Act, 2003, Drugs and Cosmetics Act, 1940, Food Safety and Standards Act, 2006.</p> <p>Further, the Advertising Standards Council of India is a self-regulatory body which issues guidelines for the regulation of advertisements in India. While the ASCI Code was issued for self-regulation of advertisements by members of ASCI, the ASCI Code has also been recognised under the Cable Television Networks Act, 1995 and the rules issued thereunder.</p> <p>Additionally, the Reserve Bank of India, the Securities and Exchange Commission of India, and the Insurance Regulatory and Development Authority of India also regulate advertisements in their respective sectors. Similarly, in addition to the guidelines under the ASCI Code,</p>	<p>In addition to the legislations and guidelines in the corresponding column (barring for the Cable Television Networks Act, 1995 and the rules thereunder), the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 are also applicable to advertisements in the OCC sector, which stipulate that advertisements should <i>inter-alia</i> not affecting sovereignty and integrity of India, endangering the security of the state, affecting friendly relations with foreign countries etc.</p>	<p>In November 2023, the MIB published the Broadcasting Services (Regulation) Bill, 2023 (Broadcast Bill) for stakeholder comments. The Broadcast Bill is the proposed consolidated framework for the broadcasting sector which will include regulations on advertising in the relevant sector. The period of consultation for the Broadcast Bill was extended by the MIB till 15 October 2024.</p>

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	<p>Doordarshan and All India Radio (AIR) adhere to the Doordarshan and AIR Advertisement Code, respectively, formulated under the Prasar Bharati (Broadcasting Corporation of India) Act, 1990.</p>		
<i>Regulatory Bodies</i>	<p>There is no single regulator or legislation that regulates advertising under Indian Law. The Central Consumer Protection Authority established under the Consumer Protection Act, 2019 is empowered to regulate matters relating to unfair trade practices and false or misleading advertisements which are prejudicial to the consumers.</p> <p>The following bodies regulate advertising for Pay TV:</p> <ol style="list-style-type: none"> 1. The Ministry of Information and Broadcasting (MIB) which administers the Cable Television Networks Act, 1995 (CTN Act) and the rules issued thereunder, which prescribes the compliance requirements for advertisements. 2. The CTN Act and the rules thereunder set out that the Advertising Standards Council of India, which is a self-regulatory body, provides recommendations regarding advertisements to ensure they are compliant with the CTN Act, and the rules issued thereunder and ASCI Code. The ASCI Consumer Complaints Council considers complaints against advertisements and discharges the function above. 3. The Electronic Media Monitoring Centre was set up by the MIB to monitor content being aired on permitted satellite television channels for violation of the CTN Act and the rules issued thereunder. 	<p>The provisions in the Bharatiya Nyaya Sanhita, 2023, the Information Technology Act, 2000, <i>inter-alia</i> and the rules issued thereunder including but not limited to the Information Technology (Intermediary Guidelines and Digital Media Ethics Code), Rules, 2021 (Intermediary Guidelines) and the product specific regulations set out below apply to advertisements in the OCC platform space.</p> <p>The Bharatiya Nyaya Sanhita, 2023 prevents the publication of any content which is defamatory, infringing, obscene or otherwise illegal under Indian Law.</p> <p>The Intermediary Guidelines <i>inter-alia</i> require for intermediaries to ensure that the intermediary and persons using its computer resources do not display, upload, modify, publish, transmit, store, update or share information that is the nature of a surrogate advertisement or is a promotion for a non-permissible online game. Further, publishers must ensure that they take into consideration factors such as India's friendly relation with foreign states, content which affects the integrity of India, content which may incite violence or disturbance prior to the publication of content (including advertisements).</p> <p>Members of ASCI are required to adhere to the ASCI Code and industry members also adhere to it as part of the self-regulation structure set out under the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, although there is no</p>	<p>The Broadcast Bill provides for separate advertising which will govern advertisements for all broadcast network operators including Pay TV and OCC platforms. It remains to be seen if the same advertising code will be applicable to advertisements on Pay TV and OCC platforms.</p>

