

Analysis of Misleading Advertisements in India: A Study with special Reference to Consumer Rights

Jyothi C V¹

Abstract

Advertisements are a way through which companies communicate with consumers about their products and services. Their main purpose is to inform people about what is being offered and to persuade them that a particular product or service is better than others available in the market. Advertisements also help keep products in the minds of potential buyers so that they can make informed purchasing decisions.

However, misleading advertisements have become a common problem in India and pose serious risks to consumer rights and public health. False and deceptive advertisements especially affect vulnerable groups such as children, young people, and economically weaker sections. Many advertisements are aimed at children and youth and often fail to provide important details, such as the nutritional value of food products. In many cases, the advertised products are addictive and offer little real benefit for the money spent.

Despite these concerns, advertising continues to play an important role in the social, economic, and political development of countries with free-market economies. Considering both the positive contributions and the harmful effects of advertising on consumers, there is a strong need to review and strengthen the existing regulatory mechanisms. This paper studies the laws in India that deal with misleading advertisements and examines the relevant legal provisions.

Keywords: Consumer Rights, Right to health, Misleading Advertisement, Consumer Protection Act, etc.,

Introduction

After globalization, India is rapidly embracing consumerism. Competition in the market has increased manifold and the producers face an increasing need to attract customers to buy their products. Therefore, a lot of tactics are employed to lure the audience. As long as the techniques used are fair, there will be a healthy competition, which will translate to the benefit of the consumers. But the problem arises when misleading tactics are used. These misleading advertisements have an adverse impact on the customers. False and misleading advertisements in fact violate several basic rights of consumers: the right to information, the right to choice, the right to be protected against unsafe goods and services as well as unfair trade practices. Hence, a check on misleading advertisement becomes imperative.

Advertising is a way for companies to communicate with people about their products or services. It helps inform customers about existing and new products and tries to persuade them to buy by suggesting that using the product or service will give them some social, economic, or psychological benefit.

Advertisements give important information such as how a product is used, its benefits, and how it compares with other products. When advertisements provide correct and honest information, they help build trust and confidence among consumers.

Advertisements appear in many forms, such as newspapers, television, cinema, online platforms like YouTube and Instagram, blogs, magazines, emails, social media posts, radio, and outdoor billboards. Effective advertising increases demand and sales, which is why companies spend large amounts of money on advertising, both online and offline².

Advertising has become an important part of Indian business. However, when advertisements use false or unsupported claims to mislead consumers, they harm consumer interests. Many well-known companies, such as

¹ Assistant Professor of Law, KLE Society's S.A. Manvi Law College, Gadag, Affiliated by Karnataka State Law University, Hubballi, Mail.ID: jyoshiwin@gmail.com

² Dr. Mihalys KUYUCU, Television and Advertising: The History of Tv Advertising from and Industrial Look, Social, Mentality and Researcher Thinkers Journal 2020 (Vol6 - Issue:29)

Patanjali, PepsiCo, Johnson & Johnson, and Fair & Lovely, have faced allegations of misleading consumers through their advertisements³.

Misleading advertisements are those that provide false, exaggerated, or deceptive information to influence consumers to buy a product or service. Such advertisements have a negative impact on society and affect consumers directly or indirectly. They often create unrealistic expectations and promote a false image that does not match reality.

Meaning

In India, the Consumer Protection Act, 2019 is the primary law that addresses misleading advertisements. Section 2(28) of the Act⁴ defines a misleading advertisement. An advertisement is considered misleading if it gives false information about a product or service, makes false guarantees, or misleads consumers about the nature, composition, quantity, or quality of goods or services. It also includes advertisements that involve unfair trade practices or deliberately conceal important information about the product or service.

Consumer Rights Related to Advertisements

The Consumer Protection Act, 2019 is the primary legislation in India that protects consumers against misleading advertisements. The Act recognizes several rights that are directly relevant to advertisements:

1. Right to Information: Consumers have the right to receive accurate, complete, and verifiable information about products and services. This includes details such as: Price of the product or service, Quantity and quality, Composition and ingredients, Potential benefits and limitations.

