FROM INFLUENCE TO LIABILITY: DECEPTIVE ENDORSEMENTS AND THE DUTY OF DUE DILIGENCE UNDER THE CONSUMER PROTECTION ACT, 2019

Misba Sayyed, BA LLB, KES Shri Jayantilal H. Patel Law College

Arya Khond, BA LLB, KES Shri Jayantilal H. Patel Law College

"Advertising is the art of convincing people to spend money they don't have for something they don't need." - Will Rogers

ABSTRACT

"Influence is our new currency, but with currency comes liability."

India's influencer marketing industry reached ₹3,600 crore in 2024.[1] Analysts expect growth of 25% into 2025. This growth opens the door for dishonest endorsements that take advantage of consumer trust in personal recommendations. The Consumer Protection Act, 2019 (CPA 2019) is a significant regulatory measure. It gives the Central Consumer Protection Authority (CCPA) the power to fight misleading advertisements through Section 2(28).[2] This section defines such ads as those that falsely describe products or services, make untrue promises about quality or performance, create unfair impressions about market practices, or hide important information. It also holds endorsers directly responsible under Section 21.[3] Penalties are harsh: a fine of up to ₹10 lakh plus a one-year endorsement ban for first offenses, increasing to ₹50 lakh and three years for repeat offenses.[4] High-profile cases illustrate this change. For example, there were FIRs against celebrities Amitabh Bachchan and Madhuri Dixit in the Maggi noodles case in 2015, and the Supreme Court made remarks in 2024 about Patanjali, stating that "celebrities and influencers are equally liable" for irresponsible promotions.[5] This research paper analyzes the basics of

---

[1] Influencer Marketing Hub, *India Influencer Marketing Benchmark Report 2024* (Influencer Marketing Hub 2024) https://influencermarketinghub.com/influencer-marketing-benchmark-report/ accessed 14 March 2026.

[2] Consumer Protection Act 2019, s 2(28).

[3] Consumer Protection Act 2019, s 21.

[4] Consumer Protection Act 2019, s 21(2)–(3).

[5] *Times of India*, 'Madhya Pradesh Court Dismisses PIL against Maggi's Brand Ambassadors' (5 June 2015) https://timesofindia.indiatimes.com/city/bhopal/madhya-pradesh-court-dismisses-pil-against-maggis-brand-ambassadors/articleshow/ accessed 14 March 2026.

Indian Medical Association v Union of India (Supreme Court of India, Contempt Proceedings, Order dated 7 May 2024).

endorsements and misleading ads, the statutory due diligence defense in Section 21(5), challenges in digital markets (including dark patterns like PharmEasy 's basket sneaking), and gaps in enforcement and standardization. The findings show a strong but incomplete framework that needs checklists for verification, graduated penalties based on influencer reach and sector risk, safe harbor provisions for well-intentioned actors, and technology-driven monitoring. These reforms would balance consumer protection with Article 19(1)(a) rights of commercial speech, ensuring that influence leads to responsible accountability instead of unchecked deception.

I. Introduction

"Endorsements are not just about selling a product; they are about renting your credibility."

The shift in India's advertising from traditional celebrity campaigns to highly personalized social media endorsements is one of the biggest changes in consumer marketing history. Platforms like Instagram, YouTube, and X (formerly Twitter) have made influence more accessible. Micro-influencers with niche audiences can now compete with Bollywood stars in persuasive power. Influencers build parasocial relationships, creating a sense of intimacy where followers see endorsements as genuine peer advice rather than scripted promotions. This dynamic drives impulse purchases in high-risk areas like health supplements, skincare, financial schemes, and wellness products. Consumers become vulnerable when paid partnerships are disguised as organic content, as they often lack mandatory disclosures like #ad or #sponsored.[6]

The Consumer Protection Act, 1986 primarily addressed faulty goods and services through consumer forums.[7] In contrast, CPA 2019 takes a proactive market-wide approach. It recognizes misleading advertisements as "unfair trade practices" under Section 2(47) and establishes the CCPA as a central regulator with investigation and penalty powers.[8] It also makes endorsers liable, who were previously treated as secondary actors. This shift responds to rising complaints, with CCPA data showing a 300% increase in influencer-related violations since 2020, where non-disclosure alone accounts for 80% of beauty and health ad violations.[9]