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		statutory recognition of ASCI in terms of OCC televisions as opposed to Pay TV.	
<i>Advertising per hour</i>	<p>The Advertising Code under the CTN Act and the rules issued thereunder, require for advertisements to <i>inter-alia</i> not: (i) deride any race, caste, colour, creed and nationality; (ii) breach any provision of the Constitution of India; (iii) incite people to commit a crime, cause disorder or violence; (iii) exploit the national emblem or any part of the Constitution or the personality of a national leader or State dignitary; (iv) exploit social evils like dowry or child marriage; and (v) directly or indirectly promote the consumption of cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants.</p> <p>Per the Cable Television Networks Rules, 1994 (CTN Rules), no programme can carry advertisements exceeding 12 minutes per hour, which may include up to 10 minutes of commercial advertisements.</p> <p>Per the Standards of Quality of Service (Duration of Advertisements in Television Channels) Regulations, 2012:</p> <ol style="list-style-type: none"> 1. In the case of a live broadcast of sporting events, the advertisements can only be carried out during the breaks of sporting action. 2. The time gap between the end of one advertisement and the start of the next advertisement is to be at least 15 minutes. 3. In case of a film broadcast, the time gap between the advertisements is to be at least 30 minutes. 4. The requirements set out in paragraph 2 and 3 above do not apply to the broadcast of sporting events. 	There are no restrictions on advertising per hour on platforms providing OCC content.	The Broadcast Bill sets out that Advertisement Codes may be prescribed for advertisements broadcasting through linear broadcasting services, on demand broadcasting services, radio broadcasting services and any other category of broadcasting services notified by the Central Government. However, there have been no further notifications in this regard. Accordingly, it remains to be seen how many existing regulations will be subsumed under the Broadcast Bill, and what regulations will be revamped or repealed.

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	<p>5. Advertisements must only be full screen advertisements and there should be no ads that only take up part of the screen or feature drop down advertisements.</p> <p>6. The audio levels of the advertisements must not be higher than the audio level of programmes being broadcast on the channel.</p> <p>7. The 2013 amendment to the regulations mandates that broadcasters report the duration of advertisements carried on their channels to TRAI on a quarterly basis.</p>		
<i>Revenue Restrictions</i>	No restrictions on advertising revenue.	No restrictions on advertising revenue.	<i>See response at 'Advertising per Hour' above.</i>
<i>Product Placement</i>	No restrictions on product placement.	No restrictions on product placement.	<i>See response at 'Advertising per Hour' above.</i>
<i>Foreign Commercials</i>	While there are no specific regulations to this effect, foreign commercials must adhere to the same standards established for domestic advertisements.	No regulations on foreign commercials.	<i>See response at 'Advertising per Hour' above.</i>
<i>Govt Levy</i>	<p>Advertising on broadcast media is liable for Goods and Services Tax (GST) at the rate of 18%.</p> <p>Illustratively, if an advertiser sells advertising spots on pay television channels for INR 10,000, then the purchaser is liable to pay GST of INR 1800.</p>	<p>Advertising on digital media is liable for Goods and Services Tax (GST) at the rate of 18%.</p> <p>The illustration in the corresponding column is applicable as the GST is 18% in each instance.</p>	<i>See response at 'Advertising per Hour' above.</i>
<i>PSAs</i>	There are no specific regulations for PSAs. However, all scenes with alcohol and/ or tobacco consumption must necessarily include statutory warnings regarding their health risk.	In May 2023, the Ministry of Health and Family Welfare notified the Cigarettes and other Tobacco Products (Prohibition of Advertisements and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendment Rules, 2023 which <i>inter-alia</i> require for publishers of online curated content to:	<p><i>See response at 'Advertising per Hour' above.</i></p> <p>On 13 September 2024, the Ministry of Health and Family Welfare released the draft rules further to amend the Cigarettes and other Tobacco Products (Prohibition of Advertisements and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004 which <i>inter-alia</i></p>