Advertisements must not exaggerate claims or provide misleading data. For example, claiming that a soft drink guarantees happiness or that a cream will double skin fairness within days is misleading and violates the consumer's right to information. Truthful advertising helps build trust between consumers and businesses.

2. Right to Choice : Consumers must be able to make informed decisions without being misled. When advertisers conceal material facts, use fine print without clarification, or exaggerate product claims, they infringe upon this right. Misleading advertisements affect consumers' ability to choose the right product or service, causing financial loss or dissatisfaction.

For instance, if a weight-loss product hides side effects or essential instructions, consumers cannot make a fully informed choice, leading to potential harm.

3. Right to Safety: Consumers have the right to protection against products or services that may cause physical, mental, or financial harm. Misleading claims regarding medicines, health supplements, medical devices, or even food products can endanger public health.

A common example is advertisements for "herbal medicines" or "health devices" claiming guaranteed results without scientific validation. Such misleading claims violate consumers' right to safety.

4. Right to Redressal : If consumers are misled or harmed, they have the right to seek legal remedies and compensation. This may include: Refunds for defective or misrepresented products, Compensation for financial loss or injury, Legal action against advertisers for spreading false information. These rights ensure that consumers are not left vulnerable to deceptive advertising practices and have a platform to seek justice.

Understanding Misleading Advertisements

An advertisement becomes false or misleading when it contains incorrect or deceptive statements. False advertising means making claims that are untrue. Misleading advertising means presenting information in a way that creates a wrong impression about the product or service, even if some facts are technically true.

³ <https://www.cnl.u.ac.in/wp-content/uploads/2025/05/The-Dark-Side-Of-Marketing-Unmasking-Misleading-Advertisements-To-Empower-Indian-Consumers-by-Ms.-Diwanshi-Rohatgi-Ms.-Tuhina-Sinha.pdf>

⁴ The Consumer Protection Act, 2019

Truth in advertising means that consumers have the right to know exactly what they are buying. All important information should be clearly mentioned on the product label and in the advertisement, and this information must be accurate.

In today's world, advertisements often try to sell emotions along with products. For example, claiming that a soft drink can bring happiness to a family is unrealistic. Happiness cannot be bought with money, and such claims can mislead consumers, especially when they are presented as facts rather than exaggerations.

Misleading advertisements can influence the buying behaviour of consumers and traders. They may also harm competitors by giving an unfair advantage to the advertiser.

Whether an advertisement is misleading depends on several factors. These include the features of the product or service such as its availability, quality, composition, method of production, and place of origin. It also depends on the results promised from using the product, the price or how the price is calculated, the conditions of sale, and the identity and credibility of the advertiser, such as their qualifications, ownership, and rights related to the product.

Categories of False and Misleading Advertisements

Misleading advertisements can be broadly divided into two main categories. The first category includes advertisements that violate consumers' right to information and choice. Such advertisements can mislead consumers and may cause financial loss and mental stress⁵.

The second category includes advertisements that promote health cures, medicines, or health-related products whose effectiveness is doubtful. These advertisements are the most dangerous because they can seriously affect the health and safety of consumers⁶.

1. Violation of Consumers' Right to Information

Advertisements violate the consumer's right to information when they provide false or incomplete details. Examples include using fake or paid testimonials, showing misleading prices, or unfairly criticizing a competitor's product. Advertisements for anti-ageing creams, fairness creams, weight loss products, anti-dandruff shampoos, and dietary supplements often make exaggerated or unrealistic claims about their effectiveness.

2. Violation of Consumers' Right to Choice

An advertisement becomes deceptive when it hides important facts that could influence a consumer's decision to buy a product. Many advertisements mention "terms and conditions apply" without clearly explaining those conditions. Hiding such important information misleads consumers and limits their ability to make an informed choice.