---

[6] Advertising Standards Council of India, *Guidelines for Influencer Advertising in Digital Media* (ASCI 2021) https://ascionline.in accessed 14 March 2026.
Advertising Standards Council of India, *Guidelines for Influencer Advertising on Digital Media* (1 June 2021).
[7] Consumer Protection Act 1986 (repealed).
[8] Consumer Protection Act 2019, s 2(47).
[9] Consumer Protection Act 2019, ss 10–18.

This paper seeks to answer three research questions:

(1) How can celebrity and influencer endorsers be held legally responsible for misleading advertisements under CPA 2019 and related laws?

(2) What defines the "duty of due diligence" as a legal defense, and how should courts interpret its standards?

(3) Is the current legal framework adequate, given tactics like digital manipulation, resource gaps between macro-celebrities and nano-influencers, and limits on free speech?

This study uses doctrinal legal research, which involves closely reading primary sources such as CPA 2019, CCPA Guidelines 2022, and legal precedents from the Supreme Court and High Courts. It also looks at self-regulatory codes and analyzes trends in enforcement. Comparisons with the US Federal Trade Commission's (FTC) endorser liability model provide additional insights. The analysis leads to specific recommendations for legislative improvements, aiming to create a balanced environment where commercial speech can thrive without exploiting consumers.

II. Conceptual Framework

A. Meaning of Endorsement

Modern advertising theory defines "endorsement" as any action—message, statement, signature, image, demonstration, or depiction—that leads an average consumer to believe the endorser genuinely supports a product or service.[10] This definition includes traditional formats like celebrity commercials and digital versions, like influencer reels and unboxing videos. Paid partnerships, often tagged with terms like "Paid partnership with [brand]" or hashtags (#ad, #sponsored, #gifted), fit firmly within this definition.[11]

Following the regulatory changes since CPA 2019, endorsers are more than just faces of

---

Press Information Bureau, 'Guidelines Aims at Protecting Consumers from Misleading Advertisements' (9 June 2022) https://pib.gov.in/ accessed 14 March 2026.

[10] Federal Trade Commission, *Guides Concerning the Use of Endorsements and Testimonials in Advertising* (16 CFR Part 255, United States).

[11] Advertising Standards Council of India, *Guidelines for Influencer Advertising in Digital Media* (ASCI, 2021).

promotions. They play key roles in shaping consumer expectations by using their reputation to imply trustworthiness. CCPA Guidelines 2022 make it clear that even subtle hints of authenticity trigger accountability if they are not disclosed as commercial speech.[12] This shift aligns with global standards, recognizing influencers' economic impact—over 1 million creators in India generate ₹3,600 crore annually.

B. What Constitutes a Deceptive or Misleading Advertisement?

Indian law breaks down misleading advertising into four parts under Section 2(28): (i) false or misleading descriptions of product or seller attributes; (ii) untrue promises or misleading statements about a product's nature, quality, or benefits; (iii) indirect indications of unfair practices that could harm consumers; or (iv) intentional failure to disclose important facts consumers should know.[13]

Examples include unproven claims like "clinically proven instant results," dubious scientific assertions like "5,000-year Ayurvedic cure," exaggerated performance claims like "fairness in 4 weeks," withholding risks (such as steroids in creams), and disguised advertisements (like organic vlogs that hide sponsorships). These tactics exploit biases such as trust in authority and urgency from limited-time offers, causing more harm in e-commerce markets with asymmetric information.