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		<ol style="list-style-type: none"> 1. Display anti-tobacco health spots for a minimum of thirty seconds at the beginning and middle of each programme. 2. Display an anti-tobacco health warning as a static message at the bottom of the screen during the display of tobacco products or their use in the programme. 3. Display audio visual disclaimers on the ill effects of tobacco use for a minimum of 20 seconds at the beginning and middle of the programme. 4. Ensure that that they do not display the brands of cigarettes or other tobacco products or engage in any other form of tobacco product placement. 5. Ensure that they do not display tobacco products in promotional materials. 	<p>require the online curated content platforms to make the health spots non skippable and mandatory for all content released on or after 1 September 2023 regardless of Indian or foreign origin. The online curated content platforms will be given 6 months from the date of publishing the rules in official gazette to make adequate changes in their software for implementing the provisions.</p> <p>Further the anti-tobacco health spots are mandatory per the draft rules for all films published in the online curated content platform whether of Indian or foreign, certified or not by CBFC.</p>
PRODUCT-SPECIFIC			
<i>Alcohol</i>	<p>Any advertisement which directly or indirectly promotes the production, sale or consumption of alcohol is prohibited as per the CTN Rules, Revised Code for Commercial Advertising on Doordarshan and the Norms for Journalistic Conduct.</p> <p>As per Rule 7(1)(viii) of the CTN Rules, a product which uses the same brand name or logo as used for alcohol can only be advertised if:</p> <ol style="list-style-type: none"> 1. It only showcases the product and does not advertise alcohol in any manner. 2. It does not make any direct or indirect references to alcohol. The advertisement should not promote alcohol even through nuances or phrases. 	<p>The Brand Extension Guidelines apply to OCC platforms.</p> <p>ASCI has banned 12 liquor companies which were violating the Brand Extension Guidelines during the Indian Premier League in the year 2021.</p> <p>Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022 applies to all advertisements regardless of form, format or medium.</p>	<p><i>See response at 'Advertising per Hour' above.</i></p> <p>A draft for the new rules regulating surrogate advertising by the Department of Consumer Affairs (DoCA) is under consideration. The new guidelines are likely to seek tighter implementation, heavy penalties, the inclusion of digital and social media, and no ambiguity in definition of surrogate advertising. The new draft rules are expected to proscribe the promotion of items such as soda, water or music CDs having a similar design, pattern, label or logo to that of restricted products like alcohol and liquor.</p>

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	<p>3. It does not utilise situations, colours, layout or presentations which are generally associated with alcohol.</p> <p>Additionally, the proposed advertisement must be submitted to the MIB along with a certificate from a registered Chartered Accountant declaring that the product will be distributed in a reasonable quantity. It should certify that it will be available in a substantial number of outlets where other products of the same category are sold. Further, the proposed expenditure on the said advertising must not be inconsistent with the actual sales turnover of the product.</p> <p>Advertisers have resorted to surrogate advertising and the use of brand extensions to market restricted products such as liquor and alcohol. Accordingly, ASCI prescribed Guidelines for Qualification of Brand Extension Product or Service (Brand Extension Guidelines) which <i>inter-alia</i> requires for:</p> <ol style="list-style-type: none"> 1. Brand extensions to be registered with the government. 2. For a brand present in the market for more than 2 years, the following criteria apply for a valid brand extension: <ol style="list-style-type: none"> a. Sales turnover should exceed INR 5,00,00,000 per annum annually, or 1 crore per annum per state where distribution is established. b. Valid certificate from an independent organisation such as NielsenIQ or a category specific industry association or an independent and reputed chartered accountant firm to verify the criteria. 3. For a brand present in the market for more than 2 years, the following criteria applies for a valid brand extension: 		

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	<p>a. Achieve net sales turnover of INR 20,00,000 per month.</p> <p>b. Demonstrate fixed asset investments which are exclusive to the advertised brand extension of less than INR 10,00,00,000.</p> <p>c. Evidence demonstrating the possibility of achieving the turnover set out above in the event that manufacturing, or procurement of such brand extension is outsourced.</p> <p>d. Evidence of turnover greater than 10% of the turnover of the same brand in the restricted category.</p> <p>The scale of advertising for the brand extension must be proportional to the sales of that extension.</p> <p>Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022 proscribe surrogate advertising or indirect advertisement for goods which are otherwise prohibited or restricted by law. Per Clause 6, an advertisement is considered as surrogate advertisement or indirect advertisement <i>inter alia</i> if such advertisement uses any brand name, logo, colour, layout and presentation associated with such goods whose advertisement is prohibited or restricted.</p>		
<i>Pharmaceutical</i>	<p>The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (Drugs and Magic Remedies Act) regulates advertisements of pharmaceuticals. Under Section 3(d) of the Drugs and Magic Remedies Act, advertisements are prohibited for drugs that can lead to:</p>	<p>The Drugs and Magic Remedies Act defines advertisement as any notice, circular, label, wrapper, and any announcement made orally or by any means of producing or transmitting light, sound or smoke. While this definition is already broad, the proposed inclusion of online advertisements specifically in the amendment as set out in the corresponding column indicates that online advertisements are not</p>	<p>The Ministry of Health and Family Welfare published the draft of the amendment to the Drugs and Magic Remedies Act in 2020 which amends the definition of advertisements to include online advertisements. However, the amendment is pending government approval and is yet to be notified.</p>

