Advertising and Marketing laws in India

Thought Leadership • June 8, 2016

Safir Anand and Swati Sharma look at the legislation and regulation governing advertising and marketing in India. Advertising in India is a mix of self-regulation, codes of industry practice and, of course, legislation. The Advertising Standards Council of India is one such voluntary, self-regulatory council tasked with promoting responsible advertising and deterring misleading claims. Claims and comparative advertisements and marketing strategies particularly invite strict scrutiny from ASCI, which is comprised of stakeholders from various industries, advertising agencies and even collaborates with industry watchdogs, like the Food Safety and Standards Authority of India. Industry-specific laws are a factor, however to a varying degree. Some industries are more closely monitored and regulated than others, in respect of how and how much entities can advertise. Capital markets, for instance, are subject to legislative scrutiny, are regulated by the Securities and Exchange Board of India and disclosure and advertising laws on securities' literature is significant. Pharmaceuticals is another space with restrictive guidelines on how products can be marketed. Tobacco, lotteries, alcoholic products and food stuffs regarding health, nutrition and weight control marketing are also closely scrutinised. Pricing and labelling are important aspects of how companies market their products, and 'free' tags on articles are a jurisprudence unto themselves. *This chapter was published in Getting the Deal Through: Advertising and Marketing (2016).* To continue reading, please contact us at email@anandandanand.com

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