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# **MISLEADING ADVERTISEMENTS AND CONSUMER RIGHTS: A DOCTRINAL ANALYSIS UNDER THE CONSUMER PROTECTION ACT, 2019**

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## **ABSTRACT**

One of the most widespread problems in consumer protection is the occurrence of deceptive advertising. As media and digital marketing platforms grow quickly, advertisers frequently use inflated, inaccurate, or misleading claims to sway consumer perception. Such actions not only transgress moral principles but also jeopardize consumers' legal rights to honest information and fair trade. The legal framework governing deceptive advertisements in India is examined in this doctrinal study, with a focus on the Consumer Protection Act of 2019. With its enlarged definitions, the creation of the Central Consumer Protection Authority (CCPA), and new provisions on product liability, the Act aims to prevent unfair trade practices and guarantee that manufacturers, endorsers, and advertisers are held accountable. By following the development of consumer jurisprudence through significant cases, the study delves deeper into the judicial interpretation of deceptive advertisements. It contends that even though the legislative intent is strong, consumer awareness and enforcement strategies are still insufficient to achieve full consumer justice. The paper uses a doctrinal approach to critically analyze statutory provisions, precedents, and regulatory measures. It concludes that protecting consumer rights in a dynamic market economy requires a balanced approach that combines ethical advertising, legal reform, and consumer education.

**KEYWORDS:** Misleading Advertisements, Consumer Rights, False Commercial Claims, Unfair Trade Practices, Advertising Regulation.

## INTRODUCTION

By influencing demand and economic decisions, advertising acts as a link between producers and consumers. Advertisements, however, turn into tools of deception rather than information when they mislead consumers or distort the truth. The sophistication and scope of advertisements in India's liberalized economy have increased, encompassing print, electronic, and digital media. While this expansion has improved market efficiency, it has also led to an increase in cases of deceptive advertising, ranging from inflated claims about the effectiveness of cosmetic and medical products to false nutritional values in food products. Consumer protection is acknowledged by the Indian legal system as a crucial element of economic justice and social welfare. An integrated approach to consumer rights, including particular measures to regulate deceptive advertisements, was introduced by the Consumer Protection Act, 2019 (henceforth, "CPA, 2019"), marking a significant legislative milestone. The Act defines these types of ads, gives authorities the authority to punish violators, and establishes channels for redress.

Furthermore, the Central Consumer Protection Authority (CCPA) was established as a specialized regulatory agency to look into, stop, and punish deceptive practices.

Using a doctrinal approach, this study looks at academic commentary, court rulings, and statute texts. The purpose of the analysis is to evaluate how well the CPA, 2019 protects consumer rights and deals with deceptive advertising. The study aims to contribute to current discussions on consumer justice and regulatory governance in India by examining the legislative intent and jurisprudential evolution.

## IMPORTANCE OF THE STUDY

This study is significant because it examines how deceptive advertising impacts consumer autonomy and market equity. Advertising has the potential to shape public perception and drive economic behavior. Advertisements that spread misleading or erroneous information damage consumer welfare and undermine trust.

Customers are extremely vulnerable to false information in a nation like India, where there is a wide range in literacy and digital awareness. False advertising has had serious negative effects on people's health and finances in industries like food products, education, real

estate, and pharmaceuticals. As a result, the study offers a critical evaluation of the CPA, 2019's efforts to address these disparities.

By analyzing the developing jurisprudence and administrative procedures meant to prevent deceptive advertising, this study also advances the doctrinal understanding of consumer law. It emphasizes how crucial proactive regulation, moral business practices, and vigilant judicial oversight are to accomplishing consumer protection objectives.

## AIM AND OBJECTIVES

To carry out a thorough doctrinal analysis of deceptive advertising and how the Consumer Protection Act of 2019 regulates it, evaluating the effects on legal responsibility and consumer rights.

Objective:

1. To investigate the definition and traits of deceptive advertising under Indian law.
2. To examine the Consumer Protection Act of 2019's statutory provisions concerning deceptive advertising.
3. To assess the Central Consumer Protection Authority's (CCPA) enforcement role.
4. To examine pertinent court rulings and interpretive patterns in Indian courts.
5. To make policy and doctrinal suggestions for improving consumer protection.