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	<ol style="list-style-type: none"> 1. Miscarriage or prevention of conception in women; 2. Maintenance or improvement of the capacity of human beings for sexual pleasure; 3. Correction of menstrual disorder in women; or, 4. Diagnosis, cure, mitigation, treatment or prevention of diseases such as fever, blood poisoning, diabetes, epilepsy, goitre, leprosy, pneumonia, and other diseases specified in the Schedule to the Drugs and Magic Remedies Act. <p>Advertisements are also prohibited under Section 4 of the Drugs and Magic Remedies Act if they:</p> <ol style="list-style-type: none"> 1. Give a false impression regarding the true nature of a drug; 2. Make a false claim for a drug; or, 3. Are otherwise false or misleading in any manner. <p>Section 5 of the Drugs and Magic Remedies Act prohibits persons carrying on the profession of administering magic remedies from advertising any magic remedy which claims to be efficacious for the above purposes.</p>	currently regulated under the Drugs and Magic Remedies Act.	
<i>Gambling</i>	The Public Gambling Act, 1867 a central act prohibiting all gambling activities barring games of skill has been adopted by most states in India, while other states have enacted their own legislation to regulate betting and gambling activities. The Bharatiya Nyaya Sanhita, 2023 prohibits advertisements of a lottery otherwise than in accordance with the Lotteries (Regulation) Act. Further, the Prize Competitions Act, 1955 prohibits the	<p>The Intermediary Guidelines require intermediaries to ensure that the intermediary and users of their computer resources do not host, display, upload, modify, publish, transmit, store information that relates to or encourages gambling.</p> <p>The MIB also issued several advisories in 2022 and 2023 to publishers of news and current affairs content on digital media, publishers of</p>	<i>See response at 'Advertising per Hour' above.</i>

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	<p>advertisement of unauthorised prize competitions.</p> <p>Per the ASCI Code, advertisements in breach of the law or that (directly or indirectly) propagate products that are banned under law are prohibited, and therefore barring a few states, there are no advertisements for gambling on pay TV in India.</p> <p>In addition to the ASCI Code, the ASCI Guidelines for Advertising of Online Gaming for Real Money Winnings apply to advertisements for online games which require the consumers to put up money for a possibility of cash or equivalent winnings. The guidelines set out that:</p> <ol style="list-style-type: none"> 1. The advertisement may not depict a person under 18 years old, a person who appears to be under 18 years old, or otherwise suggest that a person under 18 years of age can play online games for real money winnings; 2. The advertisement must carry the disclaimer <i>"This game involves an element of financial risk and may be addictive. Please play responsibly and at your own risk."</i> For print or static advertisements, the disclaimer should occupy at least 20% of the advertisement space and should specifically meet the disclaimer guidelines set out in the ASCI code and for audio/video advertisements, the disclaimer must be placed in normal speaking pace at the end of the advertisement in the same language as the advertisement; and 3. The advertisement should not indicate that online gaming for real money winnings is an income opportunity, an option for alternative employment, or otherwise suggest that a person engaged in such gaming is in any 	<p>online curated content to refrain from carrying advertisements of online betting platforms or their brand extensions or surrogate advertisements.</p> <p>The Central Consumer Protection Authority vide its advisory dated 6 March 2024 cautioned that any advertisement or endorsement, whether directly or indirectly, of activities otherwise prohibited by law including betting and gambling will be subject to rigorous scrutiny and stringent measures under the Consumer Protection Act, 2019 will be taken against any violation.</p> <p>Further, the MIB vide its advisory dated 21 March 2024 advised the online advertisement intermediaries not to target content such as offshore online betting and gambling platforms towards Indian audience.</p> <p>The ASCI Guidelines for Advertising of Online Gaming for Real Money Winnings applies to all advertisements and will accordingly apply to advertisements on OCC platforms.</p>	

