



The Advertising Standards Council of India

COMPLAINTS THAT WERE UPHELD BY THE CONSUMER COMPLAINTS COUNCIL (CCC) From April 2008 to March 2009

Sr. No.	Advertiser / Agency / Media	Claim / Description of Ad/ TVC	Complaint	ASCI Code/ CCC Decision
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Intra-Industry Complaints * ASCI Member \$ Complaint received from Consumer Representational Organisation

Advertisements Modified Appropriately / Withdrawn / Concluded

1.	Sanjeevan Retinopathy Clinic (Diabetic Eye Problem) The Times of India(*) (2/2008)	Claim - "Our researched treatment not only cures the symptoms (blindness, blurred vision, black spots or floaters in the vision) but also cures it root cause successfully".	(Complaint registered in 2/2008). Ad appears to claim treatment for 'blindness', a disease which is mentioned in Schedule of The Drugs & Magic Remedies (Objectionable Advertisements) Act, 1954. Ad appears to be misleading and is in contravention of the provisions of the said Act.	<u>April 2008</u> Chapter I.1. Claim not substantiated. <i>Ad modified.</i>
2.	Eureka Forbes Ltd.(*) (Aquaguard Total) Triton Comms(*) Business & Economy (12/2007 issue)	Claim - "Only Aquaguard Total water purification systems guards the liver, bones and digestive system".	(Complaint registered in 2/2008). Claim needs to be substantiated with proof, supporting technical information with details of tests/trials reports from an independent recognised testing institution.	<u>April 2008</u> Chapter I.1. Claim not substantiated. <i>Claim modified.</i>
3.	Coca-Cola India P. Ltd.(*) (Thums Up) Star Sports(*) (2/2008)	Visuals - "an actor with a lady occupant driving a car in a very rash and negligent manner for a 'Thums Up bottle'. He then meets with an accident and is shown in the hospital, with a fractured leg and sipping a bottle of 'Thums Up'.	(Complaint received in 3/2008) Any individual inspired by this Ad, if attempts to perform such daredevil acts/feat, there is a very likelihood that he will lose his life/limb, and therefore this Ad should be prohibited.	<u>April 2008</u> Chapter III.3 of the ASCI Code. Clauses A and B of the Guidelines on Advertisements for Automotive Vehicles. Actions portrayed in the visuals depicted in the TVC, show

dangerous practices and manifest a disregard for safety without justifiable reason.
Ad portrays violation of the Traffic Rules, and shows speed in a manner which encourages unsafe or reckless driving, which could harm the driver, passengers and/or general public.

TVC modified.

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| 4. | Hindustan Unilever Ltd.(*)
(Lux)

Cartoon Network
(2/2008) | Ad is in a cartoon format, the contents, portrayal and background audio is of adult content. | (Complaint received in 3/2008)
Ad telecast on the said channel is watched by children in the age group of 3 to 10.
Ad bombards images of sexual nature, which is likely to create a negative impact on the young minds. | <p><u>April 2008</u>
Chapter II.
As the TVC was aired on Cartoon Network, a channel watched by children, the contents, depiction of visuals in a cartoon format, was considered offensive to generally accepted standards of public decency.</p> <p><i>TVC discontinued since 15/3/2008.</i></p> |
| 5. | Bajaj Auto Ltd.
(Bajaj Pulsar)

Ogilvy & Mather (*)

Star Gold(*)
(3/2008) | Visuals - “some bikers performing extremely dangerous stunts on motorbikes followed by the Ad slogan - ‘Pulsar Mania’.
The ‘safety warning’ for stunts being performed by experts, appears at the bottom of the Ad in an almost transparent font. | (Complaint received in 3/2008).
Keeping in mind the several instances in the past where such stunt Ads have caused youngsters to get carried away and try these dangerous acts leading to injuries and even deaths, the ‘warning’ given in the Ad is not prominent enough to avoid danger which may result out of the fantasies of a young child after watching the Ad.
(Two similar complaints received against the same TVC). | <p><u>April 2008</u>
Chapter III.3.
Actions portrayed in the visuals depicted in the TVC, show dangerous practices and manifest a disregard for safety without justifiable reason.</p> <p><i>TVC modified.</i></p> |
| 6. | HT Media Ltd.(*)
(Hindustan –
Jharkhand’s No.1
newspaper) | Claim - Hindustan is “Jharkhand’s No.1 newspaper since inception”. | (Complaint received in 3/2008).
No authentic source of information has been published in the Ad for establishing the claim of it being | <p><u>April 2008</u>
Chapters I.1 and I.4.
Claim not substantiated</p> |

	Ogilvy & Mather(*)		the No.1 newspaper of Jharkhand. Claim needs to be substantiated.	adequately. Also, the source of information on the basis of which this claim was made, was not indicated in the Ad.
	Hindustan Times(*) (3/2008)		Ad is bound to mislead the readers and advertisers of other newspapers and detrimental to their reputation.	
				Ad modified.
7.	Hindustan Unilever Ltd(*) (Red Label Natural Care Tea)	Claim (in Hindi) - "Fark sirf immunity ka hai"	(Complaint registered in 1/2008). Claim needs to be substantiated.	<u>April 2008</u> Chapter I.1. Claim not substantiated.
	Suo motu			
	Zee TV(*) (1/2008)			Claim modified.
8.	VLCC Personal Care Ltd. (Shape Up Anti-Cellulite Oil & Gel)	Claim - "Reduces flab & firms skin. Beautiful arms & legs in just 14 days".	(Complaint registered in 2/2008). Claim needs to be substantiated with proof, supporting information with details of tests/trials reports from an independent recognised testing institution.	<u>May 2008</u> Chapter I.1. Claim not substantiated.
	Suo motu			
	India Today Women (1/2008 issue)			Ad campaign concluded in July 08.
9.	Maruti Suzuki Ltd. (Maruti Zen Estilo)	Visuals - "two kids playing, one kid becomes a patient and the other kid a dentist. During their course of play, one of the kids picks up a drilling machine and points it towards the other kid. Ad cuts to a product shot of the car promoting its test drive".	(Complaint received in 2/2008). Visual depiction of "a drilling machine in a child's hand", is extremely dangerous. Children can take it literally and use it to play with if they stumble upon it.	<u>May 2008</u> Chapters III.2 (b) and (c). Visual depiction of "a minor using an electrical appliance (drill machine)", showed a dangerous act, which could encourage minors to emulate such acts in a manner which could cause harm or injury, and the careless use of such a product could lead to an injury.
	Ogilvy & Mather (*)			
	Star Sports(*) (2/2008)			
				TVC withdrawn.
10.	Hindustan Unilever Ltd (*)	TVC shows - "a shoot of a TVC wherein a model is endorsing a skin cream product.	(Complaint received in 4/2008). The general layout, visual presentation, look and feel of this portion of the TVC is very similar	<u>May 2008</u> Chapter IV.1(e). Statement, "kissi aur ke jhoot ko sach
	#	(Fair & Lovely multi vitamin with Fairness		

	Meter)		to the TVC of “Garnier Light Matte”.	manegi ya apni expert khud banegi”, read in conjunction with the claim, “shine free twacha”, unfairly denigrates the Complainant’s product.
	Lowe(*)			
	Star Plus(*), Sony TV(*), Zee TV(*) (4/2008)	The model talks about a cream that she trusts that gives “gori aur shine free twacha”.	‘Garnier Light Matte’ is the first and the only product advertising this product benefit of “Gori aur shine free twacha” and has established a strong brand equity in this regard. The ‘Fair & Lovely’ TVC is targeting ‘Garnier Light Matte’ product and the key benefit it communicates via its main claims.	TVC discontinued.
		A character in the TVC says, “kissi aur ke jhoot ko sach manegi ya apni expert khud banegi..”	TVC is unfairly attacking ‘Garnier Light Matte’.	
11.	Prakash Air Freight P. Ltd. \$ (PAFEX Couriers) Sticker	Claims - “India’s Largest Courier Company”.	(Complaint received in 4/2008). Claim needs to be substantiated with validated industry/market data from an independent recognised audit/research institution. Advertiser should clarify and provide details whether this claim made is with respect to the area covered by it, the capital invested, the speed of collection and delivery, etc.	<u>May 2008</u> Chapter I.1. Claim not substantiated. Sticker withdrawn from use by the Advertiser.
12.	Henkel India Ltd. (*) # (Mr. White Detergent) Mudra Comms (*) Sahara One(*), Star Plus(*), Zee Cinema(*) (3/2008)	Claims – “all other detergents make white clothes look dull after repeated washes while Mr. White, even after repeated washes, keeps white clothes white as new”.	(Complaint received in 4/2008). Claim is completely unqualified and it does not say what kind of other detergents against which the same is compared with. TVC attempts to give an impression that even against all kinds of detergents, Mr. White is superior.	<u>May 2008</u> Chapter I.1. Visual claim of Mr. White detergent being better than “other detergents”, not substantiated. TVC modified.
		“New Mr. White with whiteness boosters that not only cleans clothes well but also keeps your white clothes always white as new”	There are certain products available with lemon power which provide better efficacy of cleaning. In addition, it is an exaggeration in as much as under no circumstances after repeated washes white clothes can be as new bright white.	

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| 13. | Novartis India Ltd.(*)
(Calcium Sandoz Soft Chew) | TVC claims - “Bones become stronger by eating toffee if toffee is Calcium Sandoz Soft Chew”. | (Complaint received in 4/2008)
Advertiser needs to substantiate this claim by providing – (1) independent research data, (2) data supporting the myth that added sugar and artificial flavour, present in toffee, doesn’t have adverse effect on children health, (3) data regarding short and long term side effects of consuming this product, especially on children. | <u>May 2008</u>
Chapter I.4 of the ASCI Code, and point 4 of Self-Regulation Guidelines on the Advertising of Foods & Beverages. |
| \$ | Grey Worldwide P. Ltd.(*)

Star Plus(*),
Pogo channel.

Promotion message on the product pack. | Product pack claims - “A proprietary ayurvedic medicine”. | This appears to contradict the claim made in the TVC which shows it as a toffee for all children. | Ad misleading and encouraged excessive consumption of the product. |
| | | Pack claim - “Keep this and all drugs out of reach of children”. | Advertiser should provide clarification as to why a toffee which makes the bone of the children strong, be kept out of their reach. | <i>Subsequently, the Advertiser provided additional data, specifying the calcium content in each Soft Chew, which clarifies that the consumption is not excessive.</i> |
| | | Pack uses the word “Chocolate” | This suggests that the product is a chocolate rather than a medicine, and this may tempt the youngsters to consume this product more and more. | |
| 14. | Tata Teleservices Ltd.
(Plug 2 Surf) | TVC shows “a film personality helping three girls who need to connect to the web, by plugging in her own USB modem into their laptop”. | (Complaint received in 4/2008).
This modem needs to be installed on a computer. It cannot and does not work “plug-and-play”. The Ad is misleading for people who think they will merely be able to take this modem wherever they go and log on from any computer. | <u>May 2008</u>
Chapter I.4.
In the absence of a clearly readable super, “For complete installation procedure please refer manual available with Plug2Surfwhiz”, the Ad is likely to mislead the consumers that the product promoted is a plug and play device. |
| | Star Plus(*), Sony TV(*), and Zee TV(*)
(3/2008) | | | <i>TVC discontinued.</i> |
| 15. | ALT Training College | Claims - “World’s Largest Apparel Knitwear & Leather Training College”, “The ALT Training college is the first composite training college in India both technologically advanced and” | (Complaint received in 5/2008).
Claims need to be substantiated with proof, validated industry/market data from an independent recognised audit/research institution. | <u>June 2008</u>
Chapter I.1.
Claims not substantiated. |
| \$ | Brochure and Website | | | <i>Claims deleted from the Brochure and Website.</i> |