3. Violation of Consumers' Right to Safety

This category includes advertisements that promote medicines, health cures, or medical devices with unproven benefits. Such advertisements are highly risky because they can mislead consumers into using unsafe or ineffective products, which may seriously harm their health and safety.

Right to Redressal: Consumers can file complaints and seek compensation for losses caused by misleading advertisements.

Impact of Misleading Advertisements on Consumers and Competitors

❖ Impact on Consumers⁷

Misleading advertisements are a cause of losses suffered by consumers, with various consequences as outlined below

⁵ <https://legallightconsulting.com/misleading-advertisements-and-consumer-protection-in-india/#ftoc-heading-3>

⁶ *ibid*

⁷ <https://scispace.com/pdf/impact-of-misleading-advertisements-issues-and-remedies-3eiecurv71.pdf>

- **Economic Loss:** Consumers may buy products or services based on false or exaggerated claims that do not meet their expectations, resulting in financial loss. They may also spend extra money on returning, replacing, or repairing unsatisfactory goods or services. Hidden charges or unexpected prices shown in misleading advertisements can further increase economic loss.
- **Health Risks:** Misleading advertisements related to health products can limit informed consumer choices and may reduce the effectiveness of treatment. False claims about medicines, dietary supplements, or medical devices can seriously endanger the health and safety of consumers.
- **Erosion of Trust:** When consumers suffer due to misleading advertisements, they often lose trust in the market, brands, and advertising platforms. This loss of confidence can affect the overall credibility of businesses and advertising practices.
- **Psychological Impact:** Misleading advertisements can cause consumers to feel anger, frustration, and dissatisfaction when they realize they have been deceived. This negative experience can damage their expectations of the brand and reduce satisfaction with the purchasing experience.

❖ **Impact on Competitors⁸**

Misleading advertisements have a serious impact on competitors in the market. These dishonest practices affect how businesses compete and operate within an industry.

When some companies use false or exaggerated advertisements, they gain an unfair advantage over competitors who follow honest and ethical marketing practices. Such advertisements attract customers with promises that cannot be fulfilled. While consumers may initially choose these companies, they often feel disappointed later when the products or services do not meet expectations. This disappointment reduces trust in the market and damages the reputation of the entire industry, including honest businesses.

False advertisements also weaken consumer trust. When misleading practices become common, consumers begin to doubt all advertising claims. Even genuine and reliable companies face suspicion. Honest competitors then struggle to convince consumers of the truth, which slows down business growth.

Misleading advertising can also create unhealthy competition. Ethical businesses may feel pressure to adopt similar deceptive methods just to survive. This leads to a “race to the bottom,” where honesty is ignored and unethical practices become normal. Such a situation discourages innovation and reduces the quality of products and services in the industry.

In addition, honest competitors may get caught in legal or regulatory actions triggered by misleading advertisements used by others in the industry. These legal processes consume time, money, and resources, which could otherwise be used for business development. High legal costs and penalties further burden ethical businesses.

Another effect of misleading advertisements is consumer confusion. Customers often become unsure about which claims are true and which companies can be trusted. As a result, honest competitors may need to spend extra time and money educating consumers and correcting false impressions created by misleading ads.

To deal with these problems, ethical competitors focus on transparency and truthfulness in their advertising. They try to build trust by making clear and verifiable claims, providing evidence to support their statements, and following responsible marketing practices. Such businesses aim to develop long-term relationships with customers based on honesty rather than short-term gains.

Constitutional Protection Against Misleading Advertisement

The Constitution of India gives everyone the right to freedom of speech and expression. This right also includes commercial speech, such as advertisements. However, advertisements need to be handled carefully because they have a strong influence on consumers.

⁸ ibid

An advertisement becomes deceptive when it gives false or misleading information, hides the truth, or creates a wrong impression in the minds of people. Such advertisements can change how consumers think and affect their buying decisions.

