DECEPTIVE ADVERTISING IN THE DIGITAL ERA: CORPORATE ACCOUNTABILITY AND CONSUMER RIGHTS PROTECTION IN INDIA

ABSTRACT

Deceptive advertising has emerged as a significant challenge in the modern consumer-driven economy, where corporations increasingly rely on persuasive marketing strategies across digital and traditional media. Such advertisements often mislead consumers by providing false, exaggerated, or incomplete information about products and services, thereby undermining informed decision-making and violating consumer rights. This study examines the concept of deceptive advertising within the framework of Indian consumer protection laws, particularly the Consumer Protection Act, 2019, and the role of regulatory bodies such as the Central Consumer Protection Authority (CCPA) and the Advertising Standards Council of India (ASCI). It also analyses how corporate accountability is enforced through legal and regulatory mechanisms to ensure fair trade practices and protect public interest.

The paper further explores the public law duty of the State in safeguarding consumer rights against misleading advertisements. It highlights judicial interpretations and regulatory interventions aimed at holding corporations accountable for unfair trade practices. The study emphasizes the need for stricter enforcement, enhanced transparency in advertising practices, and greater consumer awareness to curb deceptive marketing strategies. It concludes that effective collaboration between regulatory authorities, corporations, and civil society is essential to strengthen consumer protection and ensure ethical advertising standards in India.

Keywords: Deceptive Advertising, Corporate Accountability, ASCI, Misleading Advertisements, Consumer Rights

INTRODUCTION

Deceptive advertising in contemporary consumer markets has become one of the most pressing concerns, particularly in an era dominated by digital platforms, influencers, and data-driven marketing strategies. In simple word, deceptive advertisements refer to promotional communications that mislead consumers through false claims, exaggerated benefits, hidden conditions, or incomplete disclosure of material facts.[1]

Such practices directly affect consumer autonomy and distort fair competition in the marketplace. With increasing commercialization and aggressive branding strategies, the line between persuasive advertising and misleading representation has become blurred, raising serious concerns about consumer welfare and corporate accountability.

In India, the legal framework governing deceptive advertising is primarily anchored in the Consumer Protection Act, 2019, which replaced the earlier 1986 legislation to address modern consumer challenges. The Act empowers the Central Consumer Protection Authority to regulate unfair trade practices and take strict action against misleading advertisements.[2]

The role of regulatory bodies such as the Advertising Standards Council of India further complements statutory mechanisms by promoting self-regulation in the advertising industry. Although ASCI is not a statutory authority, its Code for Self-Regulation in Advertising plays a significant role in monitoring advertising content and ensuring ethical standards.[3]

Corporate accountability forms a central pillar in addressing deceptive advertisements, as businesses have a duty to ensure that their marketing practices are truthful, transparent, and not misleading. Corporations often possess significant informational and financial advantages over consumers, which can be misused to influence purchasing decisions.[4]

Judicial intervention has also significantly shaped the legal understanding of deceptive advertisements in India. Courts have consistently emphasized that misleading advertisements violate fundamental consumer rights and constitute unfair trade practices.[5] The rapid

[1] Consumer Protection Act, No. 35 of 2019, § 2(28), India Code (2019)
[2] Consumer Protection Act, No. 35 of 2019, § 21, India Code (2019)
[3] Advertising Standards Council of India, Code for Self-Regulation in Advertising Content in India (2021)
[4] Richard A. Posner, *Economic Analysis of Law* 112–18 (Aspen Publ'g, 7th ed. 2007).
[5] Common Cause v. Union of India, (2018) 5 SCC 1

expansion of e-commerce and digital marketing has further complicated the issue of deceptive advertising.

MEANING AND NATURE OF DECEPTIVE ADVERTISEMENTS

Deceptive advertisement refers to any form of communication or promotional message that misleads or has the potential to mislead consumers by presenting false, incomplete, or exaggerated information about a product or service. It is not necessary that the advertisement must contain outright false statements; even half-truths, ambiguous claims, or the deliberate omission of important facts can amount to deception. The core element is the likelihood of influencing a consumer's decision based on inaccurate or misleading impressions.[6] The nature of deceptive advertising is inherently manipulative, as it seeks to influence consumer behaviour by distorting reality.