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| 16. | <p>Gillette India Ltd.(*)
(Gillette Victor Plus Blade)</p> <p>Jaya TV
(4/2008)</p> | <p>Voice over – “blade lasts for 3 weeks”.</p> <p>Fine print - “on the basis of one shave every 3 days”</p> | <p>(Complaint received in 5/2008).
The consumer is led to believe that the blade lasts for 21 shaves whereas it lasts for only 7 shaves.
Fine print appears on the screen for a short time that one cannot read it fully.
Ad is misleading.</p> | <p><u>June 2008</u>
Chapter I.4.
Ad misleading.</p> <p><i>TVC withdrawn.</i></p> |
| 17. | <p>Parle Agro P. Ltd.
(Frooti)</p> <p>Sun Music
(4/2008)</p> | <p>Visuals - “children being hit by various people and belittled by adults”.</p> <p>“Elders forcing their children not to eat fresh mangoes. In frustration, the children throw the mangoes in water and are then shown drinking “Frooti”.</p> | <p>(Complaint received in 5/2008).
Ad promotes corporal punishment and violence against children.</p> <p>Ad is insulting the natural fruit – mango which is called the `King of fruit`. Ad is likely to spread wrong messages to teenagers.
(One similar complaint received against the same TVC).</p> | <p><u>June 2008</u>
Chapters III.2 and IV.1(e).
Ad depicts children being physically harmed.
Ad unfairly denigrates a natural fruit.</p> <p><i>TVC modified.</i></p> |
| 18. | <p>Times Business Solutions Ltd.
\$ (Magicbricks.com)</p> <p>Website</p> | <p>Claim - “India’s No.1 Property Site”.</p> | <p>(Complaint received in 4/2008).
Claim needs to be substantiated with proof, validated industry/market data from an independent recognised audit/research institution.</p> | <p><u>June 2008</u>
Chapter I.1.
Advertiser did not provide any `market research report’ in support of the claim.
Claim not substantiated.</p> <p><i>Subsequently, the Advertiser provided comparative data from the Google Ad Planner, in substantiation of the claim.</i></p> |
| 19. | <p>Reckitt Benckiser (India) Ltd.(*)
(Dettol Herbal soap)</p> <p>Raj TV
(2/2008)
Sun TV
(2/2008)</p> | <p>Claim - Dettol Herbal “gives 10 times better / more protection than bar/liquid soap without actives”.</p> <p>Qualifier in the TVC mentions - “as per standard testing protocol against bar/liquid soap without actives”.</p> | <p>(Complaint received in 4/2008)
Complainant found out from their analysis that Dettol Herbal soap does not contain TCC, which is the “active” commonly used in all its soap bars including the other variants of Dettol viz sold under Dettol original. Dettol Herbal claims to contain natural ingredients – avocado oil and aloe barbadensis extract. Therefore the comparison with “soaps without actives” is misleading.</p> | <p><u>June 2008</u>
Exparte (absence of comments from the Advertiser).
Chapter I.1.
Claim not substantiated.</p> <p><i>Subsequently the Advertiser provided the Delhi High Court judgement which</i></p> |

Also, the Complainant has carried out the `standard test' to assess the skin protection benefit. In this test, Dettol Herbal has been compared against four of the soaps which do not contain "actives". The comparison amongst these soaps clearly proves that Dettol Herbal soap bar does not offer 10 times more protection than soaps without actives. Therefore, the claim is not capable of being substantiated.

accepted their claim based on the independent laboratory report..

TVC shows - "a mother telling her child - "It is not enough to have nature's goodness. It is essential to have protection".

This is an indirect indictment on one of the soap brand (Hamam) which is a soap based on nature's goodness and is one of the widely sold variant. The test carried out by an independent laboratory establishes that `Hamam Sampoorna snaan' soap bar is much better than Dettol Herbal soap.

20. #	Procter & Gamble Home Products Ltd(*) (Olay Total Effects) Eenadu TV(*), Set Max(*), Star Plus(*), Zee TV(*) (4/2008)	Claim - "India's best Anti-Ageing Cream".	(Complaint received in 5/2008) Claim is completely unsubstantiated and unqualified and is a mere attempt to mislead the consumers. It is unclear what is the basis of the claim and what market survey and / or testing has been conducted, to substantiate such a strong claim to disparage all other Anti Ageing products sold in India.	<u>July 2008</u> Chapter I.1. Advertiser did not provide statistically significant data. Claim not substantiated adequately. <i>TVC withdrawn.</i>
21. \$	Amara Raja Batteries Ltd(*) (Amaron Batteries) Ogilvy & Mather(*) Ad appeared on Company's website	Claims - "India's most powerful battery", "lasts long"	(Complaint received in 5/2008) Claims need to be substantiated with proof, validated industry/market data from an independent recognised audit/research institution.	<u>July 2008</u> Chapter I.1. Claim, "India's most powerful battery", not substantiated. <u>September 2008</u> <u>Decision on Review Upheld decision stands.</u> Chapter I.1. Advertiser did not provide any comparative data in support of the claim. Claim not substantiated. <i>Advertiser assured appropriate modification of the claim.</i>

22. Suo motu	Tata Sky Ltd(*) (Rs.200 pm family channel pack) Star News(*) (6/2008)	TVC promotes a Rs. 200 pm family channel pack. Ad shows various other package offers and mentions "baaki ke packs pehle se saste damo mein" (other packs at lower than earlier prices).	(Complaint registered in 6/2008) Tata Sky's super saver pack which costed Rs.300 pm previously is now offered at Rs.260 pm. But channels like Star Sports, Star Cricket, ESPN, Ten Sports, BBC News and BBC Entertainment, which were part of the same Super Saver channel pack costing Rs.300 pm previously, are taken out from the Super Saver pack and are put on as 'Add On Packages'. And the cost of Add On Packs having these same channels as before comes to Rs. 85 pm extra. Meaning, subscribers of Super Saver Packs have to pay Rs. 345 (Rs. 260 + 85) to get these channels available within Rs. 300 pack previously. In fact, this is no price reduction but actually a price increase. The claim of price reduction of the Super Saver pack is totally false.	<u>July 2008</u> Chapter I.4. Ad misleading, as the super saver pack along with the Add on packs were more expensive than the original pre discount packs. <i>Subsequently, the Advertiser provided additional data, specifying that the TVC communicated a genuine price reduction in the base package offering of Tata Sky coupled with freedom of choice with regards to viewing of sports channels. TVC discontinued in June 2008.</i>
23. Suo motu	Yum! Restaurants Marketing Pvt Ltd (Kentucky Fried Chicken) Ogilvy & Mather(*) HBO channel (6/2008)	TVC shows - "young men in a car eating fried chicken. Even the driver is shown as eating while driving. And the car ends up topsy turvy most likely due to an accident. The Ad is for Bucket (large pack) of Kentucky Fried Chicken (KFC), and the voice over says, "non stop khao, non stop khilao".	(Complaint registered in 6/2008) Showing eating while driving a car, is promoting an unsafe practice. The words "non stop khao, non stop khilao", in conjunction with the Ad being of KFC bucket size pack, is clear intention of advertiser promoting over/excessive consumption of KFC, which being fried chicken has high content of fat in it.	<u>July 2008</u> Chapter III.3. Visual depiction of the "driver licking his finger" implied that he has been eating whilst driving, which could result in harm to the driver/passengers. Ad shows a dangerous practice without justifiable reason. <i>TVC modified.</i>
24. \$	Alkem Laboratories Ltd (Alkem's Ayurvedic Jeevanprash) DNA (3/2008)	Claims - "More benefits than powerful chyawanprash", "F.O.S (Fibre) reduces cholesterol", "F.O.S gives sweetness like sugar, calories negligible", "Builds power of resistance, strength, stamina and confidence", "Best energizer for diabetics", "Delicious Health Builder", "Keeps males and females, elderly, young and kids healthy and active all 12 months of a year".	(Complaint received in 5/2008) Claims need to be substantiated with supporting technical/clinical information with details of tests/trials reports from an independent recognised testing institution.	<u>July 2008</u> Chapter I.1. Claims not substantiated with tests/trials reports from an independent laboratory. <i>Ad withdrawn.</i>

25. #	Hindustan Unilever Ltd(*) (Fair & Lovely Multivitamin fairness cream) Lowe(*) Zee TV(*), Star TV(*), Sony (*) (5/2008)	TVC shows shots of various creams with central focus on an unbranded pump jar.	(Complaint received in 6/2008) This verbatim resembles the "Olay total effects Pump Jar". A plain glance at the said visual clearly denigrates and discredits Olay total effects as being inferior to 'Fair & Lovely'. That Olay total effects is being specifically targeted for disparagement also becomes clear from the fact, that though it is a highly reputed anti-ageing cream, the TVC seeks to illogically compare its benefits with Fair & Lovely which is merely a fairness cream.	<u>August 2008</u> Chapter I.4. Claims, "Fair & Lovely Duniya Ki No.1 fairness cream", "Aur consumers ne ise chuna 100 mein se 99 baar", and "Fair & Lovely hai anya international creams se behetar", were misleading.
		Claim - "Fair & Lovely Duniya Ki No.1 fairness cream" (Fair & Lovely is the World's No.1 fairness cream). The super refers to "Based on volume sales in key skin lightening markets, as per AC Nielsen retail panel".	This contradicts the claim of "world's no.1" position since the data is restricted only to a select key skin lightening markets and not to the entire markets world wide.	
		Claim -"Fair & Lovely hai anya international creams se behetar" (Fair & Lovely is better than any of the other international creams), is based on a 'blind monadic test'.	Claim is misleading as it conveys to the consumers that Fair & Lovely is better than all the other competing brands in the market.	
		Claim - "Aur consumers ne ise chuna 100 mein se 99 baar" (Consumers selected this cream 99 times out of 100)	Claim is ambiguous, confusing and in fact misleading. This leads to an impression that the consumer was given a variety of creams to choose from and out of which he opted for Fair & Lovely. This is contradictory to the concept of a monadic test which is being used in support by the TVC.	
		Usage of the term "multi vitamin" as a part of the name of a cosmetic product Fair & Lovely	This is highly misleading. The TVC nowhere carries any reference to any support or substantiation as to how the presence of multi vitamins in the cream can lead to fairness.	
26. #	Hindustan Unilever Ltd(*) (Ponds Flawless White) Zee TV(*), Star TV(*), Sony(*) (2/2008)	TVC shows - "a girl who applies the cream on her face gets a beaming and glowing face 7 days after usage and this is shown by a comparative visual showing her face before and after the usage of the cream. A beauty expert claims that, "only the Ponds Flawless White	(Complaint received in 6/2008) Claim is highly exaggerated and unsubstantiated and has the potential of misleading the gullible consumers. A translation of the term 'Flawless White' would mean that the usage of the cream can completely erase dark spots, scars, lines and wrinkles, and removes any and all other facial skin imperfections. The comparative	<u>August 2008</u> Chapter I.4. Claim misleading by exaggeration. TV campaign discontinued since April 08. Advertiser assured appropriate modification of the Ad.

cream can make your skin flawless white within 7 days of usage”.

visual can only lead an innocent consumer into believing that by merely using the cream for 7 days, she would get a beaming and glowing flawless white skin.