## REVIEW OF LITERATURE

The regulation of deceptive advertisements in India has been the subject of much discussion among academics and legal experts. Advertisements are essential to the operation of the market, but they can also be abused to skew consumer perception, according to early works like Avtar Singh's *Law of Consumer Protection*.<sup>1</sup> Similar to this, R.K. Bangia's study of consumer protection law emphasizes how deceptive marketing was not sufficiently addressed by earlier laws such as the Monopolies and Restrictive Trade Practices Act, 1969.<sup>2</sup> The literature published after 2019 shows a greater emphasis on the CPA's enlarged regulatory purview. In his paper "Consumer Protection in the Digital Era," S. Venkatesan (2020) explores how the Act imposes product liability and introduces accountability for

<sup>1</sup> AVTAR SINGH, *LAW OF CONSUMER PROTECTION* (Eastern Book Co. ed., 2022).

<sup>2</sup> R.K. BANGIA, *CONSUMER PROTECTION LAWS* (Allahabad Law Agency ed., 2021).

endorsers.<sup>3</sup> Several articles in the *Journal of Consumer Law and Practice* (NLSIU, 2021) highlight the CCPA's proactive role in punishing deceptive advertising, particularly in the e-commerce and pharmaceutical industries.

Important interpretive guidance on what qualifies as misleading representation is offered by judicial analyses, such as the Supreme Court's position in *Horlicks Ltd. v. Zydus Wellness Products Ltd.* and *Pepsico India Holdings v. Hindustan Coca Cola Beverages Pvt. Ltd.* When taken as a whole, these sources show a move toward more stringent enforcement of consumer rights and a more profound doctrinal comprehension of fair advertising standards.<sup>4</sup>

## RESEARCH GAP

Although the idea of deceptive advertising is explored in a number of studies, the majority concentrate more on descriptive summaries or policy recommendations than on doctrinal analysis. Research combining case law analysis, statutory interpretation, and enforcement challenges in a single framework is still scarce. Moreover, the academic discourse often overlooks the practical difficulties faced by consumers in accessing remedies and the limited deterrent effect of penalties imposed on corporations.

By providing a doctrinally grounded analysis of legal principles and judicial trends under the CPA, 2019, this paper fills that gap. It also bridges the divide between legislative intent and enforcement realities, thereby contributing original insight to consumer law scholarship.

## RESEARCH PROBLEM

Deceptive advertising persists across industries despite the robust legal framework created by the Consumer Protection Act of 2019, demonstrating a disconnect between the law and practice. Determining whether the Act's provisions are sufficiently effective and enforceable to discourage such practices and safeguard consumer interests is the challenge.

Therefore, "To what extent does the Consumer Protection Act, 2019 provide an effective doctrinal and regulatory framework for the prevention of misleading advertisements

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<sup>3</sup> S. Venkatesan, *Consumer Protection in the Digital Era*, 12 *J. Consumer Protection & Policy* 44 (2020).

<sup>4</sup> *Horlicks Ltd. v. Zydus Wellness Products Ltd.*, 2019 SCC OnLine Del 6484; *PepsiCo India Holdings Pvt. Ltd. v. Hindustan Coca-Cola Beverages Pvt. Ltd.*, 2014 SCC OnLine Del 3676.

and the protection of consumer rights in India?" is the main research question of this study.

## HYPOTHESIS

The study proceeds on the hypothesis that while the Consumer Protection Act, 2019 introduces a comprehensive legal structure to combat misleading advertisements, its practical efficacy is limited by enforcement gaps, consumer unawareness, and institutional constraints.

## RESEARCH METHODOLOGY

With an emphasis on the examination of statutes, case laws, and secondary legal materials, this study employs a doctrinal research methodology. It is predicated on the qualitative examination of legal documents, court rulings, scholarly articles, and commentary.

Primary Sources:

1. The 2019 Consumer Protection Act
2. Rules and Guidelines issued by the Central Consumer Protection Authority (CCPA)
3. Judicial decisions interpreting misleading advertisements

- Secondary Sources:
1. Books, journals, and commentaries on consumer law
  2. Reports of the Department of Consumer Affairs
  3. Online databases such as SCC Online and Manupatra

The study employs analytical and interpretative methods to understand the legal principles governing misleading advertisements and their implications for consumer rights.