This framework combines hard law (CPA) and soft law (ASCI codes requiring clear #ad disclosures), establishing a standard that prioritizes consumer understanding over literal truth.[14]

III. Legal Framework in India

A. Consumer Protection Act, 2019 and Section 2(28)

Section 2(28) clearly defines "misleading advertisement," capturing both overt lies and subtle tricks. Unlike Section 2(11), which deals with "defects" in products, and Section 2(12), which addresses "deficiencies" in services, it specifically targets the informational harm from ads—fallacious descriptions, false guarantees enabling claims for reliance losses, implied unfairness

---

[12] Central Consumer Protection Authority, *Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements* (Ministry of Consumer Affairs, 9 June 2022).
[13] Consumer Protection Act 2019, s 2(28).
[14] Advertising Standards Council of India, *Code for Self-Regulation of Advertising in India*.

from endorsements, and omissions like non-disclosure. Consumer Commissions enforce remedies such as refunds, replacements, corrective advertising, product recalls, and penalties.[15]

In the digital space, Section 2(28) works well within e-commerce, where consumers cannot inspect products. Endorsements often serve as the main purchase cue, working in tandem with Section 2(47) on unfair practices to broaden responsibilities for endorsers.[16]

B. Central Consumer Protection Authority (CCPA) and Endorser Liability

The CCPA, established on July 24, 2020, addresses gaps in the 1986 Act by giving it proactive powers under Sections 18-21.[17] This includes market inquiries, orders to stop or change ads, consumer refunds, and penalties. Section 21(5) creates a due diligence defense for endorsers: they are not liable if they could not have known about misleading content despite reasonable checks. This shifts the burden of proof for diligence onto them.[18]

Penalties highlight the deterrent effect:

Stakeholder	First Offense	Repeat Offense
Endorser	₹10 lakh + 1-year ban	₹50 lakh + 3-year ban
Manufacturer/Advertiser	₹10 lakh fine	₹50 lakh + 2-year ad ban
Publisher	₹50 lakh fine	₹50 lakh fine

Additional regulations augment this: the E-Commerce Rules 2020 require clear paid disclosures, while CCPA Guidelines 2022 necessitate substantiation for claims. ASCI's 2021-2025 codes require visible #ad tags and disclaimers in health and finance. CCPA plans to ramp up enforcement in 2026 against 80% of non-compliant beauty influencers.[19]

---

[15] Consumer Protection Act 2019, s 2(28).
Consumer Protection Act 2019, ss 2(11) and 2(12).
[16] Consumer Protection Act 2019, s 2(47).
[17] Consumer Protection Act 2019, s 10.
Consumer Protection Act 2019, ss 18–21.
[18] Consumer Protection Act 2019, s 21(5).
[19] Consumer Protection (E-Commerce) Rules 2020.
Central Consumer Protection Authority, *Guidelines for Prevention of Misleading Advertisements and*

IV. Case Studies on Endorser Liability (In-Depth Analysis)

"Every endorsement is a promise. The law steps in when that promise becomes a pretense."

1. HUL Lever Ayush (2017): Traditional Claims Under Scrutiny

Hindustan Unilever's Lever Ayush soap campaign claimed the product was "based on 5,000-year-old Ayurvedic scriptures," positioning it as an authentic heritage remedy. The Advertising Standards Council of India (ASCI) received multiple consumer complaints alleging insufficient scientific support for this claim. After an investigation, ASCI's Consumer Complaints Council found the claims misleading under Clause 1 (truthfulness) and Clause 3 (scientific backing). They noted that HUL only provided anecdotal Ayurvedic references without modern clinical trials or FSSAI validation. The ad was withdrawn, signaling that traditional knowledge claims need modern evidence, a principle codified in Section 21(5) of the CPA 2019. This case established that endorsers must verify claims beyond what is provided by the brand.[20]

2. Nestlé Maggi Noodles (2015): Celebrity FIRs & Criminal Liability

The Maggi crisis began when lab tests revealed excessive lead (17.2 ppm vs. 2.5 ppm limit) and undeclared MSG, leading to nationwide bans. Amitabh Bachchan and Madhuri Dixit, brand ambassadors, faced FIRs under the Food Safety Act and IPC 420 (cheating) in multiple states. Consumers argued that their endorsements influenced purchases. Bachchan's "2-minute khushiyo ka packet" and Dixit's family-focused ads implied safety. Courts dismissed PILs (Madhya Pradesh HC: no scienter), but the government upheld endorser liability. Before the CPA 2019, this case revealed gaps in the defense—celebrities relied on Nestlé's FSSAI approvals without independent reviews. The outcome: No convictions, but a ₹640 crore sales loss forced contract terminations, signaling the need for verification under Section 21(5).[21]

3. Amrapali Leisure Park (2016): High-Value Sector Risks

Amrapali Group's Noida project, endorsed by MS Dhoni as "luxury living," fell apart amid

Endorsements for Misleading Advertisements (9 June 2022).

