



CIVIL

CCPA Advisory: A Call to Action Against Illegal Betting and Gambling Advertisements

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The Central Consumer Protection Authority (CCPA), established under the Consumer Protection Act, 2019, had issued a significant advisory concerning the prohibition of advertising, promotion, and endorsement of unlawful activities. This advisory, dated March 2024, addresses the increasing instances of direct and surrogate advertisements and endorsements of activities considered illegal, such as betting and gambling.

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Background of the CCPA

The CCPA is a statutory body formed under the Consumer Protection Act, 2019, with the primary objective of protecting the rights of consumers and ensuring that they are not subjected to unfair trade practices. The authority is empowered to regulate matters related to consumer rights violations, unfair trade practices, and misleading advertisements. The CCPA plays a crucial role in safeguarding consumer interests and ensuring that businesses adhere to ethical practices.

Statutory Authority for the Advisory

The advisory has been issued under the provisions of the Consumer Protection Act, 2019, which grants the CCPA the authority to regulate and prevent misleading advertisements and endorsements. The Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022, further strengthen the CCPA's mandate by categorically prohibiting advertisements of products or services that are unlawful.

Details of the Advisory

The advisory highlights the following key points:

- Prohibition of Betting and Gambling Advertisements:** Betting and gambling are prohibited under the Public Gambling Act, 1867, and are considered illegal in most regions across India. The advisory emphasizes that advertisements promoting online betting platforms and apps are unlawful and have significant financial and socio-economic implications, particularly on the youth.
- Previous Advisories:** The Ministry of Information and Broadcasting has previously issued several advisories warning media platforms against promoting betting and gambling platforms. These advisories, dated 13.06.2022, 03.10.2022, 06.04.2023, and 25.08.2023, caution online advertisement intermediaries not to target such advertisements towards the Indian audience.
- Celebrity Endorsements:** The advisory notes that betting platforms are increasingly employing celebrities and influencers to endorse their activities. Such endorsements create an impression that engaging in betting and gambling is acceptable. The CCPA advises celebrities and influencers to refrain from promoting these unlawful activities.
- Legal Implications:** Engaging in the promotion or advertisement of online gambling and betting, given its unlawful status in most states, renders one equally liable for participating in illegal activities. The advisory warns that any advertisement or endorsement of prohibited activities will be subject to rigorous scrutiny.
- Guidelines for Misleading Advertisements:** Clause 9 of the Guidelines for Prevention of Misleading Advertisements prohibits advertisements of goods, products, or services that are unlawful. The guidelines apply to all advertisements, regardless of the medium, including cable TV, online, digital media, and print media.
- Consequences of Violation:** The advisory cautions that any violation of the guidelines will result in stringent measures as per the provisions of the Consumer Protection Act, 2019. This includes actions against manufacturers, advertisers, publishers, intermediaries, social media platforms, celebrities, influencers, endorsers, and other relevant stakeholders.

Conclusion

The advisory issued by the CCPA serves as a stern warning to all stakeholders involved in the advertisement and promotion of unlawful activities such as betting and gambling. By reinforcing the guidelines and emphasizing the legal implications, the CCPA

aims to protect consumers from misleading advertisements and ensure that ethical standards are upheld in the advertising industry.

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