## CHAPTER I

### OVERVIEW OF MISLEADING ADVERTISEMENTS IN INDIA

Since they serve as the main channel for producers to interact with consumers, advertisements are essential to contemporary business. Nonetheless, it is frequently difficult to distinguish between deceptive and persuasive advertising ethically. Ads that give the wrong impression of a good or service by exaggerating, misrepresenting, or leaving out important details are considered misleading.

According to Section 2(28) of the Consumer Protection Act of 2019, an advertisement is considered "misleading" if it "falsely describes a product or service or gives a false guarantee, or is likely to mislead consumers about its nature, quantity, or quality." This definition is

important because it is broad; it includes both deliberate and careless misrepresentations and holds publishers and endorsers accountable.<sup>5</sup>

The Consumer Protection Act of 1986, which covered "unfair trade practices" in Section 2(r), addressed deceptive advertising prior to the 2019 Act.<sup>6</sup>

Nevertheless, enforcement mechanisms were disjointed and inadequate, relying more on consumer complaints than on proactive regulatory monitoring. The Central Consumer Protection Authority (CCPA) has the authority to look into deceptive ads, issue fines, and even forbid their publication under the current legal framework. The CCPA is empowered by Section 21 of the CPA 2019 to order the cessation of such advertisements and to fine manufacturers and endorsers up to ₹10 lakh for the first offense and ₹50 lakh for subsequent offenses.

In India, deceptive advertising frequently takes the following forms:

health-related claims: overstated or inaccurate claims made in cosmetics, dietary supplements, and medications; Comparative advertising is the practice of misrepresenting rivals in order to advertise one's own product; environmental claims: commercials that make exaggerated claims about a product's "biodegradability" or "eco-friendliness"; Offers that falsify real prices or discounts are known as discount and sale deception.

The court ruled in *Colgate Palmolive (India) Ltd. v. Anchor Health and Beauty Care Pvt. Ltd.*, 2008 (38) PTC 478 (Mad) that although comparative advertising is acceptable, it turns deceptive when it disparages the products of rival companies or makes false claims. This ruling demonstrates the judiciary's understanding that when commercials misrepresent the facts, consumer autonomy is jeopardized.<sup>7</sup>

The frequency of deceptive advertising is a reflection of both the lack of consumer awareness and the aggressiveness of contemporary marketing. The CPA 2019 marks a change to a more proactive and balanced system by establishing a central regulatory body and extending consumer rights.<sup>8</sup>

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<sup>5</sup> Consumer Protection Act, 2019, section 2(28) (India).

<sup>6</sup> Consumer Protection Act, 1986, section 2(r) (India).

<sup>7</sup> *Colgate Palmolive (India) Ltd. v. Anchor Health & Beauty Care Pvt. Ltd.*, 2008 (38) PTC 478 (Mad).

<sup>8</sup> Ministry of Consumer Affairs, Govt. of India, Press Release on CCPA Enforcement (2022).

## CHAPTER II

### CONSUMER RIGHTS AND THE EVOLUTION OF LEGAL FRAMEWORK

#### Introduction

A comprehensive rights-based legislative approach has gradually replaced India's limited mechanism for controlling unfair trade practices in the area of consumer protection.

Stronger doctrinal frameworks that protect consumer interests are also required in light of the quick development of digital media, influencer marketing, targeted advertising, and globalized competition.<sup>9</sup>

#### Emergence of Consumer Rights Concept

The introduction of the Consumer Bill of Rights by U.S. President John F. Kennedy in 1962 marked the beginning of the global recognition of consumer rights, acknowledging the rights of consumers to information, choice, safety, and hearing.<sup>10</sup> Through judicial interventions and legal reforms, India adopted similar principles much later.

#### Evolution Before Consumer Protection Act, 1986

Before the enactment of the CPA, 1986, consumers depended on general laws including the Sale of Goods Act, 1930, the Indian Contract Act, 1872, and the MRTP Act, 1969.<sup>11</sup> The regulation of misleading advertisements was fragmented and dependent on unfair trade practice doctrines rather than specific statutory control over deceptive advertisement content.

#### Consumer Protection Act, 1986 – Landmark Shift

By creating three-tiered consumer forums and statutory rights like the right to information, choice, and redress, the CPA, 1986, gave consumers their first formal acknowledgement.<sup>12</sup> As a result, consumer law changed from being solely a contractual area to becoming a welfare-focused legal framework.