In modern commercial markets, advertisements are designed not only to inform but also to persuade, and this persuasive element often crosses ethical and legal boundaries.[7] Legally, deceptive advertisement is recognized as an unfair trade practice under Indian consumer law.[8] The Consumer Protection Act, 2019 prohibits misleading advertisements and imposes liability on manufacturers, service providers, endorsers, and advertising agencies. The law focuses on protecting consumers from being induced into transactions based on false or misleading representations, thereby ensuring transparency and fairness in the marketplace.

The nature of deceptive advertising also includes psychological manipulation. Advertisers often exploit consumer emotions such as fear, aspiration, trust, and urgency to influence purchasing decisions. Techniques such as celebrity endorsements, "limited time offers," and exaggerated product benefits are commonly used to create a false sense of value or urgency. Such strategies blur the line between legitimate persuasion and unethical manipulation.

Another important characteristic is that deceptive advertising is context dependent. The same statement may be considered truthful in one context but misleading in another if essential qualifying information is omitted. For example, a product claim may appear accurate on its face but become deceptive when key limitations or conditions are not disclosed to consumers.

[6] Consumer Protection Act, No. 35 of 2019, § 2(28), India Code (2019)
[7] Philip Kotler & Kevin Lane Keller, *Marketing Management* 568–72 (Pearson Educ., 15th ed. 2016)
[8] Consumer Protection Act, No. 35 of 2019, § 2(47), India Code (2019)

Therefore, courts and regulators often assess advertisements based on their overall impression rather than isolated statements.[9]

The digital transformation of advertising has further expanded the nature of deception. Online platforms, influencer marketing, and algorithm-driven advertisements often make it difficult for consumers to identify promotional content. Hidden sponsorships, fake reviews, and targeted behavioural advertising increase the risk of subtle deception. The Consumer Protection (E-Commerce) Rules, 2020 addresses some of these concerns by requiring disclosure of paid promotions and responsibilities of online marketplaces.[10]

In addition, deceptive advertising has both economic and social consequences. Economically, it distorts competition by giving unfair advantage to dishonest businesses, while socially, it erodes trust in markets and institutions. It can also lead to financial loss, health risks, and dissatisfaction among consumers, particularly when essential goods such as food, medicines, or financial services are involved.

Judicial interpretation has consistently reinforced the broad understanding of deceptive advertising. Courts in India have held that advertisements must be judged by the impression they create on an average consumer, rather than technical accuracy alone. This approach ensures that companies cannot escape liability through fine print or technical disclaimers that contradict the main message of the advertisement.

FORMS OF MISLEADING AND FALSE ADVERTISING

Misleading and false advertising refers to any promotional communication that deceives or is likely to deceive consumers by way of false statements, exaggerated claims, hidden facts, or ambiguous representations. Such advertisements do not necessarily have to be completely untrue; even partially correct information presented in a misleading manner can amount to deception. The essence of this issue lies in the distortion of consumer perception, which affects informed decision-making and fair market practices.

One of the most common forms is **false representation of facts**, where advertisers make direct claims that are untrue regarding the quality, quantity, origin, or effectiveness of a

[9] Tata Press Ltd. v. Mahanagar Telephone Nigam Ltd., AIR 1995 SC 2438
[10] ASCI, *Guidelines for Influencer Advertising in Digital Media* (2023)

product. For example, claiming a product has certain health benefits without scientific backing constitutes misleading advertising. [11]

Another important form is **exaggerated or puffery-based advertising**, where businesses make overstated claims that go beyond reasonable truth. While puffery is sometimes tolerated in advertising law, it becomes misleading when it creates false expectations in the minds of consumers. Courts and regulatory authorities often examine whether the average consumer is likely to be deceived by such exaggeration.[12]

Omission of material facts is also a significant form of misleading advertisement. In such cases, advertisers deliberately hide essential information that would influence a consumer's decision. For example, failure to disclose side effects of a product, hidden charges in services, or conditions attached to an offer can mislead consumers even if the stated claims are technically true.[13]

Bait advertising is another deceptive practice where consumers are attracted with attractive offers that are not actually available or are available in very limited quantities. Once consumers are drawn in, they are pushed toward purchasing higher-priced alternatives. This form of advertising is considered highly unethical as it manipulates consumer intent through false promises.