[20] Advertising Standards Council of India, *Consumer Complaints Council Decision on Lever Ayush Advertising Claims* (2017).

Advertising Standards Council of India, *Code for Self-Regulation of Advertising in India.*

[21] Food Safety and Standards Authority of India, *Order on Maggi Noodles Recall* (2015).

Times of India, 'Maggi Soup: Govt Says Even Endorsers Liable' (1 June 2015)

https://timesofindia.indiatimes.com accessed 14 March 2026.

RERA violations. Seventeen thousand flats were not delivered, defrauding 40,000 buyers. Homebuyers filed FIRs against Dhoni under consumer laws, claiming his cricket fame assured project viability. No formal CCPA action occurred before 2020, but PILs highlighted the endorser's responsibilities in real estate. Dhoni donated his fees, and Amrapali was fined ₹42 crore. The lesson: High-stakes sectors require checking the developer's track record.[22]

4. Fair & Lovely Fairness Creams (2000s–2020): Sociocultural & Regulatory Reckoning

Hindustan Unilever's Fair & Lovely (rebranded as Glow & Lovely in 2020) featured stars like Shah Rukh Khan, Deepika Padukone, Priyanka Chopra, and John Abraham in ads claiming "fairness in 4 weeks" through skin-lightening creams containing hydroquinone and steroids. The claims included "Get the glow of fairness." ASCI upheld over 20 complaints (2010–2019) for unproven effectiveness without long-term tests and asserted superiority over soaps. The #UnfairAndLovely campaign (2016–2020) increased criticism of colorism amid the BLM movement. After 2019, CCPA scrutiny intensified, and HUL rebranded after incurring ₹1,000 crore in losses. Celebrities didn't face fines but suffered reputational damage—SRK diversified his brand, and Padukone launched inclusion initiatives. This case highlights the need for endorsers to verify the sociocultural impact alongside scientific evidence.[23]

5. Patanjali/IMA v. Union of India (2024): Supreme Court Doctrine

The Indian Medical Association sued Patanjali over 500 misleading ads claiming "coronavirus cures" and diabetes reversals. Baba Ramdev and Acharya Balkrishna were held in contempt. The Supreme Court (May 2024) ruled that "celebrities and influencers share liability... their endorsements influence millions... due diligence is essential." They directed CCPA to investigate endorsers, and Patanjali had to deposit ₹25 crore as interim. This codified Section 21(5), requiring objective verification and stating that no "Ayurvedic superiority" defense can exist without proper evidence.[24]

Synthesis: These cases show an evolution from social pressure (Fair & Lovely) to criminal

---

[22] *Times of India*, 'Homebuyers Seek FIR against MS Dhoni for Amrapali Endorsement' (2016).
Amrapali Group Housing Case, Supreme Court monitoring proceedings (2016–2019).
[23] Advertising Standards Council of India, *Consumer Complaints Council Reports on Fairness Cream Advertisements* (2010–2019).
[24] *Indian Medical Association v Union of India* (Supreme Court of India, 7 May 2024).
Scroll.in, 'Influencers and Celebrities Liable for Misleading Advertisements, Says Supreme Court in Patanjali Case' (7 May 2024).

liability (Maggi) to clear legal standards (Patanjali), emphasizing that due diligence is central to liability claims.

V. The Digital Frontier: Dark Patterns and Influencer Manipulation

"The most dangerous deception is not what we are told, but how we are steered."

As commerce shifts to the metaverse and social media, the nature of deception has changed. This section looks at the CCPA Dark Patterns Guidelines (2023) and their effect on the Creator Economy.

