**ONLINE ADVERTISING AND INDIAN LAWS**

INTRODUCTION

The Internet is seen as a virtual marketplace where businesses can take advantage of digital marketing techniques, such as search engines, banner ads, direct email, and links or services from other websites, to reach potential customers and build relationships with them. According to Berthona, Pitt, and Watson (1996), this provides a unique opportunity for companies to create and maintain relationships with their customers across the globe. This presents a significant opportunity for businesses to engage with both new and existing markets in a highly integrated manner.[[1]](#footnote-1)

ADVANTAGES AND DISADVANTAGES OF ONLINE ADVERTISING

Advantages:

1. Cost effective: Compared to traditional marketing methods, online advertising is much more cost-effective. This makes it possible for businesses to reach a wider audience within their budget.

2. Measurable results: With online advertising, you can track the performance of your campaigns and measure the results. This helps you track the success of your campaigns and make adjustments as needed.

3. Targeting options: Online advertising allows you to target specific audiences based on age, gender, interests, location, and more. This allows you to tailor your message and reach the right people.

4. Flexible and fast: Online advertising is flexible and fast. You can easily make changes to your campaigns and launch them quickly.

Disadvantages:

1. Cost: Although online advertising can be cost-effective, it can also be costly depending on the platform you use and the scope of your campaign.

2. Performance: The performance of online advertising campaigns can be unpredictable and difficult to measure.

3. Reach: Some online advertising platforms can have limited reach, making it difficult to reach your target audience.

4. Fraud: Online advertising is vulnerable to fraud, as there are many people trying to manipulate the system for their own gain.

ONLINE ADVERTISING V/S TRADITIONAL ADVERTISING

Online advertising offers a variety of advantages that traditional advertising does not. Online advertising is more cost-effective, easier to track and measure, allows for more targeted messaging, and is faster than traditional advertising. Additionally, the use of digital technology such as machine learning and artificial intelligence can help optimize online campaigns for maximum effectiveness.

Traditional advertising, on the other hand, offers a greater ability to reach a broader audience and build brand recognition. It also offers more creative freedom than online advertising and can be used to build relationships with customers.

LAWS: STATUTORY REGULATION OF ADVERTISING

Some of the major legislations pertaining to advertisements in India in which you can connect even to Online Advertising are as follows:

1. CONSUMER PROTECTION ACT,2019:

 The Consumer Protection Act of 2019 replaced the Consumer Protection Act of 1986 and introduced a new definition of "advertisement" under Section 2(1) which encompasses various forms of audio or visual publicity, including those made through electronic media, websites, or other documents. The Act also places emphasis on combating misleading advertisements and grants the Central Authority the power to take action against such advertisements, as outlined in Section 21, including issuing penalties and directives where necessary.

1. CIGARETTES AND OTHER TOBACCO PRODUCTS (PROHIBITION OF ADVERTISEMENT AND REGULATION OF TRADE AND COMMERCE, PRODUCTION, SUPPLY AND DISTRIBUTION) ACT, 2003:

 Under Section 5 of the Act, any promotion or suggestion of cigarettes or tobacco products through any medium is strictly prohibited, and Section 22 outlines the consequences of violating this provision. Those found in violation of Section 5 may face imprisonment for up to 2 years or a fine of up to Rs.1,000/-, or both, for the first conviction. For subsequent convictions, the penalty increases to imprisonment for up to 5 years and a fine of up to Rs. 5,000/-. Additionally, Section 23 permits the forfeiture of the advertisement and advertisement materials.

1. TRANSPLANTATION OF HUMAN ORGANS ACT, 1994:

 Section 2(a) of this Act defines "advertisement" as encompassing all types of advertising, whether directed towards the general public, specific groups, or individuals. Additionally, the Act includes provisions related to the removal or transplantation of human organs and prohibits any advertisements that solicit individuals to provide, donate, or supply any human organs in exchange for payment.

1. FOOD SAFETY STANDARDS ACT, 2006:

 Section 24 of the Act prohibits the advertising of food products that could potentially mislead or deceive consumers and prohibits any individual from engaging in unfair trade practices related to the sale, supply, use, and consumption of food articles. Moreover, Section 53 of the Act outlines penalties of up to 10 lakh rupees for misleading advertisements.

