

Celebrities may be prosecuted for misleading endorsements

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‘The new rule will help keep a check on those who put out false information about their food products’.

NEW DELHI: Celebrities could soon be prosecuted for being part of an endorsement that provides false or misleading information about food products and can lead them to paying a fine of Rs 10 lakh, according to a new notification by the Ministry of Health and Family Welfare.

According to the new rule, all stakeholders, including manufacturers, the celebrities and the channel endorsing a product that puts out a false or misleading advertisement about the food product’s quality, nature or the substance, would be liable for prosecution.

Not only this, if the endorser of the food product gives to the public any guarantee of the product’s efficacy that is not based on an adequate or scientific justification, the endorser would also be prosecuted under the new law.

For instance, if a food product claims to make the consumer taller by two inches after continuously consuming the food for two months and at the end of the two months, the consumer does not grow taller by two inches, the consumer would be able to sue all the stakeholders for making false claims without scientific evidence.

The offenders would be punished under Section 53 of Food Safety and Standards Act, 2006 which says that “Any person who publishes, or is a party to the publication of an advertisement, which falsely describes any food; or is likely to mislead as to the nature or substance or quality of any food or gives false guarantee, shall be liable to a penalty which may extend to ten lakh rupees.” These provisions have been laid down under the Food Safety and Standards Act, 2006 and have already been notified by the Food Safety and Standards Authority of India (FSSAI) in November last year. However, food business operators have been given time till 1 July this year to comply with all the provisions of this Act.

According to FSSAI officials, these regulations pertaining to claims and advertisements by the food business have been put in place to establish fairness and make food business operators accountable for the claims they make through advertisements. However, the FSSAI official also said that such complaints have to be made by the consumer to the consumer forum and the onus of proof would be with the person who is making the complaint.