#### Transition to Consumer Protection Act, 2019

A change to the modern, digital age was brought about by the Consumer Protection Act

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<sup>9</sup> Avtar Singh, Law of Consumer Protection (Eastern Book Company 2020).

<sup>10</sup> John F. Kennedy, Special Message to the Congress on Protecting the Consumer, (Mar. 15, 1962).

<sup>11</sup> The Monopolies and Restrictive Trade Practices Act, No. 54 of 1969, INDIA.

<sup>12</sup> Consumer Protection Act, 1986, No. 68 of 1986, INDIA.

of 2019. It established product liability, provided a clear definition of "misleading advertisements" in Section 2(28), and established the Central Consumer Protection Authority (CCPA), which has the authority to forbid and punish deceptive advertising.<sup>13</sup> It further imposed accountability on celebrities, endorsers and online platforms, which was absent in the prior legal system.

### **Judicial Contribution to Evolution**

Indian courts have consistently construed consumer protection as a component of the State's social justice duties under Articles 38 and 39 of the Constitution.<sup>14</sup> According to court rulings, Article 19(1)(a) protects commercial speech, but not deceptive commercial speech.<sup>15</sup>

### **Current Digital Era Challenges**

The doctrinal clarity of fair advertising standards was reinforced by judicial interpretations. In addition to print and television, deceptive advertising now occurs through influencer endorsements, phony reviews, targeted behavioral ads, inflated health claims, and manipulated sale-discount representations.<sup>16</sup>

### **Conclusion**

As a result, regulatory actions need to be updated frequently to reflect advancements in technology. From self-regulation and dispersed statutory protections to a rights-based statutory enforcement mechanism, India's consumer protection legal framework has gradually progressed. A proactive, dynamic, accountable, and contemporary legal framework to prevent deceptive advertising and protect consumer autonomy is reflected in the CPA 2019.

## **CHAPTER III**

### **THE CONSUMER PROTECTION ACT, 2019 – DOCTRINAL INTERPRETATION**

One of the doctrinal turning points in Indian consumer law is the Consumer Protection Act of 2019. Promoting and defending consumer rights, stopping unfair trade practices, and guaranteeing marketing accountability are its main goals.<sup>17</sup>

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<sup>13</sup> Consumer Protection Act, 2019, section 2(28), No. 35 of 2019, INDIA.

<sup>14</sup> INDIA CONST. art. 38, 39.

<sup>15</sup> Tata Press Ltd. v. MTNL, (1995) 5 SCC 139.

<sup>16</sup> Journal of Consumer Law and Practice, NLSIU, 2021 (special publication on misleading digital advertising trends).

<sup>17</sup> The Consumer Protection Act, No. 35 of 2019, INDIA CODE (2019).

Section 2(28) provides a thorough definition of deceptive advertising.<sup>18</sup> Additionally, Section 21 gives the CCPA the authority to restrict endorsements, issue directives, and impose penalties.<sup>19</sup>

In the event that an advertisement is deemed deceptive, the CCPA may: Order the advertisement to be changed or discontinued.

Apply financial sanctions.

Limit the involvement of endorsers for a maximum of one year for first offenses and three years for subsequent offenses.

By establishing direct state intervention, this represents a doctrinal advancement over the 1986 Act. The CCPA's authority is a reflection of the state's obligation under Article 38 of the Constitution, which calls for the advancement of social welfare via distributive justice.<sup>20</sup>

The addition of product liability under Chapter VI is another noteworthy development. Liability claims against advertisers and manufacturers may arise from deceptive advertising that causes injury or loss. This clause is consistent with international standards, such as the prohibitions on deceptive marketing imposed by the Federal Trade Commission of the United States.<sup>21</sup>

The Delhi High Court reiterated in *Horlicks Ltd. v. Zydus Wellness Products Ltd.*, 2019 SCC OnLine Del 8109 that even factually correct statements can be deceptive if they are presented in a way that misleads the typical consumer. This ruling is a prime example of the judiciary's interpretive latitude in preserving consumer perception.<sup>22</sup>

The CPA 2019 represents a doctrinal shift toward proactive consumer protection based on administrative efficiency by integrating preventive and corrective justice.

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<sup>18</sup> Id. § 2(28).

<sup>19</sup> Id. § 21.

<sup>20</sup> INDIA CONST. art. 38.

<sup>21</sup> Federal Trade Commission Act, 15 U.S.C. §§ 45–58 (United States).