False testimonials and endorsements also constitute a major category of misleading advertising. Corporations may use fabricated reviews, paid influencers, or manipulated endorsements to create a false sense of trust and credibility. With the rise of digital platforms, this form has become increasingly prevalent and difficult to detect, raising serious regulatory concerns.

Comparative or misleading visual representation is another form where images, packaging, or demonstrations create an impression that is not consistent with the actual product. For instance, enhanced visuals in food advertisements or digitally altered images can mislead consumers about size, quality, or appearance. This type of deception relies heavily on psychological influence rather than explicit false statements.

[11] Federal Trade Commission, *FTC Policy Statement on Deception* (1983)
[12] Hamdard Dawakhana v. Union of India, AIR 1960 SC 554
[13] Consumer Protection Act, No. 35 of 2019, § 2(28), India Code (2019)

Urgency and scarcity tactics are frequently used to pressure consumers into making quick decisions. Phrases such as “limited time offer” or “only a few left” may sometimes be artificially created to induce panic buying. When such claims are false or exaggerated, they amount to deceptive advertising practices.

IMPACT OF DECEPTIVE ADVERTISING ON CONSUMER BEHAVIOUR

Deceptive advertising has a profound influence on consumer behaviour as it directly affects the decision-making process of individuals in the marketplace. Consumers generally rely on advertisements as a primary source of information when evaluating products and services. When this information is misleading or false, it results in incorrect perceptions, leading consumers to make choices that do not align with their actual needs or interests. This distortion of informed choice undermines the fundamental principle of rational consumer behaviour.[14]

One of the most significant impacts of deceptive advertising is the creation of **false expectations** among consumers. Advertisements often exaggerate product benefits or conceal limitations, causing consumers to believe that a product will perform better than it actually does. When the product fails to meet these expectations, it results in dissatisfaction, loss of trust, and reduced confidence in both the brand and the market system as a whole.[15]

Deceptive advertising also leads to **impulsive and emotionally driven purchasing decisions**. Advertisements frequently use psychological triggers such as urgency, fear of missing out, or celebrity influence to manipulate consumer emotions. This weakens rational decision-making and encourages consumers to purchase products without adequate evaluation. Over time, such behaviour can result in financial loss and regret.

Another important impact is the **erosion of consumer trust in advertising and brands**. When consumers repeatedly encounter misleading claims, they begin to distrust not only specific companies but the advertising industry as a whole. This decline in trust negatively affects legitimate businesses that rely on honest advertising to communicate their value propositions effectively.

[14] Daniel Kahneman, *Thinking, Fast and Slow* 45–58 (Penguin Books, 2011).
[15] Organisation for Economic Co-operation and Development, *Consumer Policy Toolkit* (2010).

Deceptive advertising also contributes to **market inefficiency and unfair competition**.[16] Companies that engage in misleading practices may gain an unfair advantage over honest competitors by attracting more customers through false claims. This distorts market dynamics and discourages ethical business practices, ultimately harming overall economic efficiency and consumer welfare.

In the context of digital platforms, deceptive advertising has a more **personalized and targeted impact on consumer behaviour**. Algorithms used by online platforms analyze user data to deliver highly customised advertisements, which can make deceptive content more persuasive. Consumers may be more likely to believe such ads due to their perceived relevance and personalisation, making digital deception particularly effective.[17]

The impact is also significant on **vulnerable consumer groups**, including children, elderly individuals, and those with limited digital literacy. These groups are more susceptible to believing advertising claims without critical evaluation. As a result, they are disproportionately affected by misleading advertisements, leading to greater financial and emotional harm.

From a behavioural perspective, repeated exposure to deceptive advertising can lead to **habituation and normalisation of misinformation**. Consumers may gradually become less sensitive to false claims, making it easier for misleading advertisements to influence their decisions in the future. This creates a long-term negative effect on consumer awareness and judgment.