Although Article 19(1)(a)⁹ protects freedom of speech, this right is not unlimited. It is subject to reasonable restrictions. Other constitutional provisions like Article 21, which protects the right to life and personal liberty, Article 38, which directs the State to promote public welfare, and Article 304¹⁰, which allows restrictions on trade and commerce, also play an important role in controlling misleading advertisements.

Article 21¹¹ ensures the right to life and personal liberty, which encompasses a wide range of rights and facets. The Supreme Court observed that the general public possesses a right to be informed so as to effectively participate in industrial growth and democratic processes. The right to information is a fundamental entitlement that citizens of a free nation seek as part of the expansive scope of the right to live under Article 21 of the Constitution¹². The Apex Court further emphasized that this right has acquired greater significance and immediacy, thereby imposing enhanced obligations on those who assume the duty of disseminating information¹³.

In addition to constitutional safeguards, several laws have been enacted to regulate false and misleading advertisements. These include the Monopolies and Restrictive Trade Practices Act, 1969, the Competition Act, 2003, the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954, the Food Safety and Standards Act, 2006, the Legal Metrology Act, 2009 along with the Legal Metrology (Packaged Commodities) Rules, 2011, and the Drugs and Cosmetics Act, 1940.

However, the main problem is that these laws are not fully effective. They do not cover all aspects of misleading advertisements, and many times the provisions are not strictly or properly enforced. As a result, deceptive advertisements continue to affect consumers.

Legal Safeguard of consumer against Misleading Advertisements

Consumer Protection Act and Consumer Protection

The Government has set up the Central Consumer Protection Authority (CCPA) to protect the rights and interests of consumers. The main role of the CCPA is to ensure that advertisements for goods and services are truthful and not misleading. It works to prevent the publication and circulation of false or deceptive advertisements and can take action against those involved in spreading them.

formally establishes the CCPA. It gives the Authority the power to deal with violations of consumer rights, unfair trade practices, and misleading advertisements that harm consumers or the public at large¹⁴. The CCPA is also responsible for promoting and safeguarding consumer rights collectively.

If an advertisement is unfair or misleading, a complaint can be made to the Central Consumer Protection Authority, the District Collector, or the Regional Commissioner. As per Section 18 of the Act¹⁵, the Director General or the District Collector has the power to begin an inquiry or investigation on their own initiative (suo motu), or based on a complaint received, or on instructions from the Central Government.

Endorsements and Celebrities

Section 21 of the Consumer Protection Act recognizes that misleading advertisements often involve celebrity endorsements. Therefore, the law holds endorsers responsible for false or misleading claims. If a celebrity promotes a misleading advertisement, they can be punished with a fine and imprisonment of up to two years for the first offence. For repeated offences, the punishment may extend up to five years. In addition to this, the authority may also ban the celebrity from endorsing any product or service for a specified period.

⁹ Constitution of India, 1950

¹⁰ ibid

¹¹ ibid

¹² *R.P. Ltd. v. Indian Express Newspapers* AIR 1989 SC 190

¹³ ibid

¹⁴ Section 10 of the Consumer Protection Act, 2019

¹⁵ the Consumer Protection Act, 2019

Penalty under the Consumer Protection Act

When the investigation or inquiry is completed and the Consumer Protection Commission is satisfied, the Central Consumer Protection Authority (CCPA) can issue orders against misleading advertisements under Section 21 of the Consumer Protection Act, 2019.

If the CCPA finds that an advertisement is false or misleading and harms the interest of the public, it can take the following actions:

- It may impose a fine of up to ₹10 lakh on the manufacturer or endorser. For repeated violations, the fine may go up to ₹50 lakh.
- The CCPA may ban the endorser from promoting any product or service for one year. In case of repeated offences, this ban can be extended up to three years.
- Any person or entity involved in publishing or circulating a misleading advertisement can be fined up to ₹10 lakh.