<p>27. Hindustan Unilever Ltd(*) # (Pond's Age Miracle Cream) Star TV(*), Sony(*), Zee TV(*) (Nov 07) Femina(*) (10/2007)</p>	<p>TVC starts with a question – “Can your cream do this in just 7 days? Take up Pond's Age Miracle 7 days challenge. If in 7 days you don't start looking young, then you will get your money back”.</p> <p>Super in the TVC reads – “Based on a chromo meter reading and photo self assessment against untreated skin in a clinical test”.</p> <p>Print Ad states - “Pond's Age Miracle cream does what no other anti-ageing cream can. It reduces age spots and brings about a visible change in wrinkles in just 7 days.* And that's a challenge. If it doesn't work, you get your money back”.</p> <p>Fine print states - “Based on a chromo meter reading and photo self assessment against untreated skin in a clinical test”.</p>	<p>(Complaint received in 6/2008)</p> <p>It is clear that the claim made in the TVC and in print Ad, is supported by a clinical test carried out on an “untreated skin” i.e. on consumers who were not using any cream.</p> <p>Therefore, even assuming without admitting that the said tests/results are relevant, the mere fact of the advertiser targeting the consumer with a question “Can your cream do this?” assumes consumers currently using some other cream. Whereas factually and on the advertiser's own admission, the claim is based on tests carried out only on the “untreated skin”.</p> <p>The claim is false and misleading the consumers in making them believe that only Pond's gives the benefits, without substantive support, and is directly denigrating and discrediting the efficacy of the similar products available in the market place.</p>	<p><u>September 2008</u> Chapter I.1. Claim was not supported by a comparative data with other leading creams. Claim not substantiated.</p> <p><i>Advertiser informed that the Ad was aired from September 2007 to December 2007, and the same is no longer on air.</i></p>
<p>28. Cheil Communications India Pvt Ltd(*) \$ (Samsung Bio Sleep Air Conditioners) Ahmedabad Mirror(*) (4/2008)</p>	<p>Claims - “When you bio-wake up, it shows”</p> <p>“Designed to give you the deepest sleep”.</p> <p>“They work with your bio-rhythm to adjust the room temperature”.</p>	<p>(Complaint received in 6/2008)</p> <p>Explain the term “bio-wake up” and what is shown when you bio-wake up.</p> <p>Explain how does it measure the depth of sleep, and how does the design of the air conditioner induce the deepest sleep.</p> <p>Explain the term `bio-rhythm', how does the air conditioner work with the human bio-rhythm, how the same air conditioner works</p>	<p><u>September 2008</u> Chapters I.1 and I.4. Claims, “designed to give you the deepest sleep”, and “They work with your bio-rhythm to adjust the room temperature”, not substantiated. Claim, “designed to give you the deepest sleep”, was misleading, as deepest sleep is</p>

			differently with the bio-rhythm of different individuals in the same room. To provide data on the maximum number of persons to whose bio-rhythm its air conditioner can adjust.	induced by other factors besides an air conditioned environment.
		“30% Electricity Savings”.	Claim needs to be substantiated with independent data.	Ad suspended temporarily.
		“Powerful cooling even at 54 degree C”	Explain the tests carried out to substantiate this claim.	
		“BEE star rating. Available in select models only”.	To specify whether its bio sleep model air conditioner has been rated by the BEE. To provide information about the number of stars the bio sleep model has to its credit.	
29.	Cheil Communications India Pvt Ltd(*) (Samsung Guru 200 mobile) Zoom channel(*) (6/2008)	TVC shows “a tourist guide recording songs from FM to impress some foreign tourists. As told through the voice-over, “Ab FM se record kijiye or jab chahe suniye”. The phone comes with an FM recording feature.	(Complaint received in 6/2008) Ad not only promotes music piracy, but actually teaches people to `steal music`. (Three similar complaints received against the same TVC).	<u>September 2008</u> Chapter III.4. Ad promotes infringement of Copyrights, which is an illegal act. Ad in breach of the law since the Ad was in apparent violation of The Copyright Act. TVC withdrawn.
30.	Hindustan Unilever Ltd(*) (Axe Deodorant – Dark Temptation) CNN IBN(*) (8/2008)	TVC shows - “a boy spraying the Axe deodorant on himself and he gets converted into a boy made of chocolate, as the fragrance of the deodorant is of chocolate. As he walks on the street, the girls start licking him, two girls lick and bite his ears on both sides, in the bus a girl bites his butts, enjoys the taste and licks her lips. The boy is shown enjoying it all”.	(Complaint received in 8/2008) Ad is in bad taste and is vulgar, as it shows the girls licking and biting the boy. The scene of the girl biting his backside is highly objectionable. (Two similar complaints received against the same TVC).	<u>September 2008</u> Chapter II. Visuals of the “girls licking the chocolate boy”, and “girl biting his rear”, was indecent and likely to cause grave or widespread offence. TVC modified.

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| 31. | <p>RG Stone Urology & Laparoscopy Hospital</p> <p>Suo motu
91.1 FM
(8/2008)</p> | <p>Ad says “if a lady suffers from irregular or heavy periods, she should “get rid of her troublesome uterus” by contacting R G Hospital”.</p> | <p>(Complaint registered in 8/2008)</p> <p>This is a dangerous and irresponsible claim and in any event, uterus removal or hysterectomy cannot be treated as some sort of elective or cosmetic surgery.</p> | <p><u>September 2008</u>
Chapters I.4 and II.
Voice-over was misleading, and was likely to cause grave or widespread offence.</p> <p style="text-align: right;"><i>Radio spot off air from September 08.</i></p> |
| 32. | <p>L’Oreal India P. Ltd(*)
(Garnier Light Fairness and Dark Spots prevention daily moisturiser)</p> <p>Publicis India(*)</p> <p>Sony TV(*), Star Gold(*), Zee TV(*)
(5/2008)</p> <p>Femina(*)
(6/2008)</p> | <p>Claim - “Get Upto 2 Tones Fairer in Just 7 Days*”</p> <p>Small print shows a qualifier “*91% agree – self assessment. Individual results may vary”.</p> | <p>(Complaint received in 8/2008)</p> <p>Claim is misleading. The said communication coupled with the qualifier that individual results may vary, would clearly demonstrate that the claim otherwise is not tenable. As such it is patently false as no cosmetic can claim to achieve two shades or two tones change in skin fairness within such a short period of 7 days.</p> <p>The overall impression created by the Ad is that a similar Fairness Scale is available with the product Garnier Light. The different scales and/or shades and/or tones of fairness are also depicted on the Fairness Scale. The reference to clinical study is confused with instrumental evaluation and consumer perception.</p> <p>Dramatic improvement in skin shade like “2 tone change in short period of time”, cannot be provided by daily use cosmetic products using safe ingredients and in fact such result is seen by use of bleaches, dermatological treatments eg. peel etc.</p> <p>Further, the claim needs to be substantiated with supporting technical information and with details of tests/trials reports from an independent recognised testing institution.</p> | <p><u>September 2008</u>
Chapter I.1.
Claim not substantiated adequately.</p> <p style="text-align: right;"><i>Advertiser assured appropriate modification of the claim.</i></p> |
| 33. | <p>Triveni Media Ltd
(Voice of India – 24 Hours Hindi news channel)</p> <p>Economic Times(*)
(8/2008)</p> | <p>Ad shows – “a picture of a lady doing her exercise”.</p> | <p>(Complaint received in 8/2008)</p> <p>Ad is offensive, in bad taste, hurts the sensibility of common readers and has apparently no connection whatsoever with whatever they are trying to sell or provide. Ad is disgusting, obscene and inappropriate for readers’ taste.</p> <p>(One similar complaint received against the same Ad)</p> | <p><u>September 2008</u>
Chapter II.
Visual was repulsive and likely to cause grave or widespread offence.</p> <p style="text-align: right;"><i>Ad withdrawn.</i></p> |

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| 34. | Symbiosis
(International English
Course)

Billboard Ad put up
in Kerala
(8/2008) | Ad shows - “a Squirrel
chopped into pieces with
the pieces being shown as
pieces of fruit”

Tagline states - “want to
be fruitful?” | (Complaint received in 8/2008)
Squirrels are protected under the
Wildlife Protection Act 1972 and
killing them is an offence under
this Act.
This cruel depiction of an animal
may encourage viewers to kill
Squirrel, which is a punishable
offence under the Wildlife
Protection Act. | <u>October 2008</u>
Chapter II.
Picture shown in the
Ad promotes
violence towards an
animal, which is
likely to cause grave
or widespread
offence.

<i>Ad withdrawn.</i>
<i>Advertiser assured</i>
<i>that the said picture</i>
<i>will not be used in</i>
<i>any of their future</i>
<i>Ads.</i> |
| 35. | The Telegraph
(Classifieds auto
market)

The Telegraph,
Calcutta
(6/2008) | Ad shows - “four persons
on a motorbike”.

Ad headline states -
“Ready to buy a car?” | (Complaint received in 8/2008)
Ad is hazardous and harmful. It
also appears to be in violation of
the Motor Vehicles Act 1988. | <u>October 2008</u>
Chapters III.3 and 4
of the ASCI Code,
and Clause A of the
Guidelines on
Advertisements for
Automotive Vehicles.

Ad shows a
dangerous practice
and manifests a
disregard for safety
without justifiable
reason. Also, the Ad
is considered to be in
breach of the law,
and portrays violation
of the Traffic Rules.

<i>Ad discontinued.</i> |
| 36. | Tele Health Care
(Tall You Cosmetic)

Mumbai Mirror(*)
(6/2008) | Ad states - “It makes you
proud to have good
height. Apply ‘Tall You’
once a day on sole for 3-6
months”. | (Complaint received in 8/2008)
Bones attain their final heights
after 20 years of Age. Height
cannot be increased by any
medicines, exercise or by any
cosmetics.
Ad is totally misleading the lay
public.

Further, the claim needs to be
substantiated with proof, additional
supporting information with details
of tests/trials conducted. | <u>October 2008</u>
Chapters I.1 and I.4.
Claim implies that
‘Tall You’ can
increase height,
which appears to be
false and was not
substantiated.
Ad misleading by
ambiguity.

<i>Ad modified.</i> |

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| 37. | Neo Sports Broadcast Pvt Ltd(*)
(Neo Cricket)

Ad appeared on BEST Bus
(observed in 9/2008) | Ad shows - “a bleeding Toe”, and states, “Last year, not all of Brett Lee’s Yorkers hit the wicket”. | (Complaint registered in 9/2008)
Ad appears to be in contravention of the ASCI Code. | <u>October 2008</u>
Chapter II.
Visual shown in the Ad, is repulsive and is likely to cause grave or widespread offence.

<i>Advertiser advised that the campaign had already ended as it was an event specific time bound communication.</i> |
| 38. | Yahoo Web Services India Pvt Ltd
(Yahoo India – Search Engine)

Ogilvy & Mather(*)

Aired on various channels
(9/2008) | TVC shows - “a stammerer skydiving and failing to count uptill 10”. | (Complaint received in 9/2008)
Ad is in very bad taste and embarassing for a stammerer. | <u>October 2008</u>
Chapter II.
The insensitive portrayal of “a stammerer” in the Ad, was likely to cause grave or widespread offence.

<i>Advertiser assured appropriate modification of the TVC.</i> |
| 39. | Pantaloon Retail (India) Ltd
(Big Bazaar)

Print Ads, Banners, Bills | Claim - “Is se sasta aur accha kahin nahi!”. | (Complaint received in 8/2008)
According to the Complainant, there are items available outside, which are cheaper than what Big Bazaar claims. | <u>October 2008</u>
Exparte (absence of comments from the Advertiser).
Chapter I.4.
Claim misleading by exaggeration.

<i>Subsequently, the Advertiser provided comparative bills of Big Bazaar and other stores, which proved that on a basket of commodities, they are cheaper.</i> |

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| 40. | <p>Naveen Advertisements (Hanuman Kavach)</p> <p>Zee TV(*), Sahara TV(*), UTV Movies, Nick channel</p> | <p>Claims – “there will be no health and household problems”, “Hanuman Kavach is the cure for all financial worries and other mishap and unfortunate incidents”.</p> | <p>(Complaint received in 9/2008)</p> <p>Advertiser is cheating the common public by exploring their religious feelings and sentiments.</p> <p>Further, the advertiser should provide proof, additional supporting information in substantiation of the claims made in the Ad, with details of any survey conducted by an independent market research agency.</p> | <p><u>November 2008</u></p> <p>Exparte (absence of comments from the Advertiser). Chapters I.1 and I.5. Claims not substantiated. Claims appeared to be gross exaggerations which is likely to lead to grave or widespread disappointment in the minds of consumers.</p> <p><i>Advertiser informed that the said TVC has been discontinued, and the claims will not be repeated again in their TVC.</i></p> |
| 41. | <p>Timex Group India Limited (Timex Watches)</p> <p>TVC</p> <p>suo motu</p> | <p>TVC shows - “a boy and a girl are driving their respective cars. They are talking to each other whilst driving. At a given time, the girl drives with the same speed in reverse”.</p> | <p>(Complaint registered in 8/2008)</p> <p>This is in gross violation of safety norms and will encourage reckless driving which could harm the driver and the passenger.</p> | <p><u>November 2008</u></p> <p>Chapter III.3. Action sequences as depicted in the TVC, shows dangerous practices and manifest a disregard for safety without justifiable reason. Cautionary message shown in the TVC is not of a readable font size.</p> <p><i>TVC modified.</i></p> |
| 42. | <p>Wings Pharmaceuticals Pvt Ltd (Diclowin Plus Gel)</p> <p>Foresight Comm P. Ltd</p> <p>NDTV(*) (6/2008)</p> | <p>TVC shows - “a chemist shop, where the chemist is recommending the brand to his consumers”. Ad mentions ‘Diclowin Plus’ tablets as a remedy for pain and Gel for local pain.</p> | <p>(Complaint received in 6/2008)</p> <p>In this TVC there is a promotion of ‘Diclowin Plus Tablets’. Also, it implies that like Diclowin Gel, it is also a over the counter product which does not require any medical practitioner prescription.</p> <p>‘Diclowin Plus’ tablets is covered under the category prescription Drugs, Schedule ‘H’ of the Drugs & Cosmetics Act 1940 & Rules thereunder 1945. Diclowin Plus tablets contains a molecule Diclofenac that falls under the category of Schedule “H” drugs, which are essentially “To be sold by retail on the prescription of a registered medical practitioner only”.</p> <p>This is clear and intentional breach of rules & regulations applicable to drug products under Drugs & Cosmetics Act 1940 & Rules thereunder 1945.</p> | <p><u>November 2008</u></p> <p>Chapter III.4. Claim of “Diclowin Plus tablets is for headache and bodyache”, as made in the TVC, is in apparent violation of The Drugs & Cosmetics Act 1940 and Rules thereunder 1945. Ad was in breach of the law.</p> <p><i>TVC modified.</i></p> |

