
THE ILLUSION OF CHOICE: UNMASKING GREENWASHING, HEALTH-WASHING, AND ALGORITHMIC MANIPULATION UNDER THE CONSUMER PROTECTION ACT, 2019

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ABSTRACT

Today due to the rising technological advances consumer behaviours get influenced by digital advertising, data-driven marketing, and branding strategies. There is increase in misleading consumer narratives, where companies make false claims through advertising and packaging, due to this there is need to study legal and regulatory dimensions of it . This study primarily focuses on the practices of 'health-washing' and 'greenwashing', which directly impact consumer's ability to make independent decisions. The Consumer Protection Act, 2019 and the role of the Central Consumer Protection Authority are also critically evaluated .Also, the constitutional significance of 'Front-of-Pack Labelling' (FoPL) is discussed. Also the dangers of 'Dark Patterns', 'Right to Repair' in the digital age, and algorithmic manipulation in Artificial Intelligence (AI)-driven markets are analyzed. In the end , this paper presents a comprehensive framework of specific policy reforms and regulatory recommendations to make the Indian consumer market more equitable and transparent.

Keywords: Health-washing, greenwashing, dark patterns, right to repair, front-of-pack labelling (FoPL), CCPA, regulatory reforms, Digital Competition Bill, Misleading consumer narratives, consumer sovereignty.

I. Introduction: The Journey from 'Buyer Beware' to Regulatory Intervention

From the ancient principle of 'Buyer Beware' (Caveat Emptor) to the modern principle of 'Seller Beware' (Caveat Venditor) the journey of Indian consumer has transitioned significantly.¹ The 1986 Act was progressive for its time, but globalization, e-commerce, and the misleading advertising strategies of multinational companies have made that law inadequate.² The Consumer Protection Act, 2019³ has been introduced to fill this legal void, protecting consumers from the challenges of the new digital age.⁴

The Central Consumer Protection Authority (CCPA) has been established as an independent and powerful regulator under the Consumer Protection Act, 2019⁵. The CCPA has been given extraordinary powers under sections 19, 20 and 21 of the Act to conduct suo motu investigations into misleading advertisements, take penal action and recall unsafe goods from the market.⁶ However, the use of these powers to counter the narrative of misleading claims circulating in the Indian food and beverage markets remains relatively rare.

II. The Illusion of Health: Health-Washing and the Juice Labeling Controversy

Modern consumers are becoming increasingly health-conscious, but companies resort to 'health-washing' to exploit this positive change.⁷ They market their products as "100% natural" or "healthy," when they are actually high in sugar and preservatives.⁸

1. Packaged Fruit Juices and FSSAI Regulatory Action

In June 2024, FSSAI launched a major crackdown on misleading claims in the packaged fruit juice market.⁹ Many leading companies were also selling juices made from fruit concentrate

¹ *Exploring the Dynamics of the Consumer Protection Act, 2019: An Analysis of Its Impact on Consumer Rights in India*, International Journal of Law (2025).

² *The Consumer Protection Act, 2019: A Comparative Analysis of Legislative Frameworks in India and Other Jurisdictions* (2025).

³ Consumer Protection Act, 2019, Acts of Parliament, 2019 (India)

⁴ *Consumer Protection Act, 2019: About, Objectives & More*, NEXT IAS (2026).

⁵ Consumer Protection Act, 2019, Acts of Parliament, 2019 (India)

⁶ *Consumer Protection Act 2019- A Review of Criminal Sanctions Protecting Consumers*, Scholarship Repository.

⁷ Ares, G., Natero, V., Gugliucci, V., Machín, L., Alcaire, F., León, C. d. & Otterbring, T. (2023). *Health-Washing of Ultraprocessed Products on Instagram: Prevalence and Strategies in an Emerging Market*. Journal of Nutrition Education and Behavior 55(11), pp. 815-822.

⁸ *FSSAI Cracks Down on Misleading '100% Fruit Juice' Claims*, Drug Today (2024).

⁹ *FSSAI Orders Food Businesses to Remove Misleading Claims of '100% Fruit Juice' from Packaging*, The Indian Express (2024).

and water, labeling the packaging as "100% fruit juice."¹⁰ FSSAI found this to be a blatant violation of the Food Safety and Standards (Advertisements and Claims) Regulations, 2018, as diluted juice cannot be called "100% pure".

The regulator has issued the following stringent guidelines:

- All Food Business Operators (FBOs) have been ordered to remove the misleading claim of "100% Fruit Juice" from their packages and advertisements with immediate effect.¹¹
- It has been made mandatory to write 'Reconstituted' on the label along with the name of juices reconstituted from concentrated juice.
- If more than 15 grams per kilogram of additional sweetener (sugar etc.) has been added to the juice product, then it has been made mandatory to write 'Sweetened Juice' on it.