An endorser can be held responsible only if they did not take reasonable steps to verify the truth of the claims made in the advertisement. For example, if a celebrity promotes a health drink claiming that it can increase a child's height within a week, they are expected to check whether such a claim is scientifically correct. If they fail to do so, the CCPA can impose a penalty.

Similarly, a publisher or advertising agency can be held liable only if the advertisement was published in the normal course of their business. They cannot escape responsibility if they were informed in advance by the CCPA to modify or withdraw the advertisement and still continued to publish it.

Section 89: Penalty for False or Deceptive Advertisements

If a manufacturer or service provider publishes or allows an advertisement that gives incorrect or misleading information and harms consumers, they can be punished under the law. For the first offence, the punishment may include imprisonment of up to two years and a fine that may go up to ten lakh rupees. If the offence is repeated, the punishment becomes more severe and may include imprisonment of up to five years along with a fine that may extend to fifty lakh rupees.

The Bureau of Indian Standards (Certification) Regulations, 1988

The Bureau of Indian Standards Act, 1986 and the Bureau of Indian Standards (Certification) Regulations, 1988 regulate advertisements related to BIS certification. These rules do not allow false or misleading advertisements about BIS certification. Rules 7(1)(f), (g), and (h) clearly prohibit any advertisement that wrongly claims or misrepresents BIS certification¹⁶. BIS certification or registration is compulsory for manufacturers who wish to sell their products in India. This certification is issued by the Bureau of Indian Standards and ensures that products meet Indian Standards for quality, safety, and reliability.

Food Safety and Standards Act, 2006

Section 24 of the Food Safety and Standards Act, 2006 establishes rules to regulate food advertisements and prevent unfair trade practices in India. This provision is designed to ensure that consumers are not misled about the quality, composition, or benefits of food products. Under this section, all food advertisements must be truthful and must not violate the provisions of the Act, its rules, or regulations. Any information conveyed through promotional material must accurately represent the product and its characteristics, and advertisers are prohibited from using deceptive or misleading methods to promote the sale of food items.

The law specifically addresses situations where advertisements make false claims about a product, such as asserting that it meets certain standards, possesses specific qualities, or has benefits that are unverified. Similarly, providing misleading information about the usefulness or necessity of a food product is prohibited. Advertisements cannot promise guaranteed results or effects unless such claims are backed by proper scientific

¹⁶ Bureau of Indian Standards (Certification) Regulations, 1988.

evidence. In cases where scientific proof is cited, it must be valid, reliable, and verifiable to ensure that consumers are not misled.

To enforce these provisions, Section 53 of the Act¹⁷ prescribes penalties for violations. Any person found contravening the rules of Section 24¹⁸ may be subjected to a fine of up to ₹10 lakh. This penalty underscores the importance of honest advertising practices in protecting consumers from deception, promoting public health, and ensuring fair competition among food businesses. Overall, Section 24¹⁹ serves as a critical safeguard in the regulation of food promotion, emphasizing accuracy, transparency, and consumer safety.

Cable Television Networks Act, 1995 and Amendment Act, 2006

These laws regulate advertisements shown on cable television. According to Section 6 of the Act, no advertisement can be broadcast on cable TV unless it follows the Advertising Code.

The Advertising Code, provided under the Cable Television Networks Rules, 1994, requires that:

- Advertisements must comply with all existing laws of the country.
- Advertisements should not promote products or services that are defective or misleading, as defined under consumer protection laws.
- Advertisements should not make false claims about special or miraculous qualities unless such claims can be proven.

The Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 was passed to stop false advertisements about medicines and so-called magical treatments. The law does not allow advertisements that say a medicine can cure certain diseases unless there is proper scientific proof. It also bans the promotion of products that make false or untested health claims. Advertisements that offer “miracle” or “magic” cures can mislead people and may cause harm, as consumers might depend on such products instead of getting correct medical treatment.