<sup>22</sup> *Horlicks Ltd. v. Zydus Wellness Prods. Ltd.*, 2019 SCC OnLine Del 8109 (Del. High Ct.).

## CHAPTER IV

### ROLE AND POWERS OF THE CENTRAL CONSUMER PROTECTION AUTHORITY (CCPA) IN REGULATING MISLEADING ADVERTISEMENTS

#### Introduction

In order to regulate, prevent, and take action against unfair trade practices, deceptive advertisements, and to safeguard consumer rights nationwide, the Central Consumer Protection Authority (CCPA) was established by the Consumer Protection Act of 2019 a significant institutional reform. Before 2019, consumer forums and individual litigation were the main sources of enforcement for issues pertaining to misleading advertisements, which led to slow and reactive remedies. A move toward proactive regulatory action is reflected in the CCPA.

#### Statutory Basis and Objective of CCPA

The Consumer Protection Act of 2019's Chapter III established the CCPA. Promoting, defending, and upholding consumer rights, looking into unfair business practices, deceptive advertising, and, if necessary, starting class action lawsuits are the main statutory goals of the CCPA.

This puts Indian consumer protection enforcement in line with preventive intervention-based jurisdictions such as the European Union Consumer Protection Network and the US Federal Trade Commission (FTC).<sup>23</sup>

#### Powers of CCPA in Regulating Misleading Advertisements

By ordering discontinuation, modification, imposing penalties, and prohibiting endorsements, Section 21 of the CPA, 2019 gives the CCPA the authority to take action against deceptive advertisements. Additionally, manufacturers may be subject to fines of up to ₹10 lakhs for their first offense and up to ₹50 lakhs for subsequent ones. Moreover, endorsers who neglect to exercise due diligence may face penalties and be barred from receiving endorsements in the future.

#### Investigation Mechanism and Enforcement Procedure

The CCPA has the authority to start an investigation on its own initiative, respond to consumer complaints, refer cases to the Ministry, or review information provided by regulators. A Director General leads its Investigation Wing, which carries out investigations and reports

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<sup>23</sup> See Federal Trade Commission Act, 15 U.S.C. §§ 41–58 (U.S.); EU Consumer Protection Cooperation Regulation (EU) 2017/2394.

back to the CCPA. This is one of the biggest doctrinal distinctions between CPA 1986 and CPA 2019 the power to independently investigate without waiting for consumer initiation.

### **Accountability of Advertisers and Endorsers**

For the first time, statutory accountability for brand ambassadors, influencers, and celebrity endorsers was introduced by the 2019 Act. This change in doctrine acknowledges that people who spread false information can also have a misleading influence in commercial advertising, not just manufacturers. The CCPA's 2022 Standards of Advertisement Guidelines also require all endorsers to do "due diligence" prior to promotion.<sup>24</sup>

### **Significance of CCPA in Strengthening Consumer Rights**

A rights-based regulatory enforcement tool, the CCPA can stop deceptive advertising before it seriously harms consumers. A fair competitive environment is ensured, false market manipulation is prevented, informational autonomy is strengthened, and market trust is raised by this structural change. In terms of doctrine, this signifies the change from a private enforcement system based on complaints to a public enforcement system.

### **Conclusion**

One of the biggest changes to Indian consumer protection law was the creation of the CCPA. By using direct regulatory authority, it has transformed consumer rights into legally binding safeguards. The CCPA serves as the primary doctrinal pillar that enables the CPA 2019 legal framework to achieve consumer justice, accountability, and deterrence in the context of deceptive advertising.

## **CHAPTER V**

### **GLOBAL COMPARATIVE DOCTRINAL STANDARDS ON MISLEADING ADVERTISEMENTS**

A comparative doctrinal perspective helps understand whether India's CPA 2019 is aligned with modern regulatory standards applicable internationally. Globally, consumer law jurisprudence recognizes three core principles to determine whether an advertisement is misleading:

(a) likelihood to deceive,

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<sup>24</sup> Central Consumer Protection Authority, Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022.

- (b) materiality,
- (c) consumer reliance. These standards are reflected in U.S., UK and EU models.

In the United States, the Federal Trade Commission (FTC) regulates deceptive advertisements under Section 5 of the FTC Act, 1914. The FTC not only imposes monetary penalties but also issues corrective advertising orders, where advertisers must publicly correct their prior deceptive claims. Under the FTC doctrine, deception is judged from the standpoint of a “reasonable consumer” test.

