

**No. DM/15/2022-DM
Government of India
Ministry of Information & Broadcasting
A Wing, Shastri Bhawan
New Delhi – 110 001**

March 21, 2024

ADVISORY

To,

- (i) Endorsers and Influencers on social media
- (ii) Social Media Intermediaries
- (iii) Online Advertisement Intermediaries

Subject: Advisory on Celebrity/Influencer Endorsements and Advertisements, including Surrogate Advertisements, of Offshore Online Betting/Gambling Platforms-reg.

The Ministry has issued Advisories from time to time for the media, including social media platforms, to refrain from publishing, broadcasting advertisements of online betting platforms and/or any such product/service depicting these platforms in a surrogate manner. The online advertisement intermediaries have also been advised not to target such advertisements towards the Indian audience.

2. The Central Consumer Protection Authority (CCPA), vide Advisory dated 06.03.2024 (copy enclosed), while referring to the predominant illegality of offshore online betting and gambling platforms in most regions across the country and provisions of the Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements 2022, has expressed concerns regarding endorsements of such betting/gambling platforms by celebrities and influencers to endorse and promote their betting activities, and cautioned that any advertisement or endorsement, whether directly or indirectly, of activities which are otherwise prohibited by law, including but not limited to betting or gambling, through advertisements or promotions, shall be subject to rigorous scrutiny.

3. Section 79 of the IT Act, 2000 provides for exemption from liability of intermediaries for third party information, data, or communication link made available or hosted by them. Sub-section (3)(b) of section 79 provides that the exemption from liability shall not apply if upon receiving actual knowledge, or on being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled by the intermediary is being used to commit the unlawful act, the intermediary fails to

expeditiously remove or disable access to that material on that resource without vitiating the evidence in any manner.

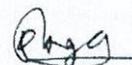
4. The Ministry of Information & Broadcasting, being the appropriate Government in respect of "Online Advertisements", is accordingly empowered to issue notifications to the intermediaries, including social media platforms, to remove/disable access to posts, links, etc. where advertisements and branded content of offshore online betting and gambling platforms is being published.

5. Based on the above provisions of law, and the significant financial and socio-economic implications of online betting and gambling on consumers, particularly the youth, the Ministry hereby strongly advises all endorsers and influencers on social media to refrain from showing such promotional content/advertisements, including surrogate advertisements, of offshore online betting and gambling platforms in any form whatsoever. While the online advertisement intermediaries are advised not to target such content towards Indian audience, the social media intermediaries are advised to conduct sensitization efforts among their users to refrain from publishing such content.

6. It is hereby cautioned that failure to comply with the above may lead to proceedings under the provisions of Consumer Protection Act, 2019, removal/disabling of social media posts/accounts where such promotional content/advertisements/endorsements are being published, and penal action under the applicable statutes.

This issues with the approval of the Competent Authority.

Encl: as above.



(Kshitij Aggarwal)
Deputy Director (Digital Media)
Email: kshitij.aggarwal@gov.in

Copy to:-

1. Secretary, Ministry of Consumer Affairs, Government of India.
2. Secretary, Ministry of Electronics & Information Technology.
3. Secretary, Advertising Standards Council of India (ASCI)
4. Joint Secretary (Films), M/o I&B with the request for wide dissemination among the Indian film fraternity.

CCPA-1/1/2024-CCPA
Central Consumer Protection Authority

Krishi Bhawan, New Delhi
Dated 6 March 2024

Subject: Advisory in terms of Consumer Protection Act, 2019 on Prohibition of Advertising, Promotion, and Endorsement of unlawful activities prohibited under various laws

It has come to the notice of Central Consumer Protection Authority (CCPA) that there are increasing instances of direct as well as surrogate advertisement and endorsements of activities considered illegal such as betting or gambling.

2. Betting and gambling are prohibited under the Public Gambling Act 1867 and considered illegal in most regions across the country. Advertisement of online betting platforms and apps promotes an activity that is predominantly banned and carries significant financial and socio-economic implications on consumers, particularly the youth.

3. Further, in this regard Ministry of Information and Broadcasting has already issued various advisories [No. DM/15/2022-DM dated 13.06.2022, 03.10.2022, 06.04.2023 and 25.08.2023. available at

<https://mib.gov.in/sites/default/files/Advisory%20dated%2025.08.2023%20with%20enclosures.pdf>

<https://mib.gov.in/sites/default/files/Advisory%20to%20Private%20Satellite%20TV%20Channels%2003.10.2022.pdf>

<https://mib.gov.in/sites/default/files/06.04.2023%20Advisory%20on%20Betting%20Advertisements.pdf>

https://mib.gov.in/sites/default/files/Advisory%20on%20online%20betting%20advertisements%2013.06.2022%282%29_0.pdf]

warning media platforms against promoting betting and gambling platforms. The online advertisement intermediaries have also been advised not to target such advertisements towards the Indian audience.

4. It has come to our attention that betting platforms are employing celebrities and influencers to endorse and promote their betting activities. Consequently endorsement by celebrities gives an impression that indulging in such activity is acceptable.

5. Engaging in the promotion or advertisement of online gambling and betting, given its unlawful status in majority of the states, renders one equally liable for participating in an illegal activity. Hence, celebrities and influencers are advised to refrain from endorsing and promoting illegal betting and gambling activities.

6. The Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022 categorically prohibits

advertisements of products or services that are prohibited from being produced, sold, or provided under any law for the time being in force.

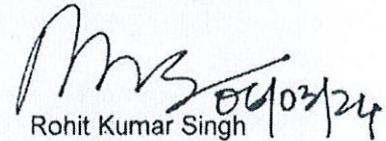
Clause 9 of Guidelines on Prevention of Misleading Advertisements provides as under:

Advertisements prohibited by law. — In addition to the prohibited advertisements as set out in these guidelines, no advertisement shall be permitted which is designed, produced and published in respect of goods, products or services which are prohibited from being produced, sold or provided or which are prohibited from being advertised under any law for the time being in force or under any rules or regulations made thereunder

7. **It is to be noted that what is expressly prohibited under other prevalent laws is also prohibited under Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022** which applies to all advertisements regardless of medium. (Cable TV, Online, Digital Media, print Media etc)

8. Accordingly, it is hereby cautioned that any advertisement or endorsement, whether directly or indirectly, of activities which are otherwise prohibited by law, including but not limited to betting or gambling, through advertisements or promotions, shall be subject to rigorous scrutiny.

9. In case the aforementioned guidelines are violated, stringent measures as per the provisions of Consumer Protection Act, 2019 shall be initiated against the entire spectrum encompassing manufacturers, advertisers, publishers, intermediaries, social media platforms, celebrities, influencers, endorsers, and any other relevant stakeholders.


Rohit Kumar Singh
Chief Commissioner

Copy to:

1. Secretary, Ministry of Information and Broadcasting, Government of India
2. Secretary, Ministry of Electronics & Information Technology
3. Secretary, Press Council of India
4. Self-Regulatory Bodies under Cable Television Network (Amendment) Rules, 2021.
5. Self-Regulatory Bodies under Information Technology Guidelines and Digital Media (Intermediary Ethics Code) Rules, 2021
6. Online Advertisement Intermediaries
7. Secretary, Advertising Standards Council of India (ASCI)
8. Various associations of print media and electronic media.