43. #	M M Publications Ltd(*) (Vanitha – Ornament Special) Folder (1 st Dec 08 issue)	Folder states - “Vanitha: Hard Facts. Over 36% readers belong to SEC A1 + Over 30% readers have an MHI of 10001 + Over 78% readers are regular shoppers”.	(Complaint received in 11/2008) The source of data is not shown anywhere in the folder, which is not as per the usual practice.	<u>December 2008</u> Chapter I.4. Claims were not supported with the source of data, and also it did not mention the state/area of the readers. Brochure/folder was misleading.
<i>Brochure modified appropriately.</i>				
44. suo motu	Fem Care Pharma Limited (Fem Herbal Stratum) Red C Advertising Mumbai Mirror(*) (10/2008)	Ad headline - “Colouring your hair? Beware!” Claims - “Colouring your hair can cause Rough hair/hair loss, Eye irritation, Itchiness of scalp, Facial skin pigmentation”, “Most hair colours and dyes contain harmful chemicals like Para- phenylene diamine (PPD) that do not get washed off completely from hair and scalp even after shampooing”, “.....protects me from the harmful effects of hair colour”. Pack claims - “Neutralizes harmful effects of hair colour”.	(Complaint registered in 10/2008) Ad is misleading and it puts a fear into the readers mind that hair colour is harmful.	<u>January 2009</u> Chapters I.4 and IV.1(e). Press Ad and TVC is misleading as it puts undue fear in the minds of consumers about hair colours in general, and also it unfairly denigrates other products directly.
<i>Advertiser assured appropriate modification of the Ad.</i>				
45. #	Makemy Trip India Pvt Ltd (MakeMyTrip.com) TVC aired on various channels	MakeMyTrip.com have aired the very same Ad film shot for “Express Money”.	(Complaint received in 11/2008) The Ad of Express Money was shot on 18 th May 2008 and was aired for the first time on the leading TV channels in the first week of June. MakeMyTrip.com started airing their Ad which was none other than the film shot for Express Money.	<u>January 2009</u> Chapter IV.3. First scene of “MakeMyTrip.com” TVC featuring the “Groom’s father and mother”, was identical to the scene shown in the “Express Money” TVC. Remaining part of the Advertiser’s TVC was generic of a festival celebration.
<i>TVC withdrawn.</i>				

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| 46. | Coca Cola India Inc(*)
(Coca Cola)

McCann-Erickson(*)

Star Plus(*)
(10/2008)
IBN7
(10/2008) | TVC shows - “a minor boy is playing with a fire cracker (Ful-jhadi) in a dangerous way”. | (Complaint received in 11/2008)
By watching this TVC, children may get provoked/tempted to perform the similar act which is against the safety standard of using fire crackers and harmful in nature for the children. | January 2009
Chapter III.3.
Visual showing “use of sparklers in a dangerous manner”, manifests a disregard for safety and is likely to encourage negligence.

<i>TVC withdrawn.</i> |
| 47. | VRS Foods Ltd
(Paras Malamaal Offer)

Percept H(*)

Navbharat Times
(Hello Delhi)
(11/2008 and 12/2008) | Ad in Hindi, as translated in English, states - “with the purchase of every litre of Paras Ghee, the consumer gets an opportunity to win lots of grand prizes”, which is through Lucky Draw Coupons.
Ad shows 4 packs of Ghee i.e. 1 ltr, 2 ltr, 5 litre, and 15 kgs.
The scheme is advertised to have commenced on and from 15 th November 08. | (Complaint received in 12/2008)
On 30 th November 08, the Complainant bought a 15 kg tin, produced under batch No.188 in Nov 08 from a Delhi market. The shopkeeper refused to give any lucky draw coupons, stating that the company has not supplied any coupons to him. On a written complaint lodged with the Advertiser, it replied that the said scheme does not apply to 15 kg tin which is considered to be a bulk pack.
Ad does not state that the scheme does not apply to 15 kg tin or that it applies only to 1, 2 and 5 ltr packs. | January 2009
Chapter I.4.
Claim, read in conjunction with the visual showing “4 packs of Ghee”, was misleading by ambiguity.

<i>Ad discontinued.</i> |
| 48. | Citibank N.A.(*)
(Senior Citizen Account – value added services)

Brochure | Brochure states - “Citibank presents Senior Citizens Account – packed with the privileges only age deserves – Free home delivery of medicines. Free complete fitness evaluation” | (Complaint received in 12/2008)
The value added services claim offered by Citibank are false. This represents false advertising and not honouring the obligations made. The Bank does not provide these services despite repeated requests. | January 2009
Chapter I.4.
Brochure was misleading by ambiguity.

<i>Advertiser informed that the services mentioned in the old brochure were discontinued. New Brochure does not include the medical benefits.</i> |
| 49.
| Hindustan Unilever Ltd(*)
(Vim Active Gel)

Star One(*), Star Plus(*), Colors
(11/2008) | TVC shows - “Vim Gel is applied directly on the sponge and it is used for cleaning the vessels. Concurrently, an `ordinary liquid` utensil cleaner is applied directly | (Complaint received in 12/2008)
Visual shows ordinary liquid being applied directly (without dilution) on the sponge during the cleaning process while in the text the comparison is made between an undiluted Gel vs. diluted dish | January 2009
Chapter I.1.
Claim not substantiated with an independent laboratory report. |

		on the sponge and it is used for cleaning the vessels.	washing liquid. Thus the visual misrepresentation and the text are factually contradictory, and creates a false impression in the minds of the consumers that Vim Gel is superior to ordinary liquid in its normal form (direct application – without dilution) rather than the diluted form.	<i>Subsequently, the Advertiser provided a report from an independent third party laboratory.</i>
		Claim - “two times longer lasting foam on sponge vs. diluted dish washing liquid”.	Voice over claims that “Vim Gel stays in the scrubber twice as long as compared to the ordinary liquid”. But the source for this claim is not mentioned in the TVC which is a clear violation.	
50.	Kent RO Systems Ltd (Kent RO Water Purifier) Colors (10/2008)	Claim - “Only Kent Mineral RO Water Purifier retains all essential minerals and gets you and your family 100% pure water”.	(Complaint registered in 2/2009) Advertiser should provide proof, supporting technical information with details of reports of tests/trials conducted from an independent recognised testing institution.	<u>February 2009</u> Chapter I.1. Claim was false, since there are other products in the same category providing this service. <i>Advertiser assured that the claim is being modified.</i>
51.	Maruti Suzuki India Limited (Maruti Swift Car) Capital Advertising(*) National Geographic channel (10/2008)	TVC shows - “Maruti Swift Car being driven rashly on the road, going fast over speed breakers without stopping, and driving in the wrong lane cutting through the road”.	(Complaint registered in 2/2009) TVC encourages reckless driving which could harm the driver and the passenger.	<u>February 2009</u> Clause B of Guidelines on Advertisements For Automotive Vehicles. Ad encourages reckless driving which could harm the driver and the passenger. <i>Advertiser assured appropriate modification of the TVC.</i>
52.	Taj Television India Pvt Ltd (No.1 Sports channel) Impact magazine (Jan – Feb 09 issue)	Claim - “Ten Sports is the No.1 Sports channel for the 6 th consecutive year”, as per television viewership data taken from TAM, source: CS: 4+ years, All India. Wk 1-52, 2003-2008.	(Complaint received in 1/2009) As per the data from TAM, Ten Sports is not the No.1 Sports channel of 2008 but Neo Cricket is the No.1 Sports channel of 2008. Ad is misleading the general public.	<u>February 2009</u> Chapter I.4. Claim misleading by ambiguity. <i>Ad suspended temporarily.</i>

53. Diageo India P. Ltd(*)
(Johnnie Walker Blue Label Whisky)

Business India(*)
(11/2008 issue)
- Ad shows - “a whisky glass inscribed with the words “Johnnie Walker Blue Label Blended Scotch Whisky”.
- Ad states - “Whiskies so rare that some of the distilleries no longer exist. The master blender at John Walker & Sons can detect a single part of flavor in a billion, a skill and craft that is exceptionally rare”, “Only about one in ten thousand are considered to possess the exceptional flavors and properties sought for Johnnie Walker Blue Label”, “These last precious drops can truly never be replaced”.
- (Complaint received in 1/2009)
Ad appears to be a surrogate Ad for a liquor brand – Johnnie Walker Blue Label whisky.
- February 2009
Chapter III.6.
Ad is a promotion for a liquor product – Johnnie Walker Blue Label Whisky.
- This Promo/Ad has been published by Business India and not by the Advertiser.
- Concerned Media (Business India) assured that the said promotion will not be published again.***
54. Nimbus Communications Ltd(*)
(cricketnirvana.com)

Neo Cricket(*)
(12/2008)
- Claim - “The No.1 cricket website”.
- (Complaint received in 2/2009)
Cricketnirvana is not the No.1 by any metric, hence the claim is wrong and misleading. Also, there is no substantiation for the claim.
- February 2009
Chapters I.1 and I.4.
Claim not substantiated and misleading.
- Advertiser assured appropriate modification of the TVC.***
55. HDFC Standard Life Insurance Co Ltd
(Life Insurance Plans)

Leo Burnett(*)

TVC aired on various channels
(December 08)
- TVC shows - “a child at home searching for his remote controlled car which is lost. One of the male guest present in his home tells the child that he would get him a new car in place of the one that is lost, to which the child replies that his father would get one for him. Then the guest says what if his father gets lost, on hearing this the child becomes sad. Luckily the father returns and tells his son that “even if his father does get lost, he will ensure that his son can buy his own car”.
- (Complaint received in 1/2009)
This is a scary Ad for kids of impressionable age and even scary for fathers.
- February 2009
Chapter III.2.
Ad is likely to frighten children of impressionable age.
- TVC modified.***

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| 56. | Pernod Ricard India P. Ltd(*)
(Seagram's Blenders Pride)

O & M(*)

Business India(*)
(11/2008) | Ad states - "Taste blend", "Taste that speaks for itself".
Visual depiction of Brand name, logo, brand symbol, are suggestive of a well-known brand of liquor product. | (Complaint received in 1/2009)
Ad appears to be a surrogate Ad for a liquor brand – Seagram's Blenders Pride. | <u>February 2009</u>
Chapter III.6.
Ad was a surrogate Ad for a liquor product – Seagram's Blenders Pride.

<i>Advertiser assured appropriate modification of the Ad.</i> |
| 57.
| Four Season Hygiene Care Pvt Ltd
(Feathers Sanitary Napkins)

Kairali TV
(12/2008) | TVC in Malayalam, as translated in English, claims - "UK's No.1 Product now in India". | (Complaint received in 2/2009)
Feathers is not the No.1 product in UK and this is corroborated from the data provided by the Complainant. The perusal of this data very clearly establishes the fact that the brand "Always" is the No.1 brand and market leader in UK.

As per the independent market tracking agency based in UK, based on the value and volume sales/share for the sanitary napkins in UK, "Always" is the numero-uno brand.
Claim is false and misleading. | <u>March 2009</u>
Chapter I.1.
Complainant submitted a data from an independent market agency. Claim false and not substantiated.

<i>TVC modified.</i> |
| 58. | Havmor Foods Pvt Ltd
(Havmor Ice Cream)

Pamphlet | Ad in Gujarathi (as translated in English) states - "Frozen Dessert looks like ice-cream is made from milk without fat and from vegetable fat which is dangerous for digestive system", "Frozen dessert is prepared from fats obtained from vegetable ghee and there is difference between real ice-cream and frozen dessert, the difference is like difference between pure ghee and dalda ghee". | (Complaint received in 2/2009)
The vegetable oil which has not undergone the process of hydrogenation cannot be called vegetable fat. Under such facts the statement that 'frozen dessert contains vegetable fat' is without any basis.