2. Front-of-Pack Labelling (FoPL): Constitutional Priority

A concrete solution to the problem of health-washing is 'front-of-pack labelling' (FoPL)⁴In the current system, nutritional information is hidden in very fine print on the back of the package, misleading the average consumer.¹² In February 2026, the Supreme Court of India, while hearing a landmark Public Interest Litigation (PIL), strongly reprimanded the FSSAI and the Central Government.¹³

The Court clarified that the health of the citizens of the country is a higher constitutional priority than the commercial interests of multinational food companies. The court directed the FSSAI to make front-of-pack warning labels (FOPWL) mandatory on packaged foods at the earliest. The court also noted that popular food brands (such as Maggi and Kurkure) do not have clear warnings on the front panel regarding sugar, salt and fat content. This judicial intervention directly strengthens the right to health of consumers.

III. The Environmental Illusion: Greenwashing and Comparing Global Standards

The practice of charging higher prices for products by making them appear environmentally

¹⁰ (2024). *Juice*. Wikipedia.

¹¹ *FSSAI Issues Directions to Companies Regarding 100% Fruit Juice Claims*, The Times of India (2024).

¹² *Supreme Court Orders Transparent Food Labelling in India* (2026).

¹³ *SC: Make Front-of-Pack Warning Labels a Must on Packaged Food*, The Times of India (2026).

friendly is called 'greenwashing'.¹⁴To prevent this in the Indian market, the CCPA has issued 'Guidelines for Prevention and Regulation of Greenwashing' on October 15, 2024. The use of terms like 'eco-friendly', 'sustainable' or 'carbon neutral' without any scientific verification is considered unfair trade practice under these guidelines.

Different approaches have been taken globally to regulate greenwashing:

Basis of comparison	India (CCPA Guidelines 2024)	European Union (EU Green Claims Directive)	United States (US FTC Green Guides)
legal framework	Supplementary rules under the CPA 2019	Mandatory regulatory directives	Voluntary and non-binding guidance
Verification method	Based on self-disclosure and self-awareness	Mandatory pre-market verification by an independent third-party	Evidence is required but pre-verification is not mandatory
carbon offsetting	Transparency and disclosure of claims required	A complete ban on claims based solely on offsetting (from 2026)	Flexible approach with scientific evidence
penal law	Fine ranging from Rs 10 lakh to Rs 50 lakh	Penalty up to 4% of annual turnover proposed	Civil penalties and consumer compensation

While the EU's approach is highly regulatory and 'rules-based', the US approach is based on principles that examine the truthfulness of advertising. India is currently moving towards a moderate disclosure policy.¹⁵

IV. The Digital Layer: Dark Patterns and the Right to Repair

The expansion of digital commerce has exposed consumer autonomy to a variety of new threats

1. Dark Patterns (Deceptive Interface Design)

CCPA notifies 'Guidelines for Prevention and Regulation of Dark Patterns' in November 2023, 13 dark patterns (such as basket sneaking, drip pricing, disguised advertising, etc.) used

¹⁴ Garnett, A. G. (2024). *What Is Greenwashing? Definition & Company Examples*. Britannica Money.

¹⁵ (2000). *Advertising FAQ's: A Guide for Small Business*. Federal Trade Commission.

on e-commerce websites have been completely banned. This guideline works in conjunction with the Digital Personal Data Protection Act (DPDPA), 2023.

2. Right to Repair

The concept of 'right to repair' has emerged rapidly to ensure environmental and economic sustainability. Companies design their electronic products in such a way that they are almost impossible to repair, a practice called Planned Obsolescence.¹⁶ The Government of India has launched the 'Right to Repair Portal' for the benefit of consumers. Furthermore, in May 2025, the government approved a proposal to implement a Repairability Index to measure the ease of repair of electronic devices. From a judicial point of view, In the case of *Samsung India (2023)*¹⁷, it was held that not providing spare parts during the lifetime of a product is an "unfair trade practice".

V. Constitutional Perspective: The Confluence of Articles 19 and 21

Consumer rights cannot be seen in isolation from the fundamental rights of the Indian Constitution. The Supreme Court *Tata Press Ltd. vs. MTNL (1995)*¹⁸ clarified that 'Commercial Speech' is protected under Article 19(1)(a) of the Constitution. Consumers have the right to receive accurate information about products.

Similarly, the right to life under Article 21 also includes the 'right to health'. In *Bandhua Mukti Morcha vs. State of Haryana*¹⁹ case, the State was given a positive duty to protect public health. Health-washing practices directly compromise the lives and health of citizens. Therefore, FSSAI's stringent regulations and court orders actually protect the constitutional rights of citizens.