1. DRUGS AND MAGIC REMEDIES (OBJECTIONABLE ADVERTISEMENTS) ACT, 1954:

 The Act is in charge of monitoring the promotion of drugs in India and forbids any advertisements that suggest certain drugs or remedies have supernatural powers. It also prohibits advertising that promotes inducing miscarriage or preventing conception in women, enhancing sexual pleasure, or correcting menstrual disorders, among others.

1. PRIZE COMPETITION ACT, 1955:

 Under this law, it is considered an offence to publish or issue any advertisements or notices that offer monetary prizes for solving puzzles that involve the arrangement, combination, or permutation of letters, words, or figures.

1. COPYRIGHT LAW, 1957:

 This law is designed to provide protection for creators of original works, allowing them to exclusively benefit from their efforts in creating these works. It provides the legal framework for copyright ownership, the transfer of copyright ownership, the length of copyright protection, and punishments for violating copyright.

1. INDECENT REPRESENTATION OF WOMEN (PROHIBITION) ACT, 1986:
 It is illegal to portray women in a sexual or offensive manner in any form of advertisement, publication, writing, artwork, sculptures, or any other type of medium, as well as in any related circumstances. The law defines indecent representation as any depiction of a woman's figure, form, body, or any part thereof that is likely to be considered indecent, derogatory, or denigrating to women, or which could have a corrupting or damaging effect on the public morality or morals of women in any manner.
2. THE PRIZE CHITS AND MONEY CIRCULATION SCHEMES (BANNING) ACT, 1978:

 Section 3 of the Act prohibits chit fund schemes and expressly prohibits anyone from promoting, organizing, or becoming a member of any of the schemes prohibited by the Act. Violators of Section 3 of the Act are subject to punishment under Section 4, which could result in imprisonment for up to three years, a fine, or both.

1. EMBLEMS AND NAMES (PREVENTION OF IMPROPER USE) ACT, 1950:

 The law states that it is illegal to use the name or national emblem, or any colourful imitation thereof, or register any business or institution containing such emblems or names for any commercial purpose. This category includes symbols such as the United Nations (UN), World Health Organization (WHO), UNESCO, the Indian national flag, insignia of India's central and state governments, Rashtrapati Bhawan, Mahatma Gandhi, Shivaji, the Prime Minister of India, and awards like the Ashok Chakra, and others.

1. DRUGS AND COSMETIC CONTROL ACT, 1940:

 This law, which was put in place before India's independence and has seen some amendments, is meant to guarantee that all drugs and cosmetics sold in the country are safe, effective, and meet the state's quality requirements. It regulates the import, manufacture, distribution, and sale of drugs and cosmetics at the national level, as well as the approval of new drugs and clinical trials. The law also sets standards for drugs and medical devices, oversees the quality of imported drugs, and carries out testing of drugs and other drug-related activities. In addition, it has a major impact on the advertising of drugs and cosmetic products in India. Top of Form

1. TRADE MARKS ACT, 1999:

 The Trade Marks Act of 1999, the Patents Act of 1970, and other related laws safeguard the rights of intellectual property owners. It is illegal to publish any advertisement that violates the intellectual property rights of any owner.[[2]](#footnote-2) According to the law, a "trade mark" is something that can be visually represented and can differentiate one person's products or services from those of others. This involves the physical shape of the goods, the packaging they come in, and different combinations of colours. The law provides penalties for infringement of these rights.