The statement that 'milk without fat i.e. separate milk weakens the digestive power' is false, as the skimmed milk / separate milk / milk without fat is easy in digestion and is also recommended to kids and old age people having problem of digestion.

Ad distort facts and is false. Claims are misleading without independent research or assessment. | <u>March 2009</u>
Chapters I.4 and IV.1(e).
Claim (as translated in English), "..... a blend of separated milk and vegetable fat used in making of Frozen Desserts slows down digestion power", is misleading and unfairly denigrates another product (Frozen Desserts).

<i>Advertiser assured appropriate modification of the Pamphlet.</i> |

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| 59. | Diageo India P. Ltd(*)
(Smirnoff)

India Today(*)
(11/2008 issue) | Ad states – “What is celebration without a little flavor in it?” | (Complaint received in 3/2009)
Ad is compelling the consumer to consume alcohol at home on festive occasion.
Ad does not mention “Smirnoff” is an alcohol drink, and also that “alcohol is injurious to health”.
Ad does not carry the message “Not for minors”. | <u>March 2009</u>
Chapter III.6.
Promo / Ad is a surrogate Ad for a liquor product – Smirnoff.

Promo/Ad was published by India Today and not by the Advertiser.

<i>Concerned media (India Today) assured that said Ad / Promo will not appear again in future.</i> |
| 60. | # ICICI Prudential Life Insurance Company Ltd(*)

Lowe Lintas(*)

NDTV Profit(*)
(2/2009)

Ad appeared on a Bus shelter put up in Mumbai | Claims - “ICICI Prudential have been awarded best life insurer in Asia”, “Asia’s Best Life Insurance Company” (yehi hai Asia ki sarvasreshth life insurance company). | (Complaint received in 3/2009)
ICICI Prudential Life was awarded the Life Insurance company of the year at the 12 th Asia Insurance Industry Awards 2008, this however is not the equivalent of being the ‘sarvasreshth’ life insurance company.
The commercial appears to be misleading in nature owing to the misrepresentation of information, withholding the actual fact from the consumers. | <u>March 2009</u>
Chapter I.4.
Though ICICI Prudential was awarded “the Best Life Insurer in Asia”, to claim that ICICI Prudential is “Asia’s Best Life Insurance Company”, is misleading.

<i>Advertiser assured appropriate modification of the TVC and hoarding.</i> |
| 61. | \$ S.C. Johnson Products Pvt Ltd(*)
(All Out Liquid Mosquito Destroyer)

Promotion message on the pack | Claim - “World’s No.1 Liquid Mosquito Destroyer”. | (Complaint received in 3/2009)
Advertiser needs to substantiate this claim by providing the following details – (1) independent research data. (2) Name of the independent agency which has certified All Out as the “World’s No.1 liquid mosquito destroyer”. (3) Year in which All out has been adjudged the “world’s No.1”. (4) Explain whether the claim of being the No.1 in the world is with respect to sales, performance, appearance, ease of use, availability, etc. | <u>March 2009</u>
Chapter I.1.
Claim not substantiated.

<i>Promotion claim modified.</i> |

62.	Bacardi Martini (I) Ltd(*) (Bacardi Razz) Rediffusion DY&R(*) Business India(*) (11/2008 issue)	Ad headline states - "Get delicious with the flavoured mix". Ad shows the brand name of a liquor product – Bacardi Razz. Ad mentions "Music CDS", without any visual depiction of the same.	(Complaint received in 2/2009) Ad appears to be a surrogate Ad for a liquor brand. This bears no relation to the product/service being promoted.	<u>March 2009</u> Chapter III.6. Ad was a surrogate Ad for a liquor product – Bacardi. <i>Ad withdrawn.</i>
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The Advertising Standards Council of India

COMPLAINTS THAT WERE NOT UPHELD BY THE CCC From April 2008 to March 2009

Sr. No.	Advertiser / Agency / Media	Claim / Description of Ad/TVC	Complaint	Comment/ CCC Decision
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Intra-Industry Complaints * ASCI Member \$ Complaint received from Consumer Representational Organisation

1.	Somany Ceramics Ltd. (Strata Wall Tiles) Business Today (1/2008)	Visual – “a woman who hides her nudity behind a wall tile”	(Complaint registered in 2/2008). Visual is unrelated to the product promoted – Strata Wall Tiles. Ad appears to be indecent.	<u>April 2008</u> Ad not indecent and not likely to give rise to grave or widespread offence, as no sensitive parts of the human anatomy by the woman, are shown.
2.	Havell’s India Ltd. (Carbtree Taps) Lowe(*) Various channels (2/2008)	Visual – “a bridegroom flicking a switch on and off on the bride’s upper arm to make her cry or smile”. Ad says – “it is this easy to operate a Crabtree tap”.	(Complaint received in 2/2008). Ad is downright offensive to woman as if suggesting that a woman can be operated by a man like a robot, at the flick of a switch.	<u>April 2008</u> Ad not offensive.
3.	Bajaj Auto Ltd(*) (Bajaj XCD 125 bike) Lowe(*) Star Plus(*), Sony TV(*) (3/2008)	Visuals – “other 100cc bikers crying as they watch the ‘Bajaj XCD 125’ zoom by with the voice over specifying the bike’s features. Voice over – “wohi 40000 rupaiyon mein aapne aam 100cc bike li, toh royenge hi naa”.	(Complaint received in 3/2008). This undervalues the sentiments of those buyers who previously bought 100cc bikes for more than Rs.40,000 just about a few months back.	<u>April 2008</u> Ad was not objectionable as the choice of the buying decision rests with the consumers.

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| 4. | <p>Tata Autocomp GY Batteries P. Ltd. (Tata Green Battery)</p> <p>Draft FCB-Ulka(*)</p> <p>Star One (3/2008)</p> | <p>Claims – Tata Green Battery is “long lasting” and “environment friendly”.</p> | <p>(Complaint received in 3/2008). Claims need to be substantiated with proof, supporting technical information with details of tests/trials reports from an independent recognised testing institution.</p> | <p><u>April 2008</u></p> <p>Advertiser has not made the claims of Tata Green Battery being “long lasting” and “environment friendly”, as cited in the complaint. Complaint not valid.</p> |
| 5. | <p>J G. Hosiery P. Ltd(*) (Amul Macho Innerwear)</p> <p>Saints & Warriors Comm</p> <p>Zoom channel(*), Sony TV(*) (3/2008)</p> | <p>Visuals – “monkeys wearing undergarments and making vulgar gestures”.</p> | <p>(Complaint received in 3/2008). It is a highly vulgar Ad and it can have a very bad impact on children.</p> | <p><u>April 2008</u></p> <p>Visuals depicted in the Ad were not indecent and not likely to give rise to grave or widespread offence.</p> |
| 6. | <p>Motorola India P. Ltd. (Motoyuva W230 mobile phone)</p> <p>Ogilvy & Mather (*)</p> <p>Star Sports(*) (3/2008)</p> | <p>TVC shows – “a father telling his son to be responsible and not to litter the house. The son who is shown having a mobile phone (Motoyuva model) with earphones just keeps staring at his father and increases the voice of the music on the mobile phone thereby making the voice of this father fading”.</p> | <p>(Complaint received in 3/2008). Ad conveys the message that it is cool for today’s youth to just ignore what their elders are telling them. Ad is in bad taste. (Two similar complaints received against the same TVC)</p> | <p><u>May 2008</u></p> <p>The “behaviour of the son ignoring his father”, as shown in the Ad, was not likely to cause grave or widespread offence.</p> |
| 7. | <p>Anchor Health & Beauty Care P. Ltd. (Anchor Toothpaste)</p> <p>Art Advtg & Mktg.(*)</p> <p>Star Plus(*) (3/2008)</p> | <p>Claim – Only Anchor’s each toothpaste has “Fluoride – upto 30% more cavity protection”.</p> <p>Claim – “Calcium – keeps teeth and gums strong”</p> | <p>(Complaint received in 3/2008). There are several fluoridated toothpastes available in the market which contain the same level of fluoride as in the case of Anchor toothpaste. This claim is false and misleading unless the Advertiser is able to provide clinical study done comparing Anchor toothpaste with all other fluoridated toothpastes available in the market.</p> <p>Calcium is an abrasive agent and per se cannot strengthen teeth or gums. This claim needs to be substantiated with clinical evidence. (One similar complaint received against the same TVC)</p> | <p><u>May 2008</u></p> <p>Claims, Anchor toothpaste has “Fluoride with 30% more cavity protection”, and “Calcium – keeps teeth and gums strong”, were substantiated. Claim, Anchor is “India’s first all round protection toothpaste”, was not false.</p> |

8.	<p>Hindustan Unilever Ltd.(*) (Pureit Water Purifier)</p> <p>Brochure</p>	<p>Claims – “Removes cancer causing pesticides”</p> <p>“Kills harmful viruses and bacteria”.</p>	<p>(Complaint received in 3/2008). Claim needs to be substantiated with proof, whether pesticides are removed totally or upto what level?</p> <p>When the Complainant checked with their outlet in Vile Parle, he was told that the germicide is “chlorine tablet” whose use life is 1500 litres of water. It is not known whether water in Mumbai (BMC supply) only, or any other supply may be treated by the process.</p>	<p><u>May 2008</u> Claims substantiated.</p>
9.	<p>Pepsico India Holdings P. Ltd.(*) (Lays Potato Chips)</p> <p>Promotion messages on the product pack</p>	<p>Claim – “The world’s No.1 Potato chip”.</p> <p>“Cholesterol Free”.</p>	<p>(Complaint received in 4/2008). Claim needs to be substantiated with comparative quantitative data from a research conducted by recognised independent agency.</p> <p>Claim appears to be misleading the consumers, when it is known that Potato chips are fried in vegetable oils, and this oil does not contain any Cholesterol. Further, Cholesterol is proven to be dangerous to health. By claiming this product to be Cholesterol free, it is motivating the consumer to resort to a free intake of such food.</p>	<p><u>May 2008</u> Claims substantiated.</p>
10.	<p>Britannia Industries Ltd.(*) (Tiger Banana Biscuits)</p> <p>Lowe Lintas India P. Ltd.(*)</p> <p>Cartoon Network (3/2008)</p>	<p>TVC (animated film) shows – “lots of bananas falling from trees and becoming biscuits”.</p>	<p>(Complaint received in 3/2008). TVC gives the impression that ‘Tiger Banana biscuits’ is full of Bananas. But the product contains only 0.5% of banana powder. The number of bananas shown is disproportionate to the actual content. Regarding the ‘iron content’ emphasized in the TVC, Bananas are poor source of iron, the same applies to the biscuits too.</p>	<p><u>May 2008</u> Claims substantiated.</p>

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| 11. | DLF Ltd.
(IPL Cricket)

Set Max(*)
(4/2008) | Ad shows – “a lady in a lift complains about another man that he has done some mischief with her, like pinching her, whereas the man is quietly standing along with other persons in the lift. The lady shouts at the man with false charges because he is supposed to be a supporter of a different cricket team.”

Ad shows – “a boy in a bus who initially agrees to offer a seat to an elderly person who is standing, refuses to budge from his place after seeing the badge of the opponent cricket team with that old man”. | (Complaint received in 4/2008).
Ads tend to lower the standards of civilized behaviour in a society. | <u>May 2008</u>
Ads not likely to cause grave or widespread offence. |
| 12. | DLF Ltd.
(IPL Cricket)

Set Max(*)
(4/2008) | TVC shows “a dentist”, and says, “Which team do you support”. | (Complaint received in 4/2008).
Ad is against professional ethics. Ad promotes rivalry and hatred which is against the spirit of any game. | <u>May 2008</u>
Ad not likely to cause grave or widespread offence. |
| 13. | Hitachi Home & Life Solutions (India) Ltd.
(Hitachi ACE Air Conditioner)

Bates India (*)

Mumbai Mirror(*)
(4/2008) | Ad shows – “a Catholic Priest turning his head and gleefully looking, as the dress of a girl is blown upwards by the wind and she attempts to keep the dress in place”. | (Complaint received in 5/2008).
Ad offends the religious sentiments of Catholics since it holds up to ridicule the figure of a Catholic Priest.
(Two similar complaints received against the same Ad) | <u>May 2008</u>
Ad not likely to cause grave or widespread offence.