A. Dark Patterns and the PharmEasy "Basket Sneaking" Case

The rise of online shopping has led to complex user manipulation, often referred to as "dark patterns." These are design techniques that subtly mislead consumers into making choices they wouldn't make if fully informed.

The PharmEasy case is a clear example:

The incident: The online pharmacy automatically added a ₹99 membership renewal to users' shopping carts without their clear consent.[25]

This practice, known as "basket sneaking," causes consumers to pay for services they didn't choose consciously, undermining their freedom and transparency.

The CCPA fined the company ₹2 lakh and noted that PharmEasy stopped the practice only after the authority began proceedings.

The CCPA's action against PharmEasy for basket sneaking, is a significant milestone in digital consumer rights. For influencers, this leads to Derivative Liability.

---

[25] *Times of India*, 'PharmEasy "Basket Sneaking" Case: CCPA Fined Online Pharmacy ₹2 Lakh' (2023) http://timesofindia.indiatimes.com accessed 14 March 2026.
Central Consumer Protection Authority, *Dark Patterns Guidelines for Digital Platforms* (2023).

B. Deceptive Engagement and Confirm Shaming [26]

Influencers frequently use Fear of Missing Out (FOMO) to boost sales. The 2023 Guidelines prohibit False Urgency and Confirm Shaming. An influencer who claims a product is sold out in five minutes when it is not is now practicing deception.

VI. Duty of Due Diligence: Concept and Emerging Standard

"Due diligence is not the guarantee of truth; it is the minimum respect we owe to those who trust us."

The CPA 2019 framework, as outlined in your materials, places a duty on endorsers to exercise due diligence before aligning themselves with marketing claims. While the law and guidelines do not yet fully define due diligence, the emerging understanding can be explained as follows.

A. Conceptual Content

Due diligence in endorsements means:

Taking reasonable steps to confirm that key claims in the advertisement are not false, grossly exaggerated, or unsupported.

Ensuring that any special attributes (e.g., "clinically proven," "based on 5,000-year-old scriptures," "doctor recommended") have credible backing.

Understanding the product or service, especially in high-risk areas like food safety, health, financial products, and real estate.

Making sure disclosures about the paid nature of the endorsement and important terms (risks, conditions, limitations) are clear, visible, and not hidden.

This is an objective standard; it is not enough for the endorser to simply believe the claims. The focus is on whether a reasonable endorser in that position, with that influence and access

---

[26] Central Consumer Protection Authority, *Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements* (9 June 2022), paras 12–15.
Advertising Standards Council of India, *ASCI Influencer Guidelines for Digital Media* (2021).

to information, would have taken further action.[27]

B. Interface with Case Studies

In the Maggi case, the lack of a clear due diligence defense led to celebrities facing FIRs, even though they might have reasonably relied on regulatory approvals and the brand's reputation.[28]

In Lever Ayush, dependence on ancient scriptures without current substantiation raised questions about what counts as "reasonable verification."

In Amrapali, endorsing a large, complex real estate project likely required deeper investigation into the developer's history and regulatory approvals.

In the Patanjali/IMA context, endorsing health remedies without sufficient scientific proof may indicate a failure to meet a higher due diligence standard in health.

These examples suggest that due diligence should consider industry and risk factors: the more severe the potential harm, the higher the verification standard expected.

C. Practical Challenges

Despite its appeal, the duty of due diligence faces several practical challenges:

- Information imbalance: Influencers and even celebrities often lack the expertise to verify scientific or financial claims.

- Brand-controlled scripts: Endorsers often receive pre-approved scripts and content, limiting their ability to change claims.

- Time and resource limitations: Smaller influencers may not have legal teams or independent experts to review every partnership.

---

[27] Central Consumer Protection Authority, *Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements* (2022), paras 4–6.Consumer Protection Act 2019, s 21(5). Advertising Standards Council of India, *ASCI Influencer Guidelines for Digital Media* (2021).
[28] *Times of India*, 'Maggi Soup: Govt Says Even Endorsers Liable' (1 June 2015) https://timesofindia.indiatimes.com accessed 14 March 2026.
Indian Medical Association v Union of India (Supreme Court of India, 7 May 2024).

