

Grievances Against Misleading Advertisements (GAMA)

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Advertising plays a key role in marketing as most customers get lured into buying a certain product depending on how it is advertised. Sometimes the product being advertised may not even be of use to us, but when the advertisement is showcased in a very convincing way, one might as well want to give it a try. Thus, we are all somewhere and somehow victims of such misleading advertisements.

In news: Department of Consumer Affairs has launched this portal for registering online complaints for Grievances Against Misleading Advertisements (GAMA)

Placing it in syllabus: Science & Technology

Dimensions

- What is a Misleading Advertisement?
- Problems owing to Misleading Advertisements
- Types of advertisements one can complain about
- Recourse Available

Content:

What is a Misleading Advertisement?

- In simple terms any advertisement that gives false information, making false claims or contravening any other provision of the advertising code can be termed as a misleading advertisement.
- It can be any advertisement or promotion through Television, Radio, or any other electronic media, Newspapers, Banners, Posters, Handbills, wall-writing etc.
- The chief characteristics of such Ads are

- misrepresenting the nature, characteristics, qualities or geographic origin of goods, services or commercial activities
- misleading the consumer

The Consumer Protection Act, 2019

- It received the assent of the President of India and was published in the official gazette on 9th August 2019. This New Act will replace the old Consumer Protection Act, 1986.
- As per Section 2(28) of the New Act, “misleading advertisement” in relation to any product or service, means an advertisement, which–
 - falsely describes such product or service; or
 - gives a false guarantee to, or is likely to mislead the consumers as to the nature, substance, quantity or quality of such product or service; or
 - conveys an express or implied representation which, if made by the manufacturer or seller or service provider thereof, would constitute an unfair trade practice; or
 - deliberately conceals important information

Problems owing to Misleading Advertisements

- Advertising has a positive contribution on consumers' thought processes and purchasing decisions.
- But at same time one needs to recognize that advertising has immense manipulative power and capacity to harm the consumer and the public interest.
- Misleading and false advertisement often leads to increased distribution costs, resulting in increased selling price.
- They also tend to tempt the Consumers to buy what he does not necessarily need.
- Such Advertisements mould the needs of consumers to a

large extent and influence their social behavior.

- Misleading and false advertising has harmful effects on the vulnerable sections of society, namely, children, youth, and the poor.
- Many of the advertisements are directed towards children and the youth. They do not contain any information about the product's nutritional value.
- In fact, many of the products advertised are habit-forming and provide little value for money.
- Ultimately, misleading advertisements cheat the consumer by exploiting the psycho-social vulnerabilities of people.

Grievances Against Misleading Advertisements (GAMA)

- The Department of Consumer Affairs (DoCA) is one of the two Departments under the Ministry of Consumer Affairs, Food & Public Distribution.
- The mandate of the Department is consumer advocacy.
- In its endeavour to address the problem of misleading advertisements, the Department of Consumer Affairs has launched this portal for registering online complaints for **Grievances Against Misleading Advertisements (GAMA)**.
- Tackling Unfair Trade Practices and Misleading Advertisements requires mobilization of all agencies viz. State Governments, **Voluntary Consumer Organizations (VCOs)**, **Advertisement Standards Council of India (ASCI)**, **Indian Institute of Public Administration (IIPA)** and various Regulators of the Central Government.
- The focus will be on **Six Key Sectors** viz. **Food & Agriculture, Health, Education, Real Estate, Transport and Financial Services**.
- Regulators for each of these sectors will be key partners in the success of the effort to prevent the problem.

Types of advertisements one can complain about:

- Consumers can complain to GAMA about advertisements appearing in various media avenues.
- News Papers, hoardings, handbills, wall writing as well as advertisements in the electronic media such as TV channels, radio channels, internet sites etc. are some examples.
- An aware Consumer can register a complaint along with a copy / video / audio of such advertisement through the web portal
- Complaint along with the copy / video / audio of such advertisement can also be submitted to the nearest Grahak Suvidha Kendra or designated Voluntary Consumer Organizations (VCOs) who will in turn lodge grievance through the web portal

An advertisement can be categorized as misleading if under the following conditions:

- If it has misrepresentation, omission, or practice which misleads the consumer.
- If it has misrepresentation, omission, or practice which harms the business interests of another company.
- False or misleading comparison of goods during the process of advertising.
- Fraudulent use of another's trademark, firm name, product labeling, or packaging.
- Unauthorized use of confidential, scientific, technical, production, business, or trade information.

Recourse Available under GAMA

- Regional Language and local complaints will be taken up by Grahak Suvidha Kendras / Voluntary Consumer Organizations (VCOs) as the case may be with appropriate local authorities.
- National level complaints would be forwarded to the

concerned regulator of the sector to which the complaint pertains. Complaints would also be monitored for follow up action by the Department of Consumer Affairs.

- Regulators will in turn take up the matter with the concerned Company / Agency for remedial action. All VCOs, regulators and DoCA will update the action taken by them regularly through the web portal.
- All unresolved complaints will be placed before the Inter-Ministerial Committee constituted by the Department of Consumer Affairs, for arriving at a logical conclusion.
- Every complaint will be registered and a Unique Complaint ID is issued. The complainant can track the status of the complaint using this ID.
- The complaint will be forwarded to the concerned regulator / authority for action against those responsible for the misleading advertisement. Action according to the provisions of the existing law will be initiated.
- A consumer/complainant has an option to appropriate District Consumer Fora / State Commission / NCDRC when a case is subjudice.

CONSUMER'S RIGHTS

- The right to be protected against the marketing of goods and services which are hazardous to life and property.
- The right to be informed about the quality, quantity, potency, purity, standard and price of goods or services as the case may be, so as to protect the consumer against unfair trade practices.
- The right to be assured, wherever possible, access to a variety of goods and services at competitive prices.
- The right to be heard and to be assured that consumer's interests will receive due consideration at appropriate fora.
- The right to seek redressal against unfair trade

- practices for restrictive trade practices or unscrupulous exploitation of consumers and
- The right to consumer education.

Mould your thought: What are misleading Advertisements? How are they harmful? Discuss recent initiatives of the government to tackle this issue.

Approach to the answer:

- Introduction
- Define Misleading ads and mention their characteristics
- Write about their effects on consumers
- Discuss GAMA and Consumer Protection Act 2019
- Conclusion