Legally, the presence of such advertising practices necessitates strong intervention under frameworks such as the Consumer Protection Act, 2019, which aims to protect consumers from unfair trade practices.

LEGAL FRAMEWORK GOVERNING DECEPTIVE ADVERTISEMENTS

The legal framework governing deceptive advertisements in India is a combination of statutory laws, regulatory guidelines, judicial interpretations, and self-regulatory mechanisms. Its primary objective is to protect consumers from unfair trade practices, ensure transparency in advertising, and hold corporations accountable for misleading representations. Over time,

[16] Richard A. Posner, *Economic Analysis of Law* 112–18 (Aspen Publ'g, 7th ed. 2007)
[17] Consumer Protection (E-Commerce) Rules, 2020, rr. 4–6.

this framework has evolved significantly to address the complexities of modern advertising, especially in the digital era.[18]

The cornerstone of consumer protection in India is the Consumer Protection Act, 2019, which replaced the earlier 1986 legislation. The Act explicitly defines misleading advertisements and classifies them as unfair trade practices. It provides consumers with rights such as the right to information, right to safety, and right to be protected against deceptive marketing. The Act also introduces strict liability for manufacturers, service providers, endorsers, and advertising agencies involved in false or misleading claims.[19]

A major institutional mechanism under this framework is the Central Consumer Protection Authority, which has been empowered to regulate and prevent unfair trade practices, including deceptive advertisements. The CCPA can investigate complaints, order the recall of misleading advertisements, impose penalties, and prohibit endorsers from promoting certain products. This proactive enforcement mechanism marks a significant shift from the earlier complaint-driven system.

Self-regulation also forms an important part of the legal framework through the Advertising Standards Council of India. ASCI is a non-statutory body that monitors advertising content and ensures compliance with ethical advertising standards. It operates through a code of self-regulation and complaint redressal mechanism. However, its decisions are not legally binding, which limits its enforcement capacity and makes statutory support essential for effective regulation.

In addition to consumer protection law, several other statutes address aspects of deceptive advertising. The Indian Penal framework, including provisions under the Bharatiya Nyaya Sanhita (earlier IPC), may apply in cases involving fraud, cheating, or criminal misrepresentation. Similarly, the Information Technology Act, 2000 regulates online deceptive content and digital fraud, particularly in cases involving electronic commerce and online communication.

The Consumer Protection (E-Commerce) Rules, 2020 play a crucial role in addressing deceptive advertisements in the digital space. These rules require online marketplaces and

[18] Consumer Protection Act, No. 35 of 2019, India Code (2019).
[19] Consumer Protection Act, No. 35 of 2019, §§ 2(28), 2(47), 21

sellers to provide accurate product information, disclose sponsored listings, and ensure transparency in advertising practices.

CORPORATE ACCOUNTABILITY IN DECEPTIVE ADVERTISING

Corporate accountability in deceptive advertising refers to the legal, ethical, and managerial responsibility of companies to ensure that all promotional communications are truthful, transparent, and not misleading. In modern consumer markets, corporations hold significant power in shaping consumer perceptions through advertising. Therefore, they are expected to exercise a higher degree of responsibility to prevent misinformation and protect consumer interests.[20]Accountability in this context ensures that businesses do not exploit consumers' trust or information gaps for commercial gain.

One of the key dimensions of corporate accountability is compliance with statutory obligations under the Consumer Protection Act, 2019. The Act clearly prohibits misleading advertisements and holds manufacturers, service providers, endorsers, and advertising agencies liable for unfair trade practices. Corporations are required to substantiate all claims made in advertisements with credible evidence, failing which they may face penalties, corrective advertising orders, or even prohibition of promotional activities.

Corporate accountability also extends to internal governance mechanisms within organizations. Companies are expected to establish compliance departments, advertising review committees, and ethical guidelines to monitor marketing content before it is published. These internal controls help ensure that advertisements comply with legal standards and industry norms, thereby reducing the risk of regulatory violations and reputational damage.[21]

Another important aspect is the liability of corporate leadership, including directors and senior executives. Decision-makers within companies are responsible for approving advertising strategies and ensuring that marketing campaigns do not involve deceptive claims. In cases of violation, liability may extend beyond the company to individuals who were directly involved in approving or authorising misleading advertisements.