1. THE CABLE TELEVISION NETWORKS RULES, 1994:

 The Advertising Code outlined in the Cable Television Networks Rules, 1994 is specifically applicable to television channels. Section 7 of the Code lays down the following provisions:

1. Advertisements shown on cable services should adhere to the country's laws and should not offend subscribers' religious susceptibilities, decency, or morality.
2. Advertisements that ridicule a race, caste, colour, creed, or nationality or violate any provisions of the Indian Constitution are prohibited. Advertisements that incite crime, violence, disorder, or any unlawful activities, glorify violence or obscenity, or present criminality as desirable are also not allowed.
3. The exploitation of the national symbol, the Constitution, or any likeness of a national leader or State official for the purpose of advertising is strictly forbidden.
4. In the depiction of women, advertisements must not violate their constitutional rights. Cable operators should be held accountable for making sure that women are not represented in a way that puts them in a passive or submissive light, and that they do not take on a secondary role in their families and communities. Additionally, any depictions of women in programming should be tasteful, visually appealing, and in accordance with accepted notions of decency.
5. Social evils such as dowry and child marriage cannot be exploited in advertisements. Additionally, the Rules state that no advertisement should make any reference that could lead the public to believe that the advertised product or any of its ingredients possesses supernatural, miraculous, or unverifiable properties.
6. ADVOCATES ACT 1961:

 Before the amendment of Rule 36 of the Bar Council of India Rules, formulated under the Advocates Act 1961, there was a ban on advertisement for publicity, and fake advertisements by practicing lawyers were also controlled to avoid attracting clients from the general public. In 2008, the Bar Council of India amended Rule 36 before Hon'ble Justice B N Agarwal of the Supreme Court of India. This amendment challenged the term 'prohibition' imposed by Rule 36. Following the amendment, advocates can now provide details of their practice on websites, marking a notable shift in advertisement from 2008 until now, with relaxation to Rule 36 allowing advertisements.

1. MONOPOLIES AND RESTRICTIVE TRADE PRACTICES ACT, 1969:

 During the 1980s and 1990s, the MRTP Act was regarded as a highly effective tool for regulating objectionable advertising. In 1984, the Indian government amended the Act to include "unfair trade practices," thereby enabling the MRTP Commission and the Office of the Director General (Investigation and Registration) to address such practices. Through its "cease and desist orders," the MRTP Act has been instrumental in compelling numerous advertisers to halt the publication of advertisements that are detrimental to consumer welfare. However, this Act was replaced by the Competition Act, 2002.

1. INFORMATION TECHNOLOGY ACT, 2000:

 According to the IT Act, any material in electronic form that is lascivious or appeals to prurient interests or tends to deprave and corrupt individuals likely to view, hear, or read it, is punishable with imprisonment and a fine. Offenses perpetrated by people outside of India will still be punishable if they involve a computer, computer system, or computer network situated within India.

1. INDIAN PENAL CODE, 1860:

 The Indian Penal Code (IPC) criminalizes the promotion or advertisement of an obscene publication, along with its circulation, distribution, sale, or rental. Furthermore, advertising of lotteries that are not authorized by the state government or are not state lotteries is also prohibited under the IPC. The sale, distribution, public exhibition, or circulation of any obscene material or object, such as books, pamphlets, papers, drawings, paintings, and representations, is also forbidden under the IPC.

1. SEBI (MUTUAL FUNDS REGULATION), 1996:

 The SEBI Guidelines for Advertisements by Mutual Funds provide specific requirements for mutual fund advertisements.These guidelines are applicable to all types of advertisements and communications, including those released on websites, and cover any material that is widely distributed and over which the mutual fund has no control over the audience. The guidelines provide a definition for the term "advertisement."

1. Pre-Natal Diagnostic Techniques Act, 1994:

 The Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994 is a law established in India in order to stop the exploitation of pre-natal diagnostic techniques for the purpose of gender selection and the resulting female feticide. The Act prohibits the advertisement of any techniques used for sex selection and also makes it illegal for anyone to publish or distribute any advertisements that promote sex selection techniques.

Online advertising has become increasingly prevalent, and social media platforms like Facebook, Twitter, YouTube, and others have become popular channels for advertisers. However, the PCPNDT Act's provisions against the advertisement of sex selection techniques extend to online platforms as well.

In recent years, there have been cases of advertisements on social media platforms promoting sex selection techniques, violating the provisions of the Act. To tackle this issue, the government has introduced new intermediary guidelines that make social media platforms accountable for the advertisements and content on their platforms. The platforms can no longer claim immunity and will be held liable for any unlawful actions on their platforms.