Ad withdrawn. |
| 14. | Virgin Mobile India Ltd.
(Virgin Mobile)

Bates India(*)

Zee Studio(*)
(3/2008) | TVC shows – “a young girl misleading her parents into thinking that she does not like boys, so that they then urge her to go on a field trip to Goa with her classmates for the MBA course. | (Complaint received in 3/2008).
Ad teaches the children that it is OK to manipulate their parents, and indeed others, to get their own way, even if it means that they have to tell lies to them.
(One similar complaint received against the same TVC) | <u>June 2008</u>
The “young girl telling lies to her parents”, as shown in the TVC, was not likely to cause grave or widespread offence. |

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| 15. | Maxwell Industries Ltd.
(Frenchie X Undergarment)

Set Max(*)
(4/2008) | Visuals – “a male coming out of the bathroom with just a Frenchie on – his private parts oozing out. A young girl sees him, gets excited and closes the door”. | (Complaint received in 5/2008).
To view this commercial is so embarrassing when one is sitting with a family.
Ad is vulgar. | <u>June 2008</u>
Ad not likely to give rise to grave or widespread offence.

Advertiser was advised that as the said TVC is not suitable for family viewing, it should be shown on TV outside Family Viewing Hours. |
| 16. | Pantaloon Retail (India) Ltd.
(Brand Factory – Big Deals Buy 3 Get 4 Free Offer)

The Times of India(*)
(3/2008) | Ad states – “Big Deals Buy 3 Get 4 Free. Grab 7 for the price of 3 on 120 Best Brands”. | (Complaint received in 5/2008).
The Complainant visited the Abids showroom in 3/2008. The attenders in the showroom informed him that the offer is on only 2 Brands – Indian Terrain and Alan Solly. He made up his mind to select 7 from either of them. But had not much choice to choose from.
Ad is misleading. | <u>June 2008</u>
Complaint was an unintentional lapse in the non-fulfillment of the offer as presented in the Ad.

<i>Advertiser assured that such a lapse will not be repeated again.</i> |
| 17.
| Roche Diagnostics India P. Ltd.
(Accu Chek Integra Blood Glucose Monitoring System)

Aaj Tak(*)
(4/2008)

Eenadu TV(*),
Sony TV(*)
(3/2008),
Zee Cinema (*)
(4/2008). | TVC shows – “a person finding the ‘Accu Chek Integra meter’ on the table and searching for strips in the entire room, his friend later informs him that the new meter requires no strips”. | (Complaint received in 5/2008).
This is a false claim which is misleading the innocent patients to believe into existence of strip free meter, in fact the meter uses a drum like cartridge which contains 17 strips.
(One similar complaint received against the same TVC). | <u>June 2008</u>
TVC not misleading, as it clearly shows “the use of a test strip drum with preloaded test strips”. |
| 18.
| Bayer Healthcare
(Contour TS Blood Glucose Monitoring System)

Hoarding in Mumbai | Ad states – “No. coding. No confusion”. | (Complaint received in 5/2008).
Ad is inaccurate and may mislead the consumer into believing that if they use the meters with manual coding, they will get confused.
Additionally, superiority of the product with “no coding” is not proved and clearly nowhere in the world it has been established that ‘no coding’ provides better performance. | <u>June 2008</u>
Claim was justified, and was not misleading. |

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| 19. | <p>Britannia Industries Ltd.(*)
(Britannia Treat Biscuit)</p> <p>Promotion message on the pack</p> | <p>Pack states – “free gift inside each pack”</p> | <p>(Complaint received in 5/2008).
Complainant bought a pack of “Britannia Treat biscuit” Batch No. 24395, in the second week of February 2008.
When he opened the pack, he found a carton inside which was kept for free gift. Inside the carton there was a label saying “your free gift is balloon and a stick”. But the gift items were missing.</p> | <p><u>June 2008</u>
Complaint was an unintentional lapse in the non-fulfillment of the offer as presented on the product pack.

<i>Advertiser has made good the offer to the Complainant.</i></p> |
| 20. | <p>Bhima Jewels (Bhima Diamonds Jewels)</p> <p>Mathrubhumi(*) (4/2008)
Asianet, Surya TV (4/2008)</p> | <p>Ad (in Malayalam), as translated in English, states – “Making charges should not be Trapping charges”.</p> <p>“When you buy gold seeing wedding season offers, you will be charged highly for making charges”.</p> <p>“When you buy gold through exchange offers, take notice how much the jeweler is billing as making charges”.</p> <p>“Beware of marketing agents. They will canvas you to a showroom and will charge you a lot as making charges”.</p> | <p>(Complaint received in 5/2008).
Ad is vague and confuses customers.</p> <p>The Gold business in Kerala works a lot on trust which has developed over the years with established jewelers. Hence this type of claim will affect the industry as such.</p> <p>Making charges are billed to the customer depending on the design of jewellery they buy. The discounts on this will vary from jeweler to jeweler depending on the volume and the relationship with the customer.</p> <p>Marketing agents is a marketing strategy to expand business in terms of geographical reach and volume. No agent will force the customer to buy from a particular shop.</p> | <p><u>June 2008</u>
Ad does not disparage any other Advertiser, but only gives cautionary tips to the consumers on purchase of jewellery.</p> |
| 21. | <p>Sony Entertainment Television (I) P. Ltd.(*)
(DLF IPL Success Story)</p> <p>Internet Ad</p> | <p>Claim - “IPL semi final and final TV ratings were higher than semi and finals of T20 World Cup”.</p> | <p>(Complaint registered in 6/2008)
Claim is false as actual TV ratings of T20 World Cup semis and finals were higher than IPL’s. The viewership data shown in the Ad of the T20 World cup is of only one channel i.e. ESPN, while in fact two channels, ESPN and Star Cricket had carried T20 world cup matches.
By omitting the viewership data of T20 World Cup matches on Star Cricket channel and by not</p> | <p><u>July 2008</u>
Ad was not misleading, as it clearly compared the ratings of IPL on Max with T20 on ESPN, based on the published TAM ratings.</p> |

			mentioning the fact that T20 world cup matches viewership data is only of one viz, ESPN channel, the advertiser is making false and misleading claim of higher viewership of IPL semi and finals matches v/s T20 World Cup.	
22.	Tata Motors Ltd(*) (Tata Indica CS) Draft FCB-Ulka(*) Neo Sports(*) (6/2008)	TVC shows - "a young man reversing the car in a dangerous manner into a older man almost hitting him".	(Complaint received in 6/2008) Ad depicts very bad driving practice.	<u>July 2008</u> Visual of "the car being reversed slowly and carefully", did not depict a bad driving practice.
23.	Big Flicks Pvt Ltd (BigFlix.com) Law & Kenneth(*) Times Now channel(*) (5/2008)	TVC shows - "a man with just a towel around his hip, stands on his bed and opens his towel in front of a young lady."	(Complaint received in 5/2008) Ad is indecent and is in bad taste. (Three similar complaints received against the same TVC)	<u>July 2008</u> Visual depicted in the Ad, which was a spoof from an Hindi movie, was not likely to cause grave or widespread offence.
24.	Deccan Chronicle Holdings Ltd(*) Hoardings put up in Bangalore	Hoardings show - "a girl in various seductive poses, with a lot of body exposure".	(Complaint received in 6/2008) Ads break all norms of decency.	<u>July 2008</u> Visuals were not indecent so as to cause grave or widespread offence.
25.	Kothari Products Limited # (Pan Parag Pan Masala) Harmony Multimedia Pvt Ltd 9X (6/2008) Aaj Tak(*), CNBC Awaaz(*)	Baseline – "The Choice of Young India"	(Complaint received in 7/2008) Pan Parag's Rising of India campaign's baseline is "The Choice of young India" which is same as that is used by 'Rajnigandha Meetha Mazaa'. Pan Parag copied the same baseline (The choice of young India) and has started its campaign from 17 th June 08 onwards. Rajnigandha Meetha Mazaa's TVC with baseline "The Choice of young India", is on air since 8 th March 08 on Hindi and since 18 th March 08 on English channels. They are also using this baseline in other Media including outdoor campaign.	<u>August 2008</u> Advertiser first released the Ad with this baseline on 1 st January 2008 before the Complainant aired the same on 8 th March 2008. <u>Suo motu complaint</u> Advertiser and the Complainant should substantiate the claim, "The Choice of Young India".

26.	Cheil Communications India P. Ltd(*) (Samsung Mobile)	Tagline – “I am Samsung Mobile”	(Complaint received in 7/2008) Samsung’s Ad campaign “I am Samsung Mobile” is an unethical copy of the Ad campaign of Noika named “I am Nokia N-series”, carried by Nokia in India. It is therefore a clear case of Plagiarism on the part of Samsung.	August 2008 Words, “I am” used by the Advertiser in their Ads, has been done so in introduction, and it is not a proprietary phrase. Brand idea of the Advertiser is not so similar to that of the Complainant so as to suggest plagiarism.
	Hoardings		Nokia conceived, developed and ran the said campaign worldwide during 2007 through TVCs, newspaper Ads, POSM, danglers, flyers and various other modes.	
			<u>TVC of “Samsung Mobile”</u> Samsung TVC is a copy of the original and creative TVC released by Nokia as a part of their worldwide campaign with tagline "I am Nokia N Series" and imitates the concept of "self discovery", the main theme of Nokia campaign.	
27.	ITC Ltd(*) (Faima Di Wills Skinsense soap)	Print Ad and the TVC claims - “Enhance retention of skin proteins”, with a qualifier, “Enhanced retention of skin proteins on the surface of skin as compared to a normal soap without any active ingredients, based on a study conducted by ITC R&D centre, June 2007 to October 2007”.	(Complaint received in 7/2008) Claims made are completely misleading. The product is a cleansing product and not a leave on product. In such circumstances it is not clear how the protein retention would be enhanced.	August 2008 Advertiser provided test reports of the Zein Tests conducted in the Independent Laboratory. Claim substantiated.
	Law & Kenneth Comm(*)		Assuming that glycerine, decyl glucoside and free fatty acid are the actives that Faima Di Wills relies on, and as the TV qualifier mentions “as compared to a normal soap without any active ingredients”, the Zein test performance of Faima Di Wills soap that contains all these 3 ingredients were compared against a soap without any of these ingredients, would clearly reveal that Faima Di Wills Skinsense is not better than other soap on protein retention.	
	Sahara One(*), Sony TV(*), Zee Cinema(*) (2/2008)			
	Hindustan Times(*)		A direct in vivo test protocol was followed to assess the extent of protein removal from skin after washing with two different soaps, which are very different in their formulations. The test results clearly show that the amount of protein removed, measured as nitrogen in milligrams, is no different to each other. Thus, the data suggest that Faima Di Wills soap bar does not enhance retention of proteins on skin.	

28.	Kent RO Systems Ltd \$ (Kent Mineral RO Water Purifier) Alliance Ad on website, India TV(*), Set Max(*) Star Sports(*)	Website claims - "Now mineral RO technology allows to set TDS of purified water to a desired level at site". TVC claims - "Double purification by RO and UV while retaining essential minerals".	(Complaint received in 7/2008) Claims need to be substantiated with independent research data, supporting technical information with details of tests/trials reports from an independent recognised testing institution.	<u>August 2008</u> Claim, "Double Purification by RO and UV whilst retaining essential Minerals", was substantiated.
29.	Exide Industries Limited(*) (Super Sonic Battery) J Walter Thompson(*) NDTV(*), CNN-IBN, Times Now(*), AXN(*) (7/2008)	TVC shows - "Two very old men trying a bout of WWE Wrestling. They are made to wear shiny & skimpy WWE wrestler uniforms on their fragile frames, and are unfortunately unable to see even the opponent because of failing eye power, or even pick up a chair because of failing muscle power".	(Complaint received in 7/2008) Ad is in extremely bad taste, especially in terms of insensitivity to old people, and is likely to hurt their sentiments.	<u>August 2008</u> Ad was not so insensitive to old people so as to cause grave or widespread offence.
30.	Hyundai Motor India Limited \$ (Hyundai i 10 car) Star Gold(*) (1/2008), Aaj Tak(*) (3/2008), Sony Max(*) (5/2008) Hoarding put up in Baroda (Feb 08)	Claim - "Car of the Year 2008".	(Complaint received in 5/2008) Advertiser needs to substantiate this claim as the Car of the year 2008. Further, the advertiser should provide validated global industry/market data from an independent recognised audit/research institution.	<u>August 2008</u> Advertiser had received the Award as the "Car of the Year 2008" for their Hyundai i10 car. Claim was not misleading.
31.	Department of Environment, Govt of NCT of Delhi \$ (Plastic Bags) The Hindu(*) (6/2008)	Ad headline - "Plastic Kills, Avoid it".	(Complaint received in 7/2008) Plastics serve the healthcare industry and food packaging industry. Ad is contradictory thus ignoring the positive contributions of plastics to the society.	<u>September 2008</u> Experte (absence of comments from the Advertiser). Ad headline not misleading.

