

From Puffery to Penalty: Legal Control of Misleading Advertisements in India

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Abstract: *The old saying is “ Consumer is King”; however, today that king is deceived by every other trader. One of the most used deceptive techniques is misleading advertisements. No doubt every other business entity needs to promote its business and maximise its profits, but at what cost? The business entities seem to have believed that the business of the business is only business. They have totally disregarded the duty not to affect the interests of the consumers. The legal framework in India to safeguard the interests of consumers has evolved over a period of a century and has become quite comprehensive through the Consumer Protection Act, 2019. But still the consumers are exploited through misleading advertisements and consumers silently suffer the exploitation. Both the sector-specific enactments and umbrella legislation, like the Consumer Protection Act, 2019, lack effective implementation. The suo moto power conferred on the authorities under different statutes is exercised rarely, and the uninformed individual does not take the trouble of bringing the matter to the notice of the authorities about the misleading advertisements. As a consequence, the business entities continue to adopt the decisive techniques vehemently. Though the Indian judiciary has contributed well to alleviating the sufferings of the consumers, it is not sufficient. Thus, there is a need to analyse the present legal framework to curb the menace of misleading advertisements and find the gaps in the law and suggest remedies to fill the gaps.*

Keywords: Misleading Advertisements, Deceptive Advertisement, Consumer Interest, Suo moto power, Authorities