1. Other Laws:

 There are various laws in India that prohibit advertising certain products. For instance, the advertising of alcoholic beverages is regulated by the Cable Television Network (Regulation) Amendment Bill. The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994 stops the advertisement of services related to pre-natal sex determination. The Prize Chits and Money Circulation Schemes (Banning) Act 1978 bars any publicity of prize chits and money circulation schemes. Additionally, the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations forbid any medical advertising by professionals. The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act, 1992 prohibits advertising of infant milk substitutes or feeding bottles. The Food Safety & Standards Act, 2006 prohibits advertising that makes any representation concerning the need for or usefulness of any food, standard, or quality, among others.

Several other laws have provisions that apply to the advertising industry and businesses in India. These include sections or clauses that prohibit advertisements that:

* Ridicule castes, races, colors, creeds, or nationalities;
* Are against the Constitution of India;
* Incite people or prompt them to commit crimes, give provocative speeches, or create law and order situations;
* Encourage violence and breach of laws;
* Glorify obscenity or pornography;
* Promote terrorist activities;
* Spread communal hatred and feelings;
* Ridicule national leaders, emblems, and symbols;
* Depict women in a hateful manner;
* Depict obscenity, vulgarity, or indecency and infringe good taste.

RIGHT TO ADVERTISEMENTS AS A PART OF FREEDOM OF SPEECH AND EXPRESSION

The right to advertise is an important part of freedom of speech and expression. Advertising is a form of communication that allows companies and organizations to inform the public about their products and services. It is an essential part of the free market economy and allows businesses to reach potential customers.

The United Nations Universal Declaration of Human Rights states that everyone has the right to freedom of opinion and expression. This includes the right to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The right to advertise is protected under this right to freedom of expression. Advertising allows companies to inform the public about their products and services, and it is an important part of the free market economy. Advertising also gives businesses the chance to inform potential customers of their offerings and to increase their sales.

The right to advertise is also protected under the right to freedom of speech. Advertising allows companies to express their messages to the public and to communicate their ideas to potential customers. Advertising also gives businesses a platform to express their views and to spread awareness of their products and services.

The right to advertise is an important part of freedom of speech and expression, and it is essential for the functioning of the free market economy. Advertising allows companies to inform the public about their products and services, and it gives businesses the chance to express their views and to reach potential customers. The right to advertise is an important part of freedom of speech and expression, and it should be protected and respected.

**ONLINE ADVERTISEMENTS: REGULATORY AUTHORITY; SELF – REGULATING ORGANISATION AND GOVERNMENT AGENCY**

* + 1. ADVERTISING STANDARDS COUNCIL OF INDIA (ASCI)

The Advertising Standards Council of India (ASCI) is an autonomous, self-regulatory voluntary organization of the advertising industry. Established in 1985, it is committed to the cause of self-regulation in advertising. ASCI’s mission is to ensure truthfulness, honesty and fairness in advertising and to safeguard the interests of the consumer. It is the only self-regulatory body in India to make sure that advertisements adhere to the Code of Advertising Standards, which is based on the International Code of Advertising Practice. ASCI also helps advertisers, media, and the public to resolve complaints against advertisements. It also works closely with the government to ensure that the laws and regulations governing advertising are followed. ASCI has its headquarters in Mumbai, India.

The ASCI also monitors online advertising to ensure compliance with its guidelines. If an advertisement is found to be in violation of the guidelines, the ASCI can take action against the advertiser, including issuing a warning letter or taking legal action. The ASCI also works with other bodies such as the Indian Broadcasting Federation and the Internet and Mobile Association of India to ensure responsible online advertising.

* + 1. MINISTRY OF INFORMATION AND BROADCASTING

The Ministry of Information and Broadcasting is responsible for the development and promotion of online advertising in India. It works to ensure that standards are maintained and that online advertising follows the guidelines prescribed by the government. As part of its efforts, the ministry has established a committee to review the laws and regulations related to online advertising. It also works to ensure that advertisers and publishers are aware of the rules and regulations.