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	<p>way more successful as compared to others.</p> <p>The Consumer Protection Act, 2019 elaborates 'unfair trade practice' to mean any deceptive practice for promoting goods and services including the offering of prizes with the intention of not providing them as advertised and provides for certain penalties for "misleading advertisements" created by advertisers, publishers and endorsers.</p> <p>The MIB issued several advisories in 2022 and 2023 to private satellite television channels to refrain from carrying advertisements of online betting platforms or their brand extensions or surrogate advertisements.</p>		
<i>Claims</i>	<p>The Advertising Code stipulates that all advertisements should conform to the relevant laws of the country, the product or service advertised should not suffer from any defect or deficiency as mentioned in the Consumer Protection Act, 2019 and should not contain references which are likely to lead the public to infer that the product advertised or any of its ingredients has some special, supernatural, or miraculous property or quality which is difficult to prove.</p> <p>The ASCI Code requires advertisements to not distort facts or mislead the consumer by means of implications or omissions (<i>Preamble: Chapter 1</i>) and sets out Guidelines for Disclaimers made in supporting, limiting, or explaining claims made in Advertisements (<i>Chapter 3</i>). These include <i>inter alia</i> that a disclaimer:</p> <ol style="list-style-type: none"> 1. Shall clarify or qualify a claim but cannot contradict the main message conveyed by the advertiser as perceived by a consumer. 	<p>The regulations set out in the corresponding column for pay TV apply equally to the internet medium.</p>	<p>See response at 'Advertising per Hour' above.</p>

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	<p>2. Shall not hide material information to make the advertisement deceptive or conceal its commercial intent.</p> <p>3. Should not attempt to correct a misleading claim made in an advertisement.</p> <p>4. Shall be in the same font, size, language, and of the same visibility and legibility as the claim of the advertisement.</p> <p>5. Shall be of such comprehension and duration as may be easily understood.</p> <p>The ASCI Code further provides the validity period of claiming a product or service as new and improved to be 1 year from the time the new or improved product/service has been launched/introduced in the market.</p> <p>The Consumer Protection Act, 2019 stipulates that the practice of making any claims falsely representing that the goods/services are of a particular standard, quality, quantity, grade, composition style or model etc. falls under unfair trade practices. The Central Authority may direct the advertiser of a false or misleading advertisement to discontinue such advertisement or to modify the same in a specified manner. Further, the Department of Consumer Affairs launched the Grievances Against Misleading Advertisements (GAMA) Portal in 2015 to register complaints against misleading advertisements.</p> <p>Some other regulations that contain specific provisions relating to advertising claims include <i>inter alia</i>:</p> <p>1. The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954</p>		

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	<ol style="list-style-type: none"> 2. Securities and Exchange Board of India (Disclosure and Investor Protection) Guidelines, 2000 3. The Bureau of Indian Standards Act, 1986 and The Bureau of Indian Standards (Certification) Regulations, 1988 4. The Drugs and Cosmetics Act, 1940 5. The Food Safety and Standards Act (FSS Act), 2006 (<i>see below under Food & Beverages - general</i>) 6. The Infant Milk Substitute, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 7. The IRDA (Insurance Advertisements and Disclosure) Regulations, 2000 and the IRDA Guidelines on Distance Marketing of Insurance Products, 2011 8. The Pharmacy Act, 1948 9. The Sales of Goods Act, 1930 10. Guidelines on Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022. 		
<i>Food & Beverages – general</i>	<p>The Food Safety and Standards Authority of India regulates the advertising of food and beverages in India. The Food Safety and Standards Act, 2006 provides that no advertisement of any food product can be misleading or deceiving or <i>inter alia</i> falsely describe any food; mislead as to the nature or substance or quality of any food; or give a false guarantee.</p> <p>The Food Safety Standards (Labelling and Display) Regulations, 2020 <i>inter-alia</i> requires for the declaration regarding vegetarian and non-vegetarian food to be prominently</p>	The regulations set out in the corresponding column for pay TV apply equally to the internet medium.	<p><i>See response at ‘Advertising per Hour’ above.</i></p> <p>With respect to the annual self-declaration to be uploaded by advertisers/ advertising agencies in the Food and Health sectors, the MIB have filed an affidavit with the Supreme Court setting out its recommendations for self-declaration which <i>inter-alia</i> included: (i) self-certification to be filed by advertisers and not advertising agencies; (ii) exemptions for start-ups and micro and small enterprises; (iii) a single portal for all advertisements rather specified</p>