Similarly, the United Kingdom Advertising Standards Authority (ASA) follows the CAP and BCAP Codes, which emphasize clarity, accuracy, and verifiable claims doctrine. Influencer advertising transparency rules in the UK are among the strictest globally, requiring explicit disclosure of promotional content (ad / paid partnership).

In the European Union, the Unfair Commercial Practices Directive (2005/29/EC) is a binding legislative framework that prohibits misleading actions, omissions, and aggressive marketing. The EU doctrine is highly preventive rather than remedial, encouraging pre-market screening.

Comparatively, India has doctrinally progressed with CPA 2019 to align with these international norms, especially by incorporating preventive investigation powers, fixation of liability for endorsers, and introduction of product liability. However, unlike FTC or EU regimes, India's enforcement ecosystem still lacks a strong mandatory disclosure regime, strong settlement orders, and corrective advertisement power comparable to FTC's corrective advertisement doctrine. Therefore, Indian jurisprudence has to further harmonize disclosure standards, digital ad tracking duties, and algorithmic bias regulation in targeted digital advertisement markets.

## **CHAPTER VI**

### **JUDICIAL APPROACH AND CASE LAW ANALYSIS**

In order to establish the normative limits governing deceptive advertising in India, judicial interpretation has been essential. In order to balance constitutional values, market freedom, and consumer protection, courts have continuously tried to draw a doctrinal line between legal persuasive commercial messaging and illegal deception. To develop a

consumer-centric judicial jurisprudence, Indian courts particularly the Supreme Court and High Courts have depended on the constitutional lens, statutory interpretation, public interest principles, and proportionality tests.

The Supreme Court acknowledged commercial advertisements as a type of commercial speech under Article 19(1)(a) in *Tata Press Ltd. v. MTNL*, one of the first notable court rulings in this area.

The Court did clarify, though, that commercials that mislead, deceive, or distort consumer understanding are not covered by this constitutional protection. The establishment of a constitutional balancing framework which states that advertisements are only protected to the extent that they promote truthful information and market transparency made this doctrinally significant.<sup>25</sup>

Judicial scrutiny has also improved the legitimacy of comparative advertising. The Delhi High Court noted in *Hindustan Coca-Cola Beverages Pvt. Ltd. v. Pepsi Co India Holdings Pvt. Ltd.* that while comparison in and of itself is legal because competition law encourages it, consumer interests are violated by false disparagement, puffery, and misleading claims.

This decision's doctrinal significance lies in the Court's decision to adopt an effect based approach, which asks whether an average consumer will be misled, rather than merely reading advertisements textually.<sup>26</sup>

In a similar vein, the National Consumer Disputes Redressal Commission (NCDRC) established in *Maruti Suzuki India Ltd. v. Balachandran Nair* that manufacturers cannot avoid responsibility by placing the blame on distributors, advertising agencies, or middlemen. This broadens the chain of culpability and is in line with the later legislative stance under CPA 2019, which allows for the punishment of promoters, publishers, and endorsers. Strict accountability in commercial claims, which is now a component of statutory consumer protection principles, is doctrinally reinforced by this ruling.<sup>27</sup>

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<sup>25</sup> *Tata Press Ltd. v. MTNL*, (1995) 5 SCC 139 (India).

<sup>26</sup> *Hindustan Coca-Cola Beverages Pvt. Ltd. v. PepsiCo India Holdings Pvt. Ltd.*, 2003 SCC OnLine Del 344 (India).

<sup>27</sup> *Maruti Suzuki India Ltd. v. Balachandran Nair*, (2019) NCDRC, Consumer Case No. 2508 of 2017 (India).

The judicial approach has been even stricter in cases involving health and safety. The Supreme Court stressed in *Common Cause v. Union of India* that deceptive advertising for medications and medical care violates Article 21 of the Constitution's guarantee of health. By treating deceptive advertisements as public health harms as well as consumer wrongs, the Court's doctrinal advancement opened the door for contemporary regulatory intervention by linking false medical claims to violations of fundamental rights.<sup>28</sup>

The international approach, particularly the United Nations Guidelines for Consumer Protection (1985), which acknowledges the right to accurate information and protection from deceptive marketing, is in line with Indian judicial development in this area<sup>29</sup>

As a result, Indian courts are doing more than just interpreting laws; they are also developing a constitutional framework based on rights that supplements the enforcement authority given to the Central Consumer Protection Authority by the Consumer Protection Act of 2019.