[20] Anand Patil, "Corporate Ethics and Advertising Regulation," 7 Indian Bus. L. Rev. 112, 119–23 (2021).
[21] Neha Sharma, "Self-Regulation and Advertising Ethics," 11 Indian J. Media L. 54, 61–64 (2022).

The role of endorsers, including celebrities and influencers, has also become central to corporate accountability. Under modern legal frameworks, endorsers are expected to exercise due diligence before promoting products.

Another dimension of accountability is regulatory enforcement by authorities such as the Central Consumer Protection Authority, which has the power to investigate misleading advertisements, impose penalties, and order withdrawal of deceptive campaigns.

ENFORCEMENT MECHANISMS AND JUDICIAL RESPONSE

Enforcement mechanisms in cases of deceptive advertising refer to the institutional, administrative, and legal frameworks designed to detect, prevent, and penalise misleading promotional practices. In India, these mechanisms operate through a combination of statutory authorities, consumer forums, and judicial intervention. The primary objective is to ensure that corporations comply with advertising standards and that consumers are protected from unfair trade practices in the marketplace.

A key enforcement authority is the Central Consumer Protection Authority, which has been established under the Consumer Protection Act, 2019. The CCPA is empowered to investigate misleading advertisements, issue directions for discontinuation or modification, impose penalties, and even prohibit endorsers from promoting specific products. This proactive regulatory role strengthens enforcement by allowing swift action without requiring prolonged litigation.[22]

Consumer grievance redressal forums also form an important part of enforcement mechanisms. The three-tier system comprising District, State, and National Consumer Disputes Redressal Commissions provides consumers with a structured platform to seek compensation for harm caused by deceptive advertisements. These forums ensure accessible justice and reduce the burden on traditional civil courts.

Self-regulatory mechanisms, particularly those operated by the Advertising Standards Council of India, complement statutory enforcement. ASCI reviews complaints related to misleading advertisements and recommended corrective action, such as withdrawal or

[22] Consumer Protection Act, No. 35 of 2019, § 18.

modification of advertisements. Although its decisions are not legally binding, they often influence regulatory action and industry compliance.[23]

Judicial response plays a crucial role in interpreting and strengthening advertising laws. Courts in India have consistently held that advertisements must be evaluated based on the impression they create on an average consumer. This principle ensures that companies cannot escape liability through technical disclaimers or fine-print conditions that contradict the main message of the advertisement.[24]

In several cases, courts have addressed the growing influence of digital advertising and influencer marketing. Judicial observations highlight the need for stricter scrutiny of online promotional content, particularly where disclosures of paid partnerships are not clearly made. This aligns with regulatory provisions under the Consumer Protection (E-Commerce) Rules, 2020, which aim to ensure transparency in digital advertising.

The judiciary has also reinforced the liability of endorsers and celebrities in deceptive advertising cases. Courts have observed that influential personalities must exercise due diligence before endorsing products, as their promotions significantly impact consumer trust and decision-making. Penalties and remedies under enforcement mechanisms include monetary fines, product recalls, corrective advertisements, and restrictions on future advertising activities. These measures are designed to deter corporations from engaging in misleading practices and to restore consumer confidence in the marketplace.

PENALTIES, COMPENSATION AND REMEDIES

Penalties, compensation, and remedies form the core enforcement structure in addressing deceptive advertisements and ensuring corporate accountability under Indian consumer protection law. These legal consequences are designed not only to punish wrongful conduct but also to deter future violations and restore consumers to the position they would have been in had the deception not occurred.