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	<p>displayed. Further advertisements of edible refined vegetable oils and fats shall not use any exaggerated expressions like super-refined, extra refined, micro refined etc.</p> <p>It is mandatory under the Food Safety and Standards (Advertising and Claims) Regulations, 2018, that the claims made by every food business operator and marketer in respect of the food articles in an advertisement <i>inter alia</i>:</p> <ol style="list-style-type: none"> 1. Are truthful, meaningful, not misleading, not deceptive, do not make false implications and help consumers to comprehend the information. 2. Are scientifically substantiated by validated methods of characterising or quantifying the ingredient or substance, if the benefit of the claim is dependent on any such ingredient or substance. 3. If in respect of a trade mark, brand name, or fancy name containing adjectives like “natural”, “fresh”, “pure”, “original”, “traditional”, “authentic”, “genuine”, “real”, etc., the advertisement should be accompanied by a disclaimer in not less than 3mm size which should be given at an appropriate place on the label stating that “<i>This is only a brand name or trade mark and does not represent its true nature</i>”. 4. If accompanied by a disclaimer, the disclaimer shall be conspicuous and legible. 5. Shall not be promoted or portrayed as a meal replacement unless otherwise specifically permitted as a meal replacement under any other Regulations made under FSS Act. 		<p>portals for TV/ Radio and Print/ Digital Media. The recommendations will likely be reviewed by the Supreme Court in October 2024, which may result in further obligations, or exemptions with respect to advertising.</p>

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	<p>6. Shall be consistent with information on the label of the food or beverage.</p> <p>Under Regulation 10, advertisers are prohibited from making claims <i>inter alia</i>:</p> <ol style="list-style-type: none"> 1. Which refer to the suitability of the food for use in prevention, alleviation, treatment or cure of a disease, disorder or particular physiological condition unless specifically permitted under any other regulations made under FSS Act. 2. The label of any package containing food for sale should not contain the words "<i>recommended by medical or nutrition or health professionals</i>" or words on the packaging that suggest or imply that the food is recommended, prescribed, or approved by medical practitioners, or approved for medical purpose. 3. That the product has "<i>added nutrients</i>", if such nutrients have been added merely to compensate the nutrients lost or removed during processing of the food. 4. Such that they give rise to doubt or suspicion about the safety of similar food, or which may arouse fear in respect of the same. 5. With respect to health if such food contains nutrients or constituents in quantity that increase the risk of disease or an adverse health-related condition 6. For food articles by any food business operator that undermines the products of any other manufacturer for the purpose of promoting their products or influencing consumer behaviour. <p>Under the Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of</p>		

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	<p>Production, Supply and Distribution) Act, 1992, advertisements for infant milk substitutes, feeding bottles, and infant food, as well as for the distribution or marketing of the same, are prohibited. However, educational and other material advertising or promoting infant milk substitutes, feeding bottles, and infant foods, shall include clear information on the benefits, superiority of breast milk and the consequences of using infant breast milk substitutes instead.</p> <p>In terms of the order of the Supreme Court issued on 7 May 2024 and the advisory issued by the MIB on 3 July 2024, all advertisers/ advertising agencies publishing advertisements related to the Food and Health sectors are required to upload an annual self-declaration certificate on: (i) broadcast seva portal for TV/ Radio advertisements; and (ii) the Press Council of India portal for print/ digital media advertisements., and provide proof of such upload to the concerned media stakeholders such as television channels, newspapers, entities involved in publishing ads on the internet etc. The intention is for advertisers/ advertising agencies to bear the responsibility of ensuring that advertisements adhere to all Indian laws.</p> <p>Guidelines to this effect are also prescribed under the ASCI Code.</p>		
<i>Food & Beverages – sugar levels</i>	<p>In terms of the Food Safety and Standards (Advertising and Claims) Regulations, 2018 claims regarding the non-addition of sugars may be made subject to:</p> <ol style="list-style-type: none"> 1. No sugars have been added to the food. 2. The food contains no ingredients that contain sugar as an ingredient. 	The regulations set out in the corresponding column for pay TV apply equally to the internet medium	<i>See response at 'Advertising per Hour' above.</i>