32.	NDTV Imagine Ltd(*) \$ (Promoting the serial 'Ramayana') Hoardings in Ahmedabad	Ads show – “a writing slate where a child has written the words “D=Don”, “a paper pistol held in the hands by a child”, “a school going kid smoking a cigarette and fuming the puff out”.	(Complaint received in 8/2008) The Ads may influence the tender minds of the children and inspire them to smoke. Also, it could send out a strong message to them that anything can be made possible with the power or under the pressure of pistol.	<u>September 2008</u> Ads were designed to counter negative influences with good positive values, and hence not likely to cause grave or widespread offence.
33.	Nestle India Ltd(*) \$ (Maggi Vegetable Atta Noodles) Star Gold(*) Promotion messages on the product pack	TVC claims - “A 100 gm pack of Maggi Vegetable Atta Noodles provides the goodness of 3 rotis (energy, carbohydrates, dietary fibre, protein and calcium)”, “Taste Bhi Health Bhi” Pack claims - “One serve (90g) of Maggi Vegetable Atta Noodles meets 20% of your child’s RDA for protein and 35% of your child’s RDA for Dietary Fibre”.	(Complaint received in 6/2008) Claims need to be substantiated with comparative data from a research conducted by an independent agency.	<u>October 2008</u> Advertiser provided an independent laboratory report. Claims were substantiated.
34.	I T C Ltd(*) # (Mangaldeep 5 in 1 Agarbattis) Sun TV (8/2008) Vijay TV (8/2008)	Voiceover- “Mangaldeep 5in1 is available at the price of 3in1”.	(Complaint received in 7/2008) The direct comparison between these products would do further damage to the 3in1 brand. Ad is misleading the consumer by means of implications and unfair competition.	<u>October 2008</u> Price comparison made is against `3 in 1' Agarbattis and does not denigrate a particular brand.
35.	Reliance Communications Ltd(*) (Reliance Mobile) Cartwheel Creative Consultancy Pvt Ltd Star Movies(*) (9/2008)	TVC shows - “a young couple talking on the phone, the husband is on the mobile while his wife is at home. The husband is traveling down a road where the couple has been before as can be made out from the conversation when the wife asks if he’s passed a certain spot or not. The husband reaches the place and goes over to an old temple and rubs away the dust off one of the pillars and looks at an inscription made there many years ago with the husband declaring his love for his wife”.	(Complaint received in 9/2008) At a time when there are campaigns going on to stop people from defacing heritage monuments, this Ad comes as a direct contradiction of all the efforts. It is sheer recklessness and irresponsibility on the advertiser’s part to encourage such behaviour in people. Not to mention, gross violation of a well-known law.	<u>October 2008</u> Ad was not in violation of the law, as the inscription was made on a dilapidated building and not on a temple or a heritage monument, as shown in the TVC.

36.	Gillette India Ltd(*) (Gillette Vector Plus) Promotion message on the packaging		(Complaint received in 10/2008) Advertiser is selling newer product of "Gillette Vector Plus" at Rs.22/-, yet deceptively selling older model of same product at discounted price of Rs.20/-, under the guise of MRP being Rs.35/-.	<u>October 2008</u> The originally priced packs of Rs.35/- now being sold at Rs.22/-, was not considered to be deceptive or misleading.
37.	Vodafone Essar Ltd(*) (Conferencing Facility) CNN/IBN(*), NDTV(*), Times Now(*)	TVC shows - "three persons in conference on Vodafone".	(Complaint received in 8/2008) The conversation is full of double entendres and obscene, although its about tie wearing.	<u>October 2008</u> Ad was not indecent so as to cause grave or widespread offence.
38.	Kothari Products Limited (Pan Parag Pan Masala) 9X (6/2008) Aaj Tak(*), CNBC Awaaz(*) (6/2008)	Claim - "The Choice of Young India".	(Complaint registered in 9/2008) Claim needs to be substantiated.	<u>November 2008</u> With Pan Parag's market share, it is the choice of the Indian people who mainly fall in the young generation category.
39.	Pepsi Foods Pvt Ltd(*) (Tropicana 100% Juice) Promotion message on the packs	Packs of `Tropicana 100% Orange Juice' and `Tropicana 100% Apple Juice' claim - "contains added flavour".	(Complaint received in 10/2008) How can they be "100% Juice"? Advertiser is misleading and misguiding the consumers.	<u>November 2008</u> Promotion messages on the packs were not misleading, as the addition of `natural flavours' in the said products is only to restore the natural fruit flavour of the juices as permitted by the PFA Rules and CODEX Standards.
40.	Dharampal Satyapal Ltd (Rajnigandha Meetha Mazaa)	Claim - "The Choice of Young India".	(Complaint registered in 9/2008) Claim needs to be substantiated.	<u>November 2008</u> `Rajnigandha Meetha Mazaa' is the choice of the Indian people who mainly fall in the young generation category.

41. #	Hewlett-Packard India Sales Pvt Ltd (Compaq Computers) McCann Erickson(*) NDTV 24x7(*) (10/2008)	Storyline and execution of 'Compaq laptop computers' TVC	(Complaint received in 10/2008) Bears very close resemblance similar to the TVC of 'Acer Travelmate 5700 series' (a range of laptops) which has been on air from 12 th July 2008. It is a virtual copy of the idea by a competitive brand (Compaq) in the same category (laptop computers) as that of Acer.	<u>November 2008</u> Storyline and the brand idea of the Advertiser's TVC is not so similar to that of the Complainant's TVC, so as to suggest plagiarism.
42.	Motorola India P. Ltd (Motorola Yuva A810 mobile phone) India TV(*) (10/2008)	TVC shows - "a college class room in which an elderly teacher is teaching and writing on the board and all the students are busy talking, eating, playing, doing hair plats etc. It is a complete chaos but the old teacher continues to teach. Also, a boy is shown drawing a cartoon of the teacher on his Motorola mobile phone, which has the option of drawing".	(Complaint received in 10/2008) The commercial is objectionable because it is making fun of the teacher. It is showing use of the phone for a completely wrong purpose. The commercial is also promoting disrespect to teachers.	<u>November 2008</u> Ad was not objectionable, as it was not intended to make fun of the school teacher.
43.	Lee Cooper (India) P. Ltd (Lee Cooper) Bombay Times(*) (10/2008)	Ad headline - "You shall be judged by the colour of your skin. Your second skin". Photo shows "two girls and two boys, both the boys have burning wooden torches in their hands. One boy is tied to a pole with ropes and has wood around him, as if they are all prepared to set him ablaze". Fine print reads - "The Lee Cooper clan heralds 100 years of existence, by vowing to rid the streets of the unstylish. So join the clan. Or tremble forever".	(Complaint received in 10/2008) Ad is projecting hatred, violence, threats and discrimination. The statements made are objectionable and discriminatory.	<u>November 2008</u> Ad not objectionable and discriminatory.
44. #	Dharampal Satyapal Ltd (Rajnigandha Meetha Mazaa) Various TV channels (3/2008)	Baseline - "The choice of young India".	(Complaint received in 8/2008) This baseline is already being used in the Ads of "Pan Parag" since 1 st January 2008, whereas this is being repeated by the Ad of Rajnigandha, creating brand confusion, attempting to bank upon the already generated awareness and attraction through the Pan Parag Ad campaign by investing huge amounts.	<u>December 2008</u> There was an overlap on Radio and TV airings of both TV and Radio commercials of 'Rajnigandha Meetha Mazaa' and 'Pan Parag'.

45. \$	Cheil Communications India P. Ltd(*) (Samsung Silver Nano washing machine) Times of India(*), Ahmedabad (8/2008)	Claim - "Experience the freshness of new clothes". Claims - "Unique Diamond Drum", "Dirt free, completely removes dirt, Ensures sparkling clothes", "Germ Free, 99.999% sterilization, Anti-bacteria effect", "Tangle Free, prevents fabric damage"	(Complaint received in 9/2008) Clothes washed by a machine cannot be compared to new clothes. Claims need to be substantiated with proof, supporting technical information with details of tests/trials reports from an independent recognised testing institution. Claim needs to be substantiated with independent data. The period of freshness in terms of measurable units (hour, day, etc) not specified.	<u>December 2008</u> Claims substantiated.
46.	Kitply Plywood Boards (Kitply) Aaj Tak(*) (9/2008)	TVC shows - "a timid man gets married. On their first night, his wife sits on the bed and the bed makes noise. Then, they both look below and see that the board bears the label "any ply". The wife says, "why did you not buy Kitply?" as she slaps him hard."	(Complaint received in 9/2008) Ad promotes domestic violence by a person on the spouse.	<u>December 2008</u> Ad did not promote domestic violence and it was not likely to cause grave or widespread offence.
47.	Virgin Mobile India Limited (Virgin Mobile's YoYo Offer) Bates India(*) Various channels (10/2008)	TVC portrays the sexuality of the nurse as a gimmick to sell the product.	(Complaint received in 10/2008) TVC may well encourage patients in similar medically intimate situations to view nurses and other ancillary staff in terms of their body parts rather than as professionals worthy of their respect and gratitude.	<u>December 2008</u> Experte (absence of comments from the Advertiser). Ad was not likely to cause grave or widespread offence.
48. #	Bank of Baroda (India's International Bank) Various channels (9/2008)	TVC shows - "a world map" Tagline - "India's International Bank"	(Complaint received in 11/2008) Commercial of `Bank of Baroda` exhibits the world map which is similar to the world map being exhibited by `HSBC` in its commercials across the world, for the last several years. Furthermore, Bank of Baroda's tagline is inspired from and is similar to HSBC's tagline "The World's Local Bank", which is a registered trademark of HSBC and is being used by HSBC across the globe. It is similar in concept, style and creative expression.	<u>December 2008</u> Advertiser's TVC was not so similar to the Complainant's TVC, so as to suggest plagiarism.