* + 1. DIRECTORATE OF INFORMATION AND PUBLICITY

The Directorate of Information and Publicity is responsible for the dissemination of information by the government to the public. This includes the promotion of government policies and programmes, the provision of news and updates on government initiatives, and the management of public relations. The Directorate also manages online advertising initiatives, including the planning, creation, and implementation of campaigns. The aim of these campaigns is to increase public awareness of government initiatives and to drive traffic to government websites. Additionally, the Directorate coordinates promotional activities and campaigns with other government agencies, non-governmental organizations, and private sector organizations.

* + 1. CENTRAL CONSUMER PROTECTION AUTHORITY

The Central Consumer Protection Authority (CCPA) is the regulatory body responsible for protecting consumers in India. It was established in 2019 under the Consumer Protection Act, 2019.

The CCPA regulates online advertising in India. It works to ensure that online advertising is fair, transparent and does not mislead consumers. It also monitors online advertising practices to prevent false or deceptive advertising. The CCPA has the power to issue orders, initiate investigations and impose penalties for violations of the Consumer Protection Act. The CCPA can also order companies to stop using unfair or deceptive practices in online advertising.

The CCPA works closely with other regulatory bodies such as the Advertising Standards Council of India to ensure that online advertising is in compliance with the law. It also works closely with industry associations such as the Internet and Mobile Association of India to ensure that online advertising follows the guidelines set out in the Consumer Protection Act.\

In addition, the CCPA has established an online advertising complaints portal, which allows consumers to submit complaints about online ads. The CCPA reviews such complaints and takes action if necessary.

* + 1. DIRECTORATE OF ADVERTISING AND VISUAL PUBLICITY

The Directorate of Advertising and Visual Publicity (DAVP) is a nodal agency of the Government of India that is responsible for advertising and publicity on behalf of various Ministries and Departments of the Government of India. It also coordinates advertising and publicity of Central Public Sector Undertakings (CPSUs). It is maintained at the cost of the Union Government, and is an attached office of the Ministry of Information and Broadcasting.

DAVP also encourages online advertising campaigns on behalf of the Government of India. This includes campaigns on social media like Facebook, Twitter, YouTube, Instagram and other online mediums. It also coordinates with various digital media channels to create targeted campaigns for the intended target audience. DAVP also provides various digital media services like search engine optimisation, content management, analytics and monitoring of digital campaigns.

* + 1. INTERNATIONAL COUNCIL FOR ADVERTISING SELF – REGULATION

The International Council for Advertising Self-Regulation (ICAS) is an international organization that works to promote responsible self-regulation in advertising. ICAS works to ensure that advertisers, advertising agencies, and media comply with standards that protect consumers while also allowing for healthy competition.

When it comes to online advertising, ICAS works to promote responsible and ethical practices in digital marketing. This includes ensuring that online ads are not misleading or deceptive, and that they comply with applicable laws, regulations, and industry standards. ICAS also helps to protect user privacy, ensuring that online ads are not used to collect personal data without the user's knowledge. Additionally, ICAS promotes the use of responsible targeting practices, to ensure that ads are served to the right audiences.

INTERNATIONAL LAWS ON ONLINE ADVERTISING

The laws governing online advertising vary from country to country, depending on the national laws. Commonly, online advertising is subject to the same laws that regulate advertising in other media, such as television, radio, print, outdoor, and direct mail. However, in some countries, additional regulations have been enacted that specifically target online advertising.

In the United States, the Federal Trade Commission (FTC) is responsible for regulating online advertising. The FTC's guidelines state that all online advertising must be truthful, not misleading, and must not contain any deceptive or unfair practices. Additionally, the FTC requires that advertisers provide clear and conspicuous disclosures of all material information which could affect a consumer's decision to purchase a product or service.

In the European Union, the European Commission has issued guidelines for online advertising that require that all ads be clearly identifiable as such and that they include clear and understandable information about the product or service being advertised. Additionally, the guidelines require that advertisers provide appropriate contact information and a mechanism for consumers to opt out of receiving further advertising.

In China, the State Administration of Industry and Commerce has issued regulations that require online advertisers to obtain a license before they can advertise online. Additionally, the regulations require that online advertisers provide clear and unambiguous disclosures of the terms and conditions of the product or service being advertised.