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	<p>3. The food contains no ingredients containing sugars that are a substitute for added sugars.</p> <p>4. The sugar content of the food itself has not been increased above the amount contributed by the ingredients through some other means.</p> <p>Claims regarding the non-addition of sugars to a good may also be made where sugars are naturally present in the food but must be accompanied by the words “contains naturally occurring sugars”.</p>		
<p><i>Personal Sanitary condoms)</i></p> <p><i>hygiene/ (including</i></p>	<p>The MIB Advisory dated 11 December 2017 prohibited broadcasts of advertisements of condoms which may be inappropriate for viewing by children between 6 AM to 10 PM in compliance with Rules 7(7) and 7(8) of the CTN Act and CTN Rules. The MIB later issued a clarification stating that advertisements for condoms that are merely informative, and do not objectify women, or are otherwise not sexually explicit can be aired at all times.</p> <p>There are no product specific restrictions on advertisements for other personal hygiene and sanitary products.</p>	<p>There are no restrictions on advertising of personal hygiene and sanitary products (including condoms) on OCC TV.</p>	<p>See response at ‘Advertising per Hour’ above.</p>
<p><i>Tobacco</i></p>	<p>Any advertisement which directly or indirectly promotes the production, sale or consumption of tobacco is prohibited as per the CTN Rules, the Revised Code for Commercial Advertising on Doordarshan and the Norms for Journalistic Conducts.</p> <p>Per Rule 7(1)(viii) of the CTN Rules, a product which uses the same brand name or logo as used for tobacco can only be advertised if:</p> <p>1. It only showcases the product and does not advertise tobacco in any manner.</p>	<p>The COTPA provisions in the corresponding column apply to advertising of tobacco products on OCC platforms. Further, the Cigarettes and other Tobacco Products (Prohibition of Advertisements and Regulation of Trade and Commerce, Production, Supply and Distribution) Amendment Rules, 2023 notified by the Ministry of Health and Welfare are also applicable to OCC platforms. (see response at ‘PSAs’).</p> <p>The Brand Extension Guidelines as set out above (see ‘Alcohol’ section) apply to the</p>	<p>See response at ‘Advertising per Hour’ above.</p>

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	<p>2. It does not make any direct or indirect references to tobacco. The advertisement should not promote tobacco even through nuances or phrases.</p> <p>3. It does not utilise situations, colours, layout or presentations which are generally associated with tobacco.</p> <p>Additionally, the proposed advertisement must be submitted to the MIB along with a certificate from a registered Chartered Accountant certifying that the product will be distributed in a reasonable quantity. Further, it should certify that it will be available in a substantial number of outlets where other products of the same category are sold. The proposed expenditure on such advertising must not be inconsistent with the actual sales turnover of the product advertised.</p> <p>The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA) further places a prohibition on all tobacco related advertising through any medium. As per Section 5 of COTPA, advertisements cannot directly or indirectly suggest or promote the use or consumption of cigarettes or any other tobacco products.</p> <p>The Brand Extension Guidelines as set out above (see 'Alcohol' section) apply to the advertising of tobacco products on television.</p>	<p>advertising of tobacco products on OCC platforms.</p>	
<i>Children</i>	<p>The ASCI Code, states that children are persons who are below 12 years of age.</p> <p>The ASCI Code <i>inter-alia</i> prescribes that advertisements should not:</p> <p>1. If the advertisement is directed towards children, it should not contain any content</p>	<p>The regulations set out in the corresponding column not only applies to pay TV but applies content delivered over the internet.</p>	<p>See response at 'Advertising per Hour' above.</p>

	Pay TV	OCC TV	Foreshadowed changes
	<p>which results in the physical, mental, or moral harm or which exploits their vulnerability.</p> <ol style="list-style-type: none"> 2. Present criminality as desirable and encourage children to emulate such acts. 3. Encourage children to enter into unknown places and interact with strangers in an effort to collect coupons, labels etc. 4. Feature any dangerous or hazardous acts which are likely to encourage children to imitate such acts. 5. Show children playing with matches, explosive or inflammable substances or electrical appliances which could result in injury. 6. Feature children for tobacco or alcohol based products. 7. Undermine the role of parental care and guidance in ensuring that proper food choices are made by children. 8. Convey that a particular children's product, pursuit, behaviour, or activity including choice of play or career, is inappropriate for one or another gender. <p>In May 2023. the National Commission for Protection of Child Rights (NCPCR) issued guidelines for participation in the Entertainment Industry and any Commercial Entertainment Activity. The guidelines <i>inter-alia</i> set out that:</p> <ol style="list-style-type: none"> 1. Advertisements targeted towards children must not: <ol style="list-style-type: none"> a. Condone, encourage, inspire or unreasonably emulate behaviour that could be dangerous to children; 		

