

**DIRECTORATE OF DISTANCE EDUCATION  
NALSAR UNIVERSITY OF LAW, HYDERABAD**

*Post-Graduate Diploma in Media Laws (Batch 2020 – 2021)*

Take Home – Annual Examination (June, 2021)

**Paper III – 1.3. Advertisement and the Law**

**TOTAL MARKS: 100**

**INSTRUCTIONS TO CANDIDATES**

- a) Read the instructions for Take Home Examination carefully and adhere to the same.
  - b) *Please mention your name, ID No., subject name and total number of pages on the Answer Sheet.*
  - c) *Clearly indicate the question numbers while answering them.*
  - d) *Answer ten questions and each question carries 10 marks.*
  - e) ***Every answer should be strictly within 500 words only. Exceeding the word limit can get you '0' marks.***
  - f) *Since this is a take home exam, we expect your answers to be analytical rather than straight answers.*
  - g) ***Cut and paste of any material either from reading material or from the internet will result in rejection of answer-sheets, which means a failure with zero marks. No plagiarism.***
  - h) ***If the answer of two students is similar, it will be presumed that both the students consulted each other and two answer sheets will be cancelled***
  - i) Copying from any source including from other students is strictly prohibited. Plagiarism is considered as a serious academic mis-conduct and the University will take action as it deems fit.
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**Part I Problem based question**



**Read this paragraph and answer the questions:**

Activia, brand name of yoghurt claimed that it was clinically or scientifically proven, etc. It was endorsed by actress Jamie Lee Curtis that Activia helped regulate digestion and boost the immune system. On complaint it was found that there was no clinical study or scientific proof whatsoever for this kind of huge claim. The campaign went on for years and the sales of Activia registered 35 per cent higher than other similar products.

Answer the following questions based on the above paragraph:

1. If this advertisement is endorsed by a film actress in India and because of that it was sold heavily, can this advertisement make Actress Curtis also liable?
2. What is false advertisement? Can we make the advertising company liable along with the manufacturer of the product for which false advertisement is made?

3. What are the various laws available for the consumer in India against such misleading advertisements?
4. The Advertisement regulators only direct the withdrawal of advertisement or correction in claims. What remedy is available to the consumer who suffered because of misleading or false advertisement?

**Part II Image Analysis question**

**Observe the following picture and answer the question based on the paragraphs.**



In January 2009, Coke company marketed VitaminWater as a healthful alternative to soda by labeling its several flavors with such health buzz words as "defense," "rescue," "energy," and "endurance." The Center for Science in the Public Interest (CSPI) questioned the company which made a wide range of dramatic claims, including that its drinks variously reduce the risk of chronic disease, reduce the risk of eye disease, promote healthy joints, and support optimal immune function.

In September 2009, before the law suit was settled, it has also claimed that "balance cran-grapefruit" has "bioactive components" that promote "healthy, pain-free functioning of joints, structural integrity of joints and bones" and that the nutrients in "power-c dragonfruit" "enable the body to exert physical power by contributing to the structural integrity of the musculoskeletal system." CSPI litigation director Steve Gardner stated "Coke fears, probably correctly, that they'll sell less soda as Americans become increasingly concerned with obesity, diabetes, and other conditions linked to diets too high in sugar," said. "VitaminWater is Coke's attempt to dress up soda in a physician's white coat. Underneath, it's still sugar water, albeit sugar water that costs about ten bucks a gallon.

The Coca-Cola company claimed its Vitamin Water was "nutritious" because it contains 100% of the recommended daily allowance of vitamin C as well as other vitamins. Three people complained to the Advertising Standards Authority (ASA) of US that a poster for Vitamin Water was misleading for using the word "nutritious" in the catchline, while one of them believed each 500ml bottle to contain more than 30g of sugar. When questioned Coca-Cola said Vitamin Water actually contained 23g of sugar per 500ml - "a significantly lower amount". Defending its use of the word "nutritious", Coca-Cola said the product contained "nutritionally meaningful

quantities of several nutrients including 25% of the recommended daily allowance of four B vitamins (B6, B12, niacin and pantothenic acid) along with 100% of the recommended daily allowance of vitamin C". The Advertising Standards Authority said the public "would not expect" a "nutritious" drink to have the equivalent of up to five teaspoons of added sugar. The ASA said it considered that consumers would understand the word "nutritious" as a claim that Vitamin Water contained added ingredients that were needed by the body in order to stay healthy.

5. Browse about this case and explain what the consequence in this case were and give your opinion about the rights of consumers regarding the product.
6. What happened in this case? Are there any more such cases that you can explain to oppose the false claims and misleading advertisements?
7. What is your suggestions for securing health of the consumers against aggressive campaigning by the big companies?
8. Explain whether the law and institutions in India are sufficient to deal with this kind of problems.

***Part III Analytical Questions based on reading material***

***Read the material 1.3 Module Chapter 1 and answer the following questions:***

9. *Whether commercial speech is part of free speech under Indian Constitution?*
10. *Explain how Supreme Court acted in Kulu-Manali environmental breach case?*