One of the primary forms of penalty under the Consumer Protection Act, 2019 is the imposition of monetary fines on manufacturers, service providers, and endorsers who engage in misleading advertisements. The Central Consumer Protection Authority (CCPA) is

[23] Advertising Standards Council of India, *Annual Complaints Report* (2023).
[24] Tata Press Ltd. v. Mahanagar Telephone Nigam Ltd., AIR 1995 SC 2438.

empowered to impose penalties of up to ₹10 lakh for the first offence and up to ₹50 lakh for subsequent offences.[25] This strong penal framework reflects a shift from symbolic punishment to substantial financial deterrence, ensuring that corporations do not treat misleading advertising as a cost of doing business.

In addition to monetary penalties, the law also provides for non-monetary penalties such as banning endorsements. The CCPA can prohibit endorsers, including celebrities and influencers, from participating in advertising for a specified period if they are found to have promoted deceptive claims

Judicial remedies further strengthen the enforcement system by allowing consumers to seek relief through civil courts, consumer commissions, and constitutional courts. Courts may issue injunctions to stop ongoing misleading advertisements, award damages, or direct regulatory authorities to take action. [26]

Punitive damages are also increasingly recognized as an effective remedy in cases of egregious misconduct. Courts and consumer forums may impose additional financial liability on corporations to deter deliberate and repeated violations. This form of punishment goes beyond compensation and serves as a strong warning against unethical corporate behaviour, particularly in industries where consumer vulnerability is high. Despite the existence of strong penalties and remedies, enforcement challenges persist, including delays in adjudication, difficulty in quantifying damages, and limited awareness among consumers. Many affected individuals do not pursue legal remedies due to procedural complexity or lack of resources.

[25] Consumer Protection Act, No. 35 of 2019, § 21.
[26] Lucknow Development Authority v. M.K. Gupta, (1994) 1 SCC 243.

RECOMMENDATIONS

While the Consumer Protection Act, 2019 and the powers CCPA represent significant developments in consumer protection, the evolving advertising practices continue to expose substantial enforcement gaps within the existing framework.

One of the most important reforms required is the strengthening of disclosure obligations in influencer and digital advertising. Influencers, celebrities, and content creators should be legally mandated to clearly disclose paid partnerships and sponsored promotions through uniform and prominently visible disclosure standards. Mere self-regulation through voluntary compliance mechanisms is insufficient in addressing large-scale digital consumer deception.

There is also a need to impose greater accountability upon digital platforms and intermediaries that facilitate misleading advertisements through algorithm-driven recommendations and targeted advertising systems. Social media platforms must adopt proactive monitoring mechanisms to identify and remove deceptive promotional content at an early stage. Consumer awareness initiatives must be expanded to help individuals identify deceptive promotional practices and understand their legal rights. Vulnerable groups with limited digital literacy require protection in the evolving digital advertising ecosystem.

Lastly, India may benefit from adopting stricter enforcement approaches similar to international jurisdictions where such misleading advertisements attract substantial financial penalties, corrective advertising orders, and stronger regulatory scrutiny.

CONCLUSION

With the rapid growth of digital commerce, influencer content and advertisements based on algorithms has significantly transformed the modern advertising landscape while simultaneously increasing the risk of consumer deception. Such Misleading advertisements no longer operate solely through direct falsehoods but increasingly rely upon subtle manipulation, hidden endorsements, exaggerated representations, and psychological influence capable of distorting informed consumer choice.

The Consumer Protection Act, 2019, along with the regulatory role of the Central Consumer Protection Authority and the Advertising Standards Council of India, represents a significant advancement in India’s consumer protection framework. The recognition of misleading

advertisements as unfair trade practices and the introduction of endorser liability demonstrate a growing commitment toward ensuring corporate accountability in advertising practices. However, despite the existence of statutory and self-regulatory mechanisms, enforcement challenges continue to persist due to the rapidly evolving nature of digital marketing and the increasing complexity of influencer-based advertising models.

The article demonstrates that effective consumer protection in the digital era requires a broader accountability framework extending beyond corporations to include influencers, endorsers, advertisers, and digital platforms. Mere legal regulation is insufficient unless supported by strong enforcement, technological monitoring, ethical corporate governance, and informed consumer participation.

Ultimately, maintaining transparency and fairness in advertising is essential not only for protecting consumer rights but also for preserving market integrity and public trust.

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