LIABILITY OF CONTENT PROVIDERS IN ONLINE ADVERTISING

Content providers may have the following Liability in Online Advertising:

1. Defamation: Content providers may be held liable for defamation if they publish false or misleading information about a product or service in an online advertisement. Defamation refers to the act of making a false statement that harms the reputation of an individual or business. Content providers can be held liable for defamation if they knowingly publish false information or if they fail to take reasonable steps to verify the accuracy of the information.
2. Copyright infringement: Content providers may be held liable for copyright infringement if they use copyrighted material in an online advertisement without permission from the copyright owner. Copyright infringement occurs when someone uses someone else's copyrighted material without permission, which can include images, music, or video content. Content providers must ensure that they have obtained the necessary permissions or licenses for any copyrighted material used in their advertisements.
3. Misleading advertising: Content providers may be held liable for misleading advertising if their online advertisements are found to be false or deceptive. Misleading advertising occurs when an advertisement contains information that is likely to mislead consumers, either by omitting important information or by presenting information in a way that is likely to deceive. Content providers must ensure that their online advertisements are truthful, accurate, and not misleading.
4. Endorsement liability: Content providers may be held liable for endorsement liability if they endorse a product or service in an online advertisement and it is found to be false or misleading. Endorsement liability occurs when someone promotes a product or service in a way that suggests that they have used or tested it and found it to be effective, when in fact they have not. Content providers must ensure that any endorsement they make in an online advertisement is truthful and accurate.

ADVERTISING POLICY OF DIFFERENT SOCIAL MEDIA PLATFORMS, SEARCH ENGINES

* 1. Facebook's Advertising Policy

Facebook's Advertising Policy is designed to ensure that all ads on Facebook are safe, appropriate, and compliant with applicable law. All ads must comply with Facebook's Advertising Policies, as well as all applicable laws and regulations.

The following are some of the key rules that all advertisers must follow:

1. Ads must not include any content that is illegal, deceptive, misleading, inflammatory, or offensive.

2. Ads must not contain images or language that could be considered harassing, abusive, or discriminatory.

3. Ads must not promote the sale of illegal or restricted items, services, or activities.

4. Ads must not contain content that is false, deceptive, or misleading.

5. Ads must not contain content that infringes on any third-party’s intellectual property rights.

6. Ads must not include any content that is defamatory, libelous, or obscene.

7. Ads must not contain content that encourages or promotes illegal activities or behavior.

8. Ads must not contain content that is excessively violent or that incites hatred or violence against any group or individual.

9. Ads must not contain content that is pornographic, racist, or otherwise inappropriate for the platform.

10. Ads must not contain content that exploits children.

11. Ads must not contain content that is false or deceptive.

12. Ads must not contain content that is deceptive, misleading, or that misrepresents the advertiser, product, or services.

13. Ads must not contain content that is inaccurate or deceptive.

14. Ads must not contain content that is directed toward users under the age of 13.

15. Ads must not contain content that targets users based on their protected characteristics.

16. Ads must not contain content that encourages or promotes drug use or other prohibited activities.

17. Ads must not contain content that is false or misleading.

18. Ads must not contain content that is spam or offensive.

19. Ads must not contain content that is deceptive or that misrepresents the advertiser, product, or services.

20. Ads must not contain content that is excessively violent or that incites hatred or violence against any group or individual.

21. Ads must not contain content that is pornographic or otherwise inappropriate for the platform.

22. Ads must not contain content that exploits children.

23. Ads must not contain content that violates any third-party rights, including intellectual property rights, privacy rights, or any other rights.

24. Ads must not contain content that violates any Facebook policies or terms.

These are just some of the key rules that all advertisers must follow. Facebook reserves the right to reject or remove any ads that do not comply with the Advertising Policies. Failure to comply with Facebook's Advertising Policies may result in the suspension or termination of an advertiser's account.

* 1. Instagram’s Advertising Policy

Instagram is a social media platform that has grown increasingly popular in recent years. As a result, it has become a valuable resource for businesses and marketers looking to connect with potential customers. Instagram has a set of advertising policies that govern how businesses and marketers can advertise on the platform.