- Cross-border issues: Global brands and international digital platforms complicate jurisdiction, evidence, and enforcement.

These challenges highlight the need for clearer, actionable guidance on the minimum steps endorsers should take.

VII. Critical Analysis: Is the Framework Adequate?

"We now live in an age where a single post can move markets; the law must determine whether that post is mere opinion or accountable speech."

A. Strengths

The CPA 2019, through the CCPA, represents a shift from a complaint-driven approach to more proactive market regulation.[29]

Clear endorser liability, including fines and endorsement bans, indicates that influence carries legal risks.

The enforcement against dark patterns, as seen in the PharmEasy case, shows that the regulator is willing to address subtle consumer manipulation.

B. Weaknesses and Gaps

- The vagueness of due diligence: Without a statutory or guideline-level checklist, due diligence could become an ambiguous defense, applied inconsistently.[30]

- Unequal burden: Applying the same standard to a mega-celebrity with a full legal team and a micro-influencer with limited resources risks unfairness and could stifle legitimate economic activity.[31]

---

[29] Central Consumer Protection Authority, *Annual Report 2022–23* (Ministry of Consumer Affairs).
[30] K&S Partners, 'Due Diligence in Brand Endorsements by Celebrities and Influencers' (22 October 2025) https://ksandk.com/media-and-entertainment/due-diligence-in-celebrity-influencer-endorsements/ accessed 14 March 2026.
[31] Argus Partners, 'Advertisers and Endorsers under the Consumer Protection Act, 2019' (2025) https://www.argus-p.com/papers-publications/thought-paper/advertisers-and-endorsers-under-the-consumer-protection-act-2019/ accessed 14 March 2026.

- Enforcement inconsistency: High-profile cases draw attention, but many smaller, equally harmful misleading endorsements go unnoticed.

- Underdeveloped digital literacy ecosystem: Consumers often cannot tell the difference between organic content and paid promotion, making them vulnerable to misleading endorsements.

C. Normative Concerns

From a rights perspective, there is a delicate balance between protecting consumers from misleading commercial speech and safeguarding freedom of expression and legitimate brand partnerships.

Broad liability without clear due diligence guidelines may encourage self-censorship or push endorsements into unclear, unregulated areas. On the other hand, under-enforcement leaves consumers vulnerable to harmful and exploitative practices.

VIII. The Hierarchy of Influence vs. The Uniformity of Law

The current regulations do not differentiate between a macro-celebrity with a professional legal team and a micro-influencer working independently.

- Information Asymmetry: Brands often give pre-approved and legally reviewed scripts to influencers. A micro-influencer lacks the power to demand raw lab data or FSSAI certifications from a billion-dollar brand.

- Economic Impact: A ₹10 Lakh fine is a small cost for a top actor, but it can end a career for a small digital creator.

IX. The Challenge of Cross-Border Influence

Digital influence knows no borders. When an international influencer targets Indian audiences without revealing a material connection, the CCPA faces legal challenges. The Electronic Service Provider clauses in the CPA 2019 are a starting point, but the enforcement of fines for entities outside India has not been tested.[32]

---

[32] Central Consumer Protection Authority, *Guidelines for Prevention of Misleading Advertisements and*

X. Recommendations for a Progressive Regulatory Framework

"Good regulation does not silence voices; it teaches them to speak with integrity."

To move from a punitive model to a preventive one, the following reforms are suggested:

- A Graded Liability Model: The CCPA should create a Graded Responsibility Matrix. The standard of due diligence for a Financial Influencer (Finfluencer) or a Medical Influencer should be much higher (Strict Liability) than that of a fashion or lifestyle influencer (Ordinary Negligence).

- The Safe Harbor Verification Checklist: The Government should provide an official Verification Protocol. If an endorser can show they checked for (a) Regulatory Approvals, (b) Claim Substantiation Documents, and (c) Genuine Personal Use, they should avoid personal fines.

- Mandatory Influencer Literacy Programs: Professional creator associations should work with the CCPA to hold mandatory Legal Literacy workshops, ensuring creators understand the importance of Section 2(28). [33]

- AI-Driven Monitoring: Using Artificial Intelligence to identify Disguised Advertisements (ads without #ad tags) can help the CCPA shift from reactive actions to proactive oversight. [34]

XI. Conclusion

"From billboards to reels, the message may change, but the duty not to deceive remains constant."