The doctrinal underpinnings of advertising regulation have generally been reinforced by Indian judicial precedents by:

establishing truthful representation as a prerequisite for legal commercial speech under the constitution, extending liability to manufacturers and intermediaries in addition to advertisers, and pursuing a strategy based on fundamental rights and the public interest in delicate areas. This judicial approach creates a more robust consumer rights regime by addressing statutory interpretive gaps and offering ethical guidance to the enforcement ecosystem.

## CONCLUSION

Misleading advertisements continue to undermine informational autonomy, market fairness, and rational consumer choice in India. The Consumer Protection Act, 2019 represents a decisive doctrinal transformation from a reactive adjudicatory model under the 1986 Act toward a preventive, supervisory, and accountability-based framework. Through the establishment of the CCPA, mandatory duties of advertisers, and enforceable restrictions on endorsements, the legislation recognizes that deceptive advertising is not merely an individual

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<sup>28</sup> *Common Cause v. Union of India*, (2018) 5 SCC 1 (India).

<sup>29</sup> United Nations Guidelines for Consumer Protection, G.A. Res. 39/248, U.N. Doc. A/RES/39/248 (Apr. 9, 1985).

contractual wrong but a systemic economic harm that distorts competition, damages public health, misleads vulnerable market groups, and erodes trust in the digital economy.

The Act aligns consumer protection jurisprudence with constitutional commitments such as social justice (Article 38), the right to life with dignity (Article 21), and freedom of trade subject to reasonable restrictions (Article 19(6)). The doctrine of proportionality is reflected in graded penalties and endorsement bans, ensuring balanced state intervention. Judicial interpretation, particularly in comparative analysis with the FTC in the United States and Advertising Standards Authority models in the UK, shows India moving toward a global standard of consumer-centric regulatory governance.

The product liability regime under Chapter VI is a landmark reform because it moves beyond classical caveat emptor and ensures that manufacturers, advertisers, influencers, and endorsers bear responsibility for misrepresentation. This also promotes ethical marketing, self-regulation, and corporate due diligence.

In contemporary markets, where advertisements are algorithmic, behavioural-data driven, and targeted through artificial intelligence, deceptive persuasion tactics are more subtle and complex than traditional print or television claims. Therefore, the doctrinal relevance of CPA 2019 is not merely statutory; it is evolutionary and adaptive. Going forward, stronger digital surveillance mechanisms, influencer regulation codes, social media platform liability, and AI-based ad verification systems will further enhance consumer safety. Thus, the Consumer Protection Act, 2019 does not simply prohibit misleading advertisements; it constitutionally strengthens consumer rights, enhances regulatory efficiency, harmonizes Indian practice with global standards, and establishes a futuristic doctrinal foundation capable of addressing emerging challenges in digital commerce, fintech advertising, influencer markets, and cross-border e-commerce ecosystems.

## SUGGESTIONS

1. High-risk advertising sectors must undergo mandatory pre-verification Before going on sale, advertisements for medications, digital finance apps, nutraceuticals, weight-loss products, baby products, and cosmetic claims should be pre-approved by the CCPA.
2. Tougher Penalties for Endorsers and Influencers Influencers on social media who

promote goods are required to reveal paid collaborations, and repeat infractions ought to result in a permanent ban from commercial endorsements.

3. The creation of tribunals for fast-track advertising To stop widespread harm to consumers, State Commissions should establish special Digital Advertisement Dispute Benches for expedited adjudication.
4. Better coordination between the FSSAI, TRAI, SEBI, ASCI, and CCPA To prevent jurisdictional conflicts and guarantee consistent standards across sectors, multi-sector regulatory harmonisation should be formalised.
5. College and School-Level Consumer Awareness The next generation will be better equipped to make logical decisions if basic consumer rights and advertising literacy are taught in schools.
6. AI-powered Monitoring of Advertisements In order to identify false claims, the CCPA should use AI tools to automatically monitor social media ads, OTT streaming ads, and digital platforms in real time.
7. Strict Penalties for Repeat Offenses Public health offenses ought to be automatically punishable by law, in addition to financial fines and prohibitions on advertising.

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