Instagram requires all ads to be clearly labeled as such. This includes including a “Sponsored” or “Promoted” label on ads. This label should be easy to find and should be clearly visible to all users. All ads must also be clearly identifiable as an advertisement.

Instagram does not permit advertising for products or services that are illegal, deceptive, or harmful. This includes products such as drugs, weapons, tobacco, and alcohol. Ads should also not contain any content that is offensive, obscene, or highly sensitive in nature. Additionally, ads should not contain content that seeks to exploit children, depict violence, or incite hatred.

Ads must also comply with all applicable laws, regulations, and industry guidelines. This includes adhering to the advertising guidelines of the country or region in which the ad is being shown. Ads should also not contain any false or misleading claims.

Ads must also be relevant to the audience they are targeting. Ads should be tailored to the interests of their target audience and should not contain content that is inappropriate for the intended audience.

Advertisers must also adhere to Instagram’s ad placement policies. Ads must be placed in appropriate locations and should not interfere with a user’s experience on the platform. Ads should also not be overly-intrusive or disruptive to the user experience.

Finally, advertisers must ensure that their ads are compliant with all applicable laws, regulations, and industry guidelines. This includes complying with all applicable data privacy laws and regulations.

By adhering to Instagram’s advertising policies, businesses and marketers can ensure that their ads are compliant and reach their target audience in the most effective way.

* 1. WhatsApp’s Advertising Policies

WhatsApp is one of the most widely used messaging services in the world, with over 1.5 billion monthly active users. With such a large user base, it is no surprise that the app has implemented an advertising policy to ensure the best user experience.

The WhatsApp advertising policy is designed to protect users from intrusive, irrelevant, and disruptive ads while still allowing businesses to reach their target audience. To ensure this, WhatsApp has implemented a number of guidelines that marketers must adhere to.

The first of these guidelines is that all ads must be relevant and non-intrusive. This means that ads should be tailored to the interests of the target audience and should not interfere with a user’s normal experience on the app. For example, ads must not pop up in the middle of conversations or take up too much of the user’s screen space. Additionally, ads must not contain false or misleading information.

The second guideline is that ads must be clearly labeled and identifiable. This means that ads must include a clearly visible and recognizable label, such as “Advertisement” or “Sponsored”. This allows users to easily identify an ad and differentiate it from other messages.

The third guideline is that ads must be clearly distinguishable from organic content. This means that ads must be distinct from regular messages and conversations. Additionally, ads must not be designed to mimic organic content, such as conversations or messages.

The fourth guideline is that ads must be targeted to the appropriate audience. This means that ads must be targeted to users who have expressed an interest in the product or service being advertised. Additionally, ads must not be targeted based on sensitive information, such as race, religion, gender, or sexual orientation.

The fifth guideline is that ads must not contain any disruptive content. This means that ads must not contain content that is designed to disrupt the user experience, such as excessive animation or sound. Additionally, ads must not contain content that is inappropriate for a general audience, such as violence, profanity, or nudity.

Finally, the sixth guideline is that advertisers must adhere to all applicable laws and regulations. This means that advertisers must comply with all local, state, and federal laws, as well as any applicable industry regulations.

By adhering to these guidelines, marketers can ensure that their ads are not only effective but also compliant with WhatsApp’s advertising policy. This will help to ensure that users have a positive experience on the app and that businesses can reach their target audience in a respectful and responsible manner.

* 1. Linked in’s Advertising Policy

Linkedin’s advertising policy is designed to ensure that all ads placed on the platform are compliant with local laws, regulations, and Linkedin's Terms of Service. The policy applies to all ads and sponsorships that appear on Linkedin, including paid search, display, and sponsored content.

Linkedin’s advertising policy states that all ads must be truthful and accurate and must not contain false or misleading information. Advertisers are responsible for ensuring that the content of their ads complies with all applicable laws and regulations. Ads must not contain any information that is illegal, obscene, discriminatory, or that encourages or incites violence or harm. Ads must not contain any content which is defamatory or libelous.