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	<ul style="list-style-type: none"> b. Exaggerate features of goods, products services which result in unrealistic expectations for children; c. Imply that children are likely to be ridiculed for not availing any product or service; d. Use qualifiers such as 'just' or 'only' to make the price of goods seem less expensive where such advertisement includes additional cost; e. Make it difficult for children to judge the size, characteristic and performance of advertised products; f. Claim that the consumption of a product advertised shall have an effect on enhancing the intelligence or physical ability without any valid evidence; g. Result in children developing body image issues; h. Give any impression that traditional foods that children may be consuming are inferior to the advertised products. i. Be placed in between children's programming if the advertisement pertains to junk foods such as chips and carbonated beverages. 		
<i>Women</i>	<p>The Indecent Representation of Women (Prohibition) Act, 1986 prohibits and penalises the publication or exhibition of any advertisement that contains indecent representation of women in any form.</p> <p>The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 prohibits the publication of any advertisements of drugs which lead to the use of that drug for: (i) procurement of miscarriage in women or</p>	<p>The Information Technology Act, 2000 (Technology Act) penalises persons who transmit material which is lascivious or appeals to the prurient interests of any person or has the capacity to deprave or corrupt persons.</p> <p>The provisions of the Indecent Representation of Women (Prohibition) Act, 1986 and the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 set out in the corresponding column will also apply to</p>	<p><i>See response at 'Advertising per Hour' above.</i></p>

	Pay TV	OCC TV	Foreshadowed changes
	prevention of conception in women; or (ii) the correction of menstrual disorder in women.	publication and exhibition of advertisements on digital platforms.	
<i>Property</i>	<p>The Real Estate (Regulation and Development) Act, 2016 (RERA) prohibits advertisement of any property by the promotor of a real estate project in any planning area, without registering such project with the Real Estate Regulatory Authority.</p> <p>The advertisement issued by the promoter should prominently mention details of the website address of the Real Estate Regulatory Authority where all details of the registered project have been entered and include the registration number obtained from the Authority and such other matters incidental thereto.</p>	The regulations set out in the corresponding column for pay TV apply equally to the internet medium. Section 2(b) of RERA defines advertisement as advertisement through “any medium”.	<i>See response at ‘Advertising per Hour’ above.</i>
COUNTRY-SPECIFIC INFORMATION	NA	NA	NA
Useful Links	<p><u>ASCI and the regulations issued thereunder:</u></p> <p>https://www.ascionline.in/</p> <p>https://www.ascionline.in/the-asci-code/</p> <p>https://www.ascionline.in/the-asci-code-guidelines/</p> <p><u>Broadcasting Services (Regulation) Bill, 2023:</u></p> <p>https://mib.gov.in/sites/default/files/Public%20Notice_0.pdf</p> <p><u>Intermediary Guidelines</u></p> <p>https://www.meity.gov.in/writereaddata/files/Information%20Technology%20%28Intermediary%20Guidelines%20and%20Digital%20Media%20Ethics%20Code%29%20Rules%2C%202021%20%28updated%2006.04.2023%29-.pdf</p> <p><u>Cigarettes and other Tobacco Products (Prohibition of Advertisement and</u></p>		

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	<p><u>Regulation of Trade and Commerce, Production, Supply and Distribution Amendment Rules, 2023:</u></p> <p>GSR-400(E).pdf (mohfw.gov.in)</p> <p><u>Standards of Quality of Service (Duration of Advertisements in Television Channels) Regulations, 2012</u></p> <p>Microsoft Word - Regulation on duration of advertisement in TV channels_Final_11052012.docx (tra.gov.in)</p> <p><u>Guidelines for Child and Adolescent Participation in the Entertainment Industry and any Commercial Entertainment Activity</u></p> <p>16844053596465fc6f115d1_guidelines-for-child-and-adolescent-participation.pdf (ncpcr.gov.in)</p> <p><u>Programme Code under CTN Act and rules issued thereunder:</u></p> <p>Programme and Advertising Codes (mib.gov.in)</p> <p><u>Advisories against advertising of betting platforms:</u></p> <p>pib.gov.in/PressReleaselframePage.aspx?PRID=1952004</p> <p>pib.gov.in/PressReleaselframePage.aspx?PRID=1864846</p> <p>Advisory to Private Satellite TV Channels 03.10.2022.pdf (mib.gov.in)</p> <p>Advisory to Digital News Publishers and OTT Platforms 03.10.2022 (1).pdf (mib.gov.in)</p> <p><u>Food Safety and Standards (Advertising and Claims) Regulations, 2018</u></p>		

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	Compendium_Advertising_Claims_Regulations_04_03_2021.pdf (fssai.gov.in)		