VI. Regulatory Lacunae and Policy Reforms

The Indian consumer protection framework has some regulatory gaps, which led to increase in misleading corporate narratives.²⁰ There is need to restore consumer sovereignty so, the

¹⁶ Zongwe, D., Mahantesh, G. & Mamatha, R. (2023). *The Economics of Repair: Fixing Planned Obsolescence by Activating the Right to Repair in India*. International Journal on Consumer Law and Practice 11, pp. 97-124.

¹⁷ *Samsung India Electronics Pvt. Ltd. v. Ernakulam District Consumer Forum*, Kerala State Consumer Disputes Redressal Commission (2023).

¹⁸ *Tata Press Ltd. v. Mahanagar Telephone Nigam Limited (MTNL)*, 5 S.C.C. 139 (1995).

¹⁹ *Bandhua Mukti Morcha v. Union of India & Others*, 3 S.C.C. 161 (1984).

²⁰ Yadav, P. & Gehlot, P. (2026). *Greenwashing And Corporate Liability In The Era Of ESG Regulation: An*

following comprehensive policy reforms should be implemented :

1. Accelerated standardization of front-of-pack labeling (FoPL)

FSSAI is currently delaying the process citing research into food advertising, which the Supreme Court has strongly criticized in its February 2026 orders. The Indian government should make 'Front-of-Pack Warning Labels' (FOPWL) mandatory on packaged foods without further delay. FSSAI should implement a simple, visual-based classification system along the lines of the black octagonal warning symbols used in Mexico or Chile. This mechanism will ensure that products with high sugar, fat or sodium content have a clear warning on the front panel so that both literate and illiterate consumers can make quick decisions.

2. Declaring the right to repair a statutory right

Although the Indian government has launched a portal, the country still lacks a comprehensive 'Right to Repair Act'. As a reform, Section 2(9) of the Consumer Protection Act, 2019 should be amended to statutorily include the "Right to Repair" as the seventh fundamental consumer right. Additionally, the E-Waste (Management) Rules, 2022 should be amended to set 'repair targets' for manufacturers, rather than simply mentioning repair as a preventive strategy.²¹ A Joint Working Group should be set up between the CCPA and the Competition Commission of India (CCI) to curb the monopolistic practices of Original Equipment Manufacturers (OEMs) in preventing independent repairers.

3. Codification and enforcement of dark patterns guidelines

The 2023 guidelines of the CCPA largely serve as an 'advisory', and there is clear absence of penal provisions or independent auditing mechanisms to regulate dark .13 To address this, these 13 dark patterns should be codified as binding consumer protection rules, with stiff monetary penalties for violating platforms.

To prevent consent manipulation, standardization of "Consent UX" should be mandated, whereby Accept and Reject buttons on digital interfaces should have a consistent visual weight and color scheme. Also, a strong coordination mechanism should be established between the

Indian Corporate And Commercial Law Analysis. International Journal of Law and Legal Jurisprudence Review.

²¹ (2022). *E-Waste (Management) Rules, 2022*. Ministry of Environment, Forest and Climate Change, Government of India.

CCPA and the future Data Protection Board (DPBI) to ensure the actual implementation of “free, specific and unambiguous consent” under Section 6 of the Digital Personal Data Protection Act (DPDPA), 2023.²²

4. Regulation of artificial intelligence (AI) and algorithmic manipulation

The CCI's recent 2024 Market Study clearly shows that large tech platforms engage in unfair trade practices such as algorithmic cartelization, artificial price discrimination, and mandatory bundling of services.²³ Current consumer protection law is inadequate to address this algorithmic manipulation.

To address this, the government should expeditiously pass the Digital Competition Bill (DCB) based on ex-ante rules to prevent monopolistic behaviour of large tech platforms at the pre-emptive stage. Also, in line with global regulatory changes effective January 1, 2026, independent risk assessments and pre-use notices should be mandated for platforms using automated decision-making technology (ADMT) in India. Consumers should have a legal right to know which algorithms are being used to profile and price them.

VII. Conclusion

The nature of misleading narratives is rapidly changing in contemporary markets. The digital markets of the future will be based on Artificial Intelligence (AI) and data-driven algorithms. The Competition Commission of India's (CCI) AI market study shows that AI can be used for algorithmic cartelization and individual price discrimination. Regulatory bodies will need to introduce greater rigor and transparency in law enforcement to maintain the true sovereignty of consumers. The future of consumer rights depends not only on the formulation of laws but also on ethical conduct of the market and continuous awareness of consumers.

²² Digital Personal Data Protection Act, 2023, No. 22, Acts of Parliament, 2023 (India).

²³ Spann, M., Bertini, M., Koenigsberg, O., Zeithammer, R., Aparicio, D., Chen, Y., Fantini, F., Jin, G. Z., Morwitz, V., Leszczyc, P. P., Vitorino, M. A., Williams, G. Y. & Yoo, H. (2024). *Algorithmic Pricing: Implications for Marketing Strategy and Regulation*. NBER Working Paper No. 32540.