The shift from the 1986 Act to the Consumer Protection Act, 2019, represents a key moment for Indian consumer law. It acknowledges that in the digital age, misleading endorsements are

---

Endorsements for Misleading Advertisements (2022), paras 20–22.
[33] Advertising Standards Council of India, *ASCI Influencer Guidelines for Digital Media* (2021).
[34] Argus Partners, 'AI and Influencer Regulation: Monitoring Misleading Endorsements' (2025).
K&S Partners, 'Influencer & Celebrity Endorsements in India: Legal Risks 2025' (5 October 2025)
https://ksandk.com/media-and-entertainment/influencer-celebrity-endorsements-in-india-legal-risks-2025/
accessed 14 March 2026.

not just commercial lies; they violate a parasocial contract.

Influence is a privilege that carries significant legal responsibilities. While the law equips the CCPA with the power to impose fines and bans, the true success of the Act hinges on the realization of the Duty of Due Diligence. As shown in the Supreme Court's rulings in the Patanjali and Amrapali cases, the time for "renting credibility" without accountability has ended.

To remain relevant, the legal system must protect vulnerable consumers while also supporting the growth of the creator economy. Due diligence should not be seen as an obstacle, but as a basic expectation that endorsers owe to their millions of followers.

REFERENCES

Legislation

1. Consumer Protection Act 2019 (India)

2. Consumer Protection (E-Commerce) Rules 2020 (India)

Cases

3. *Indian Medical Association v Union of India* (Supreme Court of India, Contempt Proceedings, 7 May 2024)

4. *HUL Lever Ayush* (ASCI Consumer Complaints Council, 2017) (unreported)

5. *Amrapali Leisure Park homebuyer actions* (FIR demands, 2016, no formal judgment)

Primary Sources / Official Documents

6. Central Consumer Protection Authority, *Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements* (Ministry of Consumer Affairs, Food & Public Distribution, 9 June 2022) https://consumeraffairs.nic.in/sites/default/files/Guidelines_for_Prevention_of_Misleading_Advertisements_and_Endorsements_for_Misleading_Advertisements_2022.pdf accessed 14 March 2026.

7. National Consumer Disputes Redressal Commission, *The Consumer Protection Act, 2019* (2019) https://ncdrc.nic.in/bare_acts/CPA2019.pdf accessed 14 March 2026.

Secondary Sources / Articles & Reports

A. Regulatory Actions & ASCI Cases

8. Advertising Standards Council of India, 'ASCI's Guidelines for "Influencer Advertising" on Digital Media w.e.f. 14 June 2021' (1 June 2021) https://www.anppartners.in/blog/ascis-guidelines-for-influencer-advertising-on-digital-media accessed 14 March 2026.

9. Advertising Standards Council of India, 'ASCI Updates Influencer Guidelines for Health and Finance Sectors' (5 May 2025) https://www.lexorbis.com/asci-updates-influencer-guidelines-for-health-and-finance-sectors-strikes-balance-between-expertise-and accessed 14 March 2026.

B. Celebrity Endorsement Controversies

10. 'HUL Lever Ayush (2017): ASCI Finds Claims "Based on 5,000-Year-Old Ayurved Scriptures" Inadequately Substantiated' (World Law Digest) https://www.google.com/search?q=https://www.worldlawdigest.com/india/consumer-protection-act-2019-section-2(28) accessed 14 March 2026.

11. 'Nestlé Maggi (2015): FIRs Filed Against Celebrity Endorsers Amitabh Bachchan and Madhuri Dixit Due to High MSG Content' (RSRR Blog) https://www.rsrr.in/post/consumer-protection-act-2019-and-endorsers accessed 14 March 2026.

12. 'Amrapali Leisure Park (2016): Homebuyers Demanded FIR Against MS Dhoni for Endorsing Failed Real Estate Project' (RSRR Blog) https://www.rsrr.in/post/consumer-protection-act-2019-and-endorsers accessed 14 March 2026.