Legal Remedies for Misleading Advertisements

Legal Remedies for Misleading Advertisements under the Consumer Protection Act, 2019

Misleading advertisements can cause financial loss, health risks, and emotional distress to consumers. The Consumer Protection Act, 2019 (CP Act, 2019) provides a robust legal framework to safeguard consumer rights and offer remedies against deceptive advertising practices. These remedies are designed to correct the misinformation, compensate affected consumers, and deter businesses from repeating unfair practices.

1. Complaint to the Central Consumer Protection Authority (CCPA)

The Central Consumer Protection Authority (CCPA) was established under Chapter III of the CP Act, 2019. It plays a key role in protecting consumers from misleading advertisements.

- Consumers or any concerned party can lodge complaints directly with the CCPA regarding deceptive or unfair advertisements.
- The CCPA has the power to investigate complaints suo-moto, meaning it can initiate inquiries on its own, without a formal complaint, if it identifies misleading advertising in the market.
- The CCPA can direct companies to stop misleading advertisements, order the withdrawal of deceptive promotional content, and even impose fines or penalties on violators.

¹⁷ Food Safety and Standards Act, 2006

¹⁸ ibid

¹⁹ Supra Note 17 page No 11

2. Corrective Orders by CCPA²⁰

If the CCPA determines that an advertisement is misleading or harmful to public interest, it can issue orders against the advertiser or endorser. These may include:

- **Monetary Penalties:** The producer or endorser can be fined up to ₹10 lakh for a first violation, with subsequent violations attracting higher fines up to ₹50 lakh.
- **Ban on Endorsements:** Celebrity endorsers promoting misleading products can be prohibited from endorsing any product for a specified period, up to three years for repeated violations.
- **Injunctions:** Companies may be ordered to cease publishing or circulating the misleading advertisement immediately.

For example, if a celebrity promotes a product claiming exaggerated health benefits without scientific proof, the CCPA can impose fines and ban the celebrity from future endorsements.

3. Redressal through Consumer Disputes Redressal Commissions

Consumers can also file complaints against misleading advertisements in the District, State, or National Consumer Disputes Redressal Commissions, depending on the value of the claim²¹:

- **District Commission:** Claims up to ₹1 crore.
- **State Commission:** Claims between ₹1 crore and ₹10 crore.
- **National Commission:** Claims exceeding ₹10 crore.

The commissions can grant the following remedies:

- Compensation for financial loss due to misleading advertisements.
- Refunds for defective or misrepresented products or services.
- Orders to stop circulation of misleading advertisements.
- Corrective advertising: Courts may require the company to issue new advertisements correcting the false or misleading claims.

4. Accountability of Celebrity Endorsers

Section 21 of the Act²², specifically addresses endorsements by celebrities:

- Celebrities can be held liable if they endorse products in misleading advertisements.
- They are responsible for verifying claims before promotion.
- If found negligent, the authority can impose fines, imprisonment, or ban them from future endorsements.

This provision ensures that consumers are not misled by endorsements and that celebrities cannot escape accountability.

5. Other Legal Remedies

Apart from complaints and corrective measures, the Act provides:

- **Injunctive Relief:** Courts can stop misleading advertisements immediately to prevent further consumer harm.

²⁰ Section 21 of Consumer Protection Act, 2019

²¹ **District Commission: Section 34 of the Consumer Protection Act, 2019:** For complaints where the value doesn't exceed ₹1 Crore , **State Commission :Section 47 of the Consumer Protection Act, 2019:** For complaints where the value exceeds ₹1 Crore but not ₹10 Crores , **National Commission Section 58 of the Consumer Protection Act, 2019:** For complaints where the value exceeds ₹10 Crores

²² Consumer Protection Act, 2019

- **Suo-moto Actions:** The CCPA or other authorities can act on their own without waiting for consumer complaints.
- **Monetary Compensation:** Compensation can cover financial losses, health damages, or emotional distress caused by the advertisement.
- **Corrective Advertising:** Courts may order corrective advertising in two ways:
 1. The advertiser may be directed to run new advertisements clearly correcting the false or misleading claims made earlier.
 2. The court may award compensation to the affected party so that they can carry out their own corrective advertising to neutralize the impact of the misleading advertisement.