Advertisers are also responsible for ensuring that their ads comply with Linkedin’s privacy policy. Ads must not contain any personal information or data that could be used to identify an individual. Ads must also not contain any information that could be used to target certain users based on their age, gender, race, religion, sexual orientation, or any other protected class.

Linkedin’s advertising policy also states that all ads must be clearly labelled as an advertisement. Ads must be clearly labelled as an advertisement in order to avoid confusion with organic content. Ads must not be designed to look like editorial content or be presented in a way that could deceive or mislead users.

Advertisers must also comply with Linkedin’s terms of service. Ads must not contain any content that violates the terms of service, such as content that is hateful, threatening, harassing, or that promotes illegal activities. Ads must also not contain any content that infringes upon the intellectual property rights of others.

Finally, Linkedin’s advertising policy states that all ads must be reviewed and approved by Linkedin before they are allowed to appear on the platform. Ads must be reviewed and approved by Linkedin in order to ensure that they comply with all of the advertising policies listed above.

Advertising on Linkedin can be a great way to reach potential customers, but it is important to be aware of Linkedin’s advertising policy and make sure that all ads are compliant with the policy. By following the advertising policy, advertisers can ensure that their ads are compliant with all applicable laws and regulations and that they are not misleading or deceptive.

* 1. Youtube’s Advertising Policy

YouTube’s advertising policies are designed to ensure that all advertisements that appear on their platform meet their standards of quality, safety and appropriateness. YouTube’s main goal is to provide a positive user experience and to maintain the integrity of the platform. YouTube’s advertising policies are in place to protect both advertisers and viewers.

YouTube prohibits any ads that contain content that is deemed to be inappropriate or offensive. This includes any ads that contain content that is hateful, discriminatory, or promotes violence or illegal activities. It also applies to any ads that contain sexually explicit content, profanity, or content that is considered to be obscene or otherwise offensive.

YouTube also prohibits ads that contain content that is deceptive, false, or misleading. This includes any ads that contain false or exaggerated claims, that make false promises, or that are intended to deceive viewers. YouTube also prohibits any ads that contain false or inaccurate information about products, services, or individuals.

In addition to these general prohibitions, YouTube also has specific policies regarding the types of ads that are allowed on the platform. For example, YouTube only allows ads that use approved images, videos, and audio. All ads must also be labeled with the advertiser’s name and website address.

* 1. Google’s Advertising Policy

 Google Ads is their primary advertising platform and offers a variety of services to help businesses reach their target audience. Google Ads includes display ads, search ads, shopping ads, video ads, and app ads. Businesses can choose from a variety of formats and sizes for their ads, as well as different targeting options to ensure their ads reach their desired audience.

Google’s advertising policies are in place to help ensure that the ads it serves are appropriate, relevant, and safe for users. Google has a variety of policies that apply to all types of ads, as well as specific rules for different types of ads.

* Google’s main advertising policy states that ads must comply with all applicable laws and regulations, must not contain false or misleading information, must be appropriate for all audiences, and must not contain any inappropriate content. Google also requires that all ads are clearly identified as such and must not interfere with the user experience.

Google also has specific policies for certain types of ads. For example, Google requires that all financial services ads comply with applicable laws and regulations, and any ads that involve gambling must comply with applicable laws and regulations. Google also prohibits the promotion of illegal activities and explicitly prohibits the promotion of weapons, drugs, and dangerous activities.

Google’s advertising policies help to ensure that the ads it serves are of the highest quality and that users are not exposed to inappropriate or misleading content. This helps to ensure that users can trust and rely on Google’s services, and that advertisers are able to reach their target audiences in a safe and effective manner.

CONCLUSION

In India, legislation is needed to regulate the practice of online advertising in light of the increasing reliance on technological advancements. With the growth of technology, online advertising has become a necessity, making it vital to put in place laws that govern and control this activity. Having multiple bodies for one cause of advertisement is a source of confusion and contention. It would be best to consolidate all of these entities into a single body, such as the ASCI. This will reduce confusion for manufacturers and help prevent disputes.

1. [↑](#footnote-ref-1)
2. Trade Marks Act 1999, s20 [↑](#footnote-ref-2)