49.	Cipla Ltd (i-pill) Star Gold(*) (12/2008) Set Max(*), Zee Cinema(*)	TVC shows - “an unmarried girl getting worried by the fear of getting pregnant”.	(Complaint received in 12/2008) Ad advises women to avoid unwanted pregnancy by using i-pill. Ad is highly objectionable as it seems to promote premarital sex.	<u>December 2008</u> Ad was not objectionable as it does not promote premarital sex.
50.	Arvind Murjani Brands Pvt Ltd (Tommy Hilfiger – sale upto 60% off) Bombay Times(*) (8/2008)	Ad shows - “a man and a woman kissing each other”. Ad states - “End of season sale upto 60% off”.	(Complaint received in 12/2008) In which way is the close kissing of the couple connected to the product promoted?	<u>December 2008</u> Ad was not likely to cause grave or widespread offence.
51.	Dabur India Ltd(*) (Dabur Babool Toothpaste) McCann Erickson(*) India TV(*) (7/2008)	Claim - “Babool toothpaste makes teeth strong from roots” (Takki daant bane jad se mazboot).	(Complaint received in 9/2008) Based on the declarations appearing on the pack, the product is a non-fluoridated toothpaste. This clearly establishes that the product does not contain a clinically proven anti-caries agent like Fluoride. The product claims to have used Babul extract, but it does not declare the level of babul extract used in the product. Claim needs to be substantiated.	<u>January 2009</u> Claim substantiated.
52.	Reliance Communications \$ Ltd(*) (Reliance Mobile) Cartwheel Creative Consultancy V Channel (7/2008)	Claim - “India’s No.1 network” Claims - “No oxygen, total network; no food, total network; no water, total network; no fuel, total network; no sunlight, total network”	(Complaint received in 10/2008) This needs to be substantiated with proof, validated industry/market data from an independent recognised audit/research institution. The network quality is not 100 percent at all places, and it is very weak at several nodes even within city limits. Claims need to be substantiated with independent data.	<u>January 2009</u> Advertiser provided comparative data which showed Reliance’s coverage in most towns and villages. Claims substantiated.
53.	Kent RO System Ltd (Kent RO Water Purifier) Colors (10/2008)	TVC shows - “a child being given drinking water through a feeding bottle”	(Complaint received in 11/2008) An infant should not be encouraged to drink a fluid through a feeding bottle which is the intent of the law. Ad offends ‘Infant Milk Substitutes Feeding Bottles’ and ‘Infant Foods (Regulation, Production, Supply and Distribution) Act, 1992.	<u>January 2009</u> TVC does not encourage the usage of feeding bottles and hence does not contravene the said Act. <u>Suo motu complaint</u> Claim, “Only Kent

				Mineral RO Water Purifier retains all essential minerals and gets you and your family 100% pure water”, needs to be substantiated. <i>(Complaint Upheld at February 09 CCC meeting)</i>
54.	Maruti Suzuki Limited (Maruti Swift Car) Capital Advertising(*) National Geographic channel (10/2008)	TVC shows - “a couple in the car driving recklessly is chased by a policeman. The lady hides a football under her shirt to disguise as a pregnant lady to outsmart a caring and sympathetic policeman”.	(Complaint received in 10/2008) Ad will damage the respect and concern of a common man towards pregnant women.	<u>January 2009</u> Ad does not show any disrespect towards any person or profession, and is not likely to cause grave or widespread offence. <u>Suo motu complaint</u> TVC shows “reckless driving which could harm the driver and the passenger”. <i>(Complaint Upheld at February 09 CCC meeting)</i>
55.	Idea Cellular Limited (Idea) Lowe(*) Zee Cinema(*) (10/2008)	TVC shows - “as there is no adequate school facility in rural area, the education is done by mobile”.	(Complaint received in 10/2008) Ad creates a wrong picture of education system in rural Maharashtra.	<u>January 2009</u> Ad does not denigrate the education system in Maharashtra.
56.	KERG Internationals (Be Sure Sanitary Napkins) # Jaya TV, Sun TV (10/2008)	TVC (in Tamil) shows - “a lady doctor/scientist by way of a laboratory test compares the benefits of `Be Sure` sanitary napkin with two X brands of sanitary napkins.” Claim - “BeSure sanitary napkin has non return valve and acquisition layer on top that keeps it dry and hence it offers 100% safety and 100%	(Complaint received in 11/2008) TVC does not refer to any specific independent laboratory tests. The claims are also not corroborated by any consumer surveys. Visual shows X brands of competitive sanitary napkins which are basically `Whisper Choice` and `Whisper Ultra`. Ad disparages the product – Whisper, by depicting that they do not have distinctive and unique features as compared to Be Sure, thereby projecting `Whisper` to be inferior to Be Sure.	<u>January 2009</u> Claim substantiated. Also, as most sanitary napkins are similar in design, the Ad does not denigrate any specific brand of sanitary napkins.

protection”.

Visual shows “a blue coloured liquid being poured on the napkins” (on the X brands and on the `Be Sure` napkin). The X brands fail to absorb the liquid fully whereas the BeSure brand absorbs it completely”.

Super - “under lab conditions only and conditions apply”.

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| 57. | Faber Heatkraft Industries Ltd (Faber Chimneys) Saints & Warriors | Ads depict “a woman with the head of a goat cooking a mutton curry in the kitchen”, and “a woman with the head of a rooster cooking a chicken curry in the kitchen”.

Tagline states - “Do you smell like the food you cook?” | (Complaint received in 12/2008)
Depicting animals as decapitated pot fodder promotes violence. | January 2009
Ads show digital images which portray the concept that the person preparing the meal is free of food smell.
Ads do not promote violence towards animals. |
| 58. | Crompton Greaves Ltd (Crompton Greaves Bulbs & Lamps) Sun TV (12/2008) | Claim – “Crompton Greaves lamps are the brightest like a star”. | (Complaint received in 1/2009)
Claim without substantiation is misleading consumers and belittles the quality of other competitors. | January 2009
Term “brightest” in the TVC was used as an analogy. |
| 59. | Billabong High International School Hoardings in Mumbai Ad displayed on Bus panels of BEST buses | Claim - “Goregaon Billabong High & Kangaroo Kids shifted to Malad”. | (Complaint received in 12/2008)
Ad makes a false representation to the public of the existence of any Kangaroo Kids centre or Billabong High School in Goregaon. Ad by implication misleads the public more particularly parents who are seeking admission for their children for the next academic year in `Vibgyor High` school. The only pre-school and primary school operating in Goregaon in the name of `Billabong High` was the school i.e. now called `Vibgyor High` after 2006. | February 2009
Exparte (absence of comments from the Advertiser).
Ad makes no reference to `Vibgyor High school` run by the Complainant. |

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| 60. Department of Posts (Express Post Parcel) Times of India(*) | Ad claims that “tracking facility” is provided to the customer. | (Complaint received in 12/2008) Letter received by the Complainant, from the Sr. Superintendent, Bhandup post office, clearly mentions that tracking facility is not provided. | <u>February 2009</u>
In the absence of a contract between the complainant and the advertiser, and in the absence of a barcode which is required to be affixed on the EPP article, the services promoted in the Ad were not misleading. |
| | Ad states - “with completely hassle free transfers across India”. | In the letter, they have admitted that 30% consignment are delayed and accepted that customer is suffered due to Indian Post inefficiency.
Ad is misleading. | |
| 61. Gujarat Co-operative Milk Marketing Federation Ltd(*) (Amul Butter) daCunha Comm P. Ltd(*) Hoarding put up in Bangalore | Ad shows “Satyam’s name and its corporate logo along with a caricature of its former Chairman with the slogan, “Satyam, Sharam, Scandalam!” | (Complaint received in 1/2009) Ad falsely ties the Satyam company to alleged crimes committed by its former Chairman. Ad further weakens Satyam’s reputation affecting client confidence and associate morale, and can result in potentially material damages to Satyam’s financial condition. | <u>February 2009</u>
Ad covered the issue in a humorous manner.

Ad withdrawn. |
| 62. Hindustan Unilever Ltd(*) (Rin detergent powder – Power Brand) Zee Marathi(*) (1/2009) | TVC shows - “a woman mixing the product (detergent) in water placed in a bucket with her bare hands”. | (Complaint received in 1/2009) Detergents are likely to cause contact dermatitis (skin disease); may be sensitisers. The TVC promotes a hazardous practice and encourages a dangerous direction for use of the product. | <u>February 2009</u>
TVC shows the typical washing habit of Indian consumers. The quick duration of washing does not lend itself to a situation which is likely to cause dermatitis. |
| 63. Mangalam Perfumery Works (Mangalam – Sai Ganesh Flora Bathi) Promotion message on the packaging | Packaging shows - “pictures of Lord Ganesha and Sai Baba”. | (Complaint received in 11/2008) Such empty packets with pictures of God are seen lying on the roadside and public dustbins. This very much affects the religious sentiments. | <u>February 2009</u>
Pictures of God on the product pack were not likely to hurt religious sentiments or to cause grave and widespread offence. |
| 64. Mangalam Perfumers (Mahaveer 4 in 1 Agarbathi) Promotion message on the packaging | Packaging shows - “a picture of Mahaveer”. | (Complaint received in 11/2008) Such empty packets with pictures of God are seen lying on the roadside and public dustbins. This very much affects the religious sentiments. | <u>February 2009</u>
Experte (absence of comments from the Advertiser). Picture of God on the product pack was not likely to hurt religious sentiments or to cause grave and widespread offence. |

65.	Malayala Manorama Co Ltd(*) # (Radio Mango 91.9 FM) Stark Comm Malayala Manorama(*) (11/2008)	Ad (in Malayalam) as translated in English claims, "As per the most reliable survey of India – IMRB survey, Radio Mango 91.9 the No.1 FM station in Kerala". Radio Mango claims "a listenership of 46% in Cochin, 51% in Thrissur, 43% in Kozhikode (Calicut) and 53% in Kannur".	(Complaint received in 1/2009) In the article which appeared in Malayala Manorama on 2 nd November 08, they claim an all Kerala listenership of 74.5%. How the average of 46%, 51%, 43% and 53% becomes 74.5%. This is a false and misleading claim.	<u>March 2009</u> Claim of "74.5% listenership of Radio Mango", is not false and not misleading.
66.	IDBI Bank Limited \$ O & M(*) Star World(*) (12/2008)	TVC shows – "an Elephant is made to play football".	(Complaint received in 12/2008) TVC depicts an Elephant's unnatural performance and an indecent representation of Lord Ganesha. TVC appears to be in contravention of the Cruelty Under Prevention of Cruelty to Animal Act 1960 as amended in 1982.	<u>March 2009</u> Advertiser provided a copy of "No Objection Certificate" obtained from the Animal Welfare Board of India. Ad does not appear to contravene the said Act.
67.	Priya Enterprises (Silpi Candles) Promotion message on the packaging	Packaging shows - "a picture of Jesus Christ".	(Complaint received in 11/2008) Such empty packets with pictures of God are seen lying on the roadside and public dustbins. This very much affects the religious sentiments.	<u>March 2009</u> Experte (absence of comments from the Advertiser). Picture of God on the product pack, was not likely to hurt religious sentiments or to cause grave and widespread offence.
68.	Cadbury (India) Ltd(*) (Bournvita ++) O & M(*) Radio City 91.1 (2/2009)	Claim - "iodine and manganese as scientific products which are good for health of the child".	(Complaint received in 3/2009) Iodine and Manganese from natural resources are only good for health that too only in trace amount, so how can the advertiser claim them to be scientific products.	<u>March 2009</u> Radio commercial does not claim "iodine and manganese as scientific products". Claims (in Hindi), "Nature ke Gun", "Science ki shakti", "Bournvita ++ se mile tan aur maan ki shakti", were not misleading.



The Advertising Standards Council of India

COMPLAINTS THAT WERE NON-ISSUES BY THE CCC From April 2008 to March 2009

Sr. No.	Advertiser / Agency / Media	Claim / Description of Ad/TVC	Complaint	Comment/ CCC Decision
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Intra-Industry Complaints * ASCI Member \$ Complaint received from Consumer Representational Organisation

1. Maharashtra Pradesh Congress Committee (Loan Waiver a lifesaver for farmers)
Goldmine Advtg.(*)
Maharashtra Times(*),
Times of India(*)
(3/2008)

Ad shows a picture of “a woman laughing”.

(Complaint received in 4/2008).
This same photograph was clicked by the Complainant (a freelance photographer) in May 2005 in Ambernath, and the same was affixed on to her flickr account, which is her personal account and which has all copyrights reserved mark.
The Advertiser has used this photograph in their Ad, without obtaining the Complainant’s permission, and even though she is the author, the advertiser has not attributed the work to her.

May 2008
Since this matter appeared to be a case of ‘Intellectual Property Rights’, the complaint was outside the purview of ASCI.
2. Sakal Papers(*)
(www.sakaal.in/foundation.htm)
Website

Ad shows a picture of “a small girl holding a slate in her hand”.

(Complaint received in 4/2008).
This same photograph was clicked by the Complainant (a freelance photographer) in August 2006 in Ambernath, and the same was affixed on to her flickr account, which is her personal account and which has all copyrights reserved mark.
The Advertiser has used this photograph on their Website, without obtaining the Complainant’s permission, and even though she is the author, the advertiser has not attributed the work to her.

May 2008
Since this matter appeared to be a case of ‘Intellectual Property Rights’, the complaint was outside the purview of ASCI.

3. Planet Retail Holdings Pvt Ltd (Guarana Lip Butter)
- Seventeen India (April 08 issue)
- Ad states - "Get lippy and prevent HIV !".
- (Complaint received in 5/2008)
- This magazine – Seventeen India, is for pre-teens and teens. General levels of knowledge about HIV are still very low.
- Ad is misleading and gives a wrong information by implication. It is also irrelevant since a face mask has nothing to do with being 'lippy'.
- August 2008
- Advertiser did not advertise their product, and the Magazine in its editorial has misprinted the headline.