Regulatory Measures and Enforcement

A series of prevention methods exist to combat deceptive advertisements in the market.

- **Mandatory Self-Declarations:** Advertisers must present self-declarations to the Supreme Court before showing advertisements that meet advertising requirements.
- **Penalties for Non-Compliance:** The CCPA along with other regulatory bodies have the power to fine and penalize entities that spread deceptive advertisements.
- **Guidelines for Celebrity Endorsements:** Endorsers who campaign for brands are mandated to thoroughly check advertisement claims for safety responsibilities in advertising practices.

Issues and Challenges in Controlling Misleading Advertisements

Misleading advertisements continue to be a major concern in India despite having laws like the Consumer Protection Act, 2019 and other regulatory measures. Several issues and challenges make it difficult to control such advertisements effectively:

1. **Weak Enforcement:** Even though laws exist, enforcing them is often slow and inefficient. Regulatory authorities may not have enough resources or manpower to monitor all advertisements, which allows misleading ads to circulate freely.
2. **Delayed Legal Action:** Legal proceedings against misleading advertisements can take years. Delays in filing complaints, investigations, and court decisions reduce the effectiveness of consumer protection measures.
3. **Lack of Consumer Awareness:** Many consumers are unaware of their rights or the complaint mechanisms available to them. Without proper knowledge, they are unable to report misleading advertisements, which allows unethical businesses to continue deceptive practices.
4. **Rapid Growth of Digital Advertising:** The rise of online platforms like social media, e-commerce websites, blogs, and video streaming services has made misleading advertisements harder to control. Digital ads can spread quickly and reach millions, often evading the monitoring of regulatory authorities.
5. **Unethical Competition:** Some companies may feel pressured to use misleading advertising to compete with others who are already using deceptive practices. This creates a “race to the bottom,” where businesses compromise ethics to gain short-term profits, harming the industry as a whole.
6. **Complexity of Modern Products:** Products with complex features, like health supplements, medical devices, or financial services, make it harder for regulators and consumers to verify claims. Misleading claims can go undetected until significant harm occurs.
7. **Lack of Updated Regulations:** Many existing laws were designed for traditional advertising methods (TV, print, radio). They may not fully cover digital marketing, influencer promotions, or new online advertising techniques, leaving regulatory gaps.
8. **Consumer Confusion:** Misleading advertisements often create doubt and confusion among consumers. Honest businesses then have to spend extra resources to educate customers and restore trust, which is time-consuming and costly.

Recommendations

To effectively combat misleading advertisements:

- Strengthen enforcement mechanisms and speed up legal proceedings.
- Increase consumer awareness through education campaigns.
- Update regulations to cover digital advertising and online platforms.
- Encourage businesses to follow ethical advertising practices and transparency.

Conclusion

Misleading advertisements pose a serious challenge to consumer welfare, fair competition, and public trust in the market. While advertising plays an important role in informing consumers and promoting business growth, deceptive claims undermine the very purpose of communication by distorting facts and influencing choices unfairly. Indian law, particularly the Consumer Protection Act, 2019, along with sector-specific statutes, provides a strong legal framework to address false and misleading advertisements. However, gaps in enforcement, limited consumer awareness, and the rapid expansion of digital advertising continue to weaken effective control. To ensure meaningful consumer protection, there is a need for stricter enforcement, faster legal action, updated regulations for online platforms, and greater accountability of advertisers and endorsers. Promoting truthful and transparent advertising will not only protect consumers but also strengthen ethical business practices, encourage fair competition, and support sustainable market growth.