C. Fairness Cream Controversies

13. 'Fairness Creams: Shah Rukh Khan, Deepika Padukone, John Abraham Faced Social Pressure for Endorsements' (RSRR Blog) https://www.rsrr.in/post/consumer-protection-act-2019-and-endorsers accessed 14 March 2026.

D. Patanjali & Supreme Court

14. *Indian Medical Association v Union of India* (Supreme Court of India, 7 May 2024) https://scroll.in/latest/1067607/patanjali-case-influencers-celebrities-liable-for-endorsing-misleading-advertisements-says-sc accessed 14 March 2026.

E. Dark Patterns & Digital Cases

15. 'PharmEasy "Basket Sneaking" Case: CCPA Fined Online Pharmacy ₹2 Lakh for Automatic Cart Additions' (Times of India) http://timesofindia.indiatimes.com/

accessed 14 March 2026.

F. International Comparisons

16. Yap JT et al, 'Unfair Trade Practices in the Philippines' (PIDS Discussion Paper Series, 2012).

17. Ashraf S, 'Corporate Responsibility and Digital Communities: Khaadi Controversy, Pakistan' (2017).

G. Legal Commentary & Analysis

18. Argus Partners, 'Advertisers and Endorsers under the Consumer Protection Act, 2019' (2025) https://www.argus-p.com/papers-publications/thought-paper/advertisers-and-endorsers-under-the-consumer-protection-act-2019/ accessed 14 March 2026.

19. IP & Legal Filings, 'Misleading Advertisements in India: Legal Protections under the Consumer Protection Act, 2019' (19 August 2025) https://www.ipandlegalfilings.com/misleading-advertisements-in-india-legal-protections-under-the-consumer-protection-act-2019/ accessed 14 March 2026.

20. K&S Partners, 'Celebrity Endorsements & Legal Liability in India' (22 October 2025) https://ksandk.com/media-and-entertainment/celebrity-endorsements-legal-liability-in-india/ accessed 14 March 2026.

21. K&S Partners, 'Due Diligence in Brand Endorsements by Celebrities and Influencers' (22 October 2025) https://ksandk.com/media-and-entertainment/due-diligence-in-celebrity-influencer-endorsements/ accessed 14 March 2026.

22. K&S Partners, 'Influencer & Celebrity Endorsements in India: Legal Risks 2025' (5 October 2025) https://ksandk.com/media-and-entertainment/influencer-celebrity-endorsements-in-india-legal-risks-2025/ accessed 14 March 2026.

23. Law Gratis, 'Misleading Advertisement Liability' (11 January 2026) https://www.livelaw.in/lawschool/articles/misleading-advertisement-liability accessed 14 March 2026.

24. Press Information Bureau, 'Guidelines Aims at Protecting Consumers from Misleading Advertisements' (9 June 2022) https://www.pib.gov.in/PressReleasePage.aspx?PRID=1832906 accessed 14 March 2026.

25. RSRR, 'Consumer Protection Act, 2019 and Endorsers' (8 September 2023) https://www.rsrr.in/post/consumer-protection-act-2019-and-endorsers accessed 14 March 2026.

26. Scroll.in, 'Patanjali Case: Influencers, Celebrities Also Liable for Endorsing Misleading Advertisements, Says SC' (7 May 2024) https://scroll.in/latest/1067607/patanjali-case-influencers-celebrities-liable-for-endorsing-misleading-advertisements-says-sc accessed 14 March 2026.

27. Times of India, 'Madhya Pradesh Court Dismisses PIL against Maggi's Brand Ambassadors' (5 June 2015) https://timesofindia.indiatimes.com/city/bhopal/madhya-pradesh-court-dismisses-pil-against-maggis-brand-ambassadors/articleshow/ accessed 14 March 2026.

28. Times of India, 'Maggi Soup: Govt Says Even Endorsers Liable' (1 June 2015) https://timesofindia.indiatimes.com/india/maggi-soup-govt-says-even-endorsers-liable/articleshow/47508227.cms accessed 14 March 2026.