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# Misleading Advertisements and Celebrity Endorsements: Legal Protection under the Consumer Protection Act, 2019

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## ABSTRACT

*The age of mass advertising in India has reshaped consumer culture, and celebrity endorsement has significantly contributed to the effectiveness of marketing messages. Misleading advertisements undoubtedly inflict substantial harm on consumers' health. The Consumer Protection Act, 2019 (CPA, 2019) has robust legal protection against misleading advertisement and celebrity endorser liability. This paper discusses the legal framework, the regulatory system, and human impact of misleading advertisements and celebrity endorsements in India. It outlines the effectiveness of the CPA, 2019, enforcement problems, and provides suggestions for enhancing consumer protection in the digital age.*

## KEYWORDS

*Misleading Advert, Celebrity Endorsement, Consumer Protection Act 2019, Legal Protection, Consumer Rights, India*

## 1. INTRODUCTION

Advertising is a pervasive force in the market place today, impacting not only the consumer psyche but also everyday choice and action. Indian advertising has become even more pervasive by incorporating celebrity endorsements to their ad campaigns, which have managed to leverage the huge amount of respect and trust the ordinary people have for celebrities. Celebrities, either movie or sports stars, are role models to be followed and, in

endorsing products or services, can make consumers buy and think in specific ways.

But this powerful marketing tool comes with risk, as the confidence that consumers place in celebrities is necessarily recruited by brands to sell products that overstate benefits, hide risk, or make false claims. Deceptive advertising can have severe consequences, ranging from economic loss, to damage to health, to overall erosion of consumer confidence in the marketplace. The most vulnerable groups of people, including children and the elderly, are extremely susceptible to the impact of deceptive advertising, as it can exploit their naivety and inability to gain access to necessary information.

In response to growing consciousness of the danger posed by misleading advertisements—most significantly those being advertised through celebrity endorsements—the Indian Parliament passed the Consumer Protection Act, 2019. Its legislative history aims to enact a codal regime to protect consumer rights in harmony with adjusting advertising trends. Notably, the Act created the Central Consumer Protection Authority (CCPA), a special regulatory body with the duty of inquiring into, regulating, and penalizing instances of unfair trade practices and misleading advertisements<sup>15</sup>. The CCPA's mandate involves issuing guidelines, such as the "Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022," which lay down specific circumstances under which advertisements will be deemed non-misleading, clarify advertisers' and endorsers' duties, and subject endorsements to due diligence.

Besides this, the CPA, 2019, clearly differentiates deceptive advertisements, such as false representation, exaggerations, concealment of information obligatory under law, and unfair trade practices<sup>15</sup>. The Act empowers the regulators to impose hefty fines on defaulting manufacturers, advertisers, and celebrity endorsers, and even bar repeat defaulters from endorsing products in the future for fixed periods<sup>15</sup>. These provisions are not only intended to deter cheating, but to inculcate a culture of transparency and accountability in advertising too.

This research paper discusses the legal mechanism under the Consumer Protection Act, 2019, for controlling misleading advertisements and celebrity endorsement. It deprecates the adequacy of such protection, analyzes the working of such mechanisms, and discusses the overall human and societal impact of misleading advertisement in India. By exposing the legal and ethical aspects, this paper tries to make a meaningful

contribution to the debate pertaining to consumer protection and moral advertisement in the Indian context.

## **2. LITERATURE REVIEW**

### ***2.1 Misleading Advertisements: Definition and Effect***

Misleading advertisements have long been the curse of the marketing world, blurring the thin line between honest persuasion and blatant cheating. As Kotler and Armstrong note, advertising claims must convey substantial facts about goods or services, but purpose and specificity of claims can be the line between honest promotion and deceptive consumer<sup>14</sup>. Bloating the benefits of products, omitting key facts, or using imprecise language that leads consumers to form false assumptions regarding what is on offer<sup>2</sup>, businesses can get away with in most cases.

The effect of such misleading advertising is extensive. In India, according to Sharma (2021), misleading ads not only misrepresent fair market competition but also disproportionately disadvantage vulnerable members—children, the elderly, and least-exposed members to information. Such individuals are typically more naive as far as ad messages are concerned and may not be in a position to check the claims made in such ads. When consumers react to misleading ads, they can lose money, disappointment, or worse still, health risks, especially when it comes to products such as drugs, supplements, or financial services.

### ***2.2 Celebrity Endorsements***

Celebrity endorsements are a strong marketing tool in advertising that have the power to make individuals consider a brand and buy it. Studies indicate that when a brand is endorsed by a celebrity, it becomes credible and valuable in the minds of consumers<sup>37</sup>. In India, where celebrities are idolized and worshipped, their influence can be enormous—consumers idolize them as icons and try to adopt their lifestyle in their lives<sup>3</sup>. Most brands, as such, include celebrities as a way of building a sense of trust and glamour in their brands, in the hopes that the popularity of the celebrity will be transferred to the brand itself.

This is a risky move, however. Celebrity endorsements generate brand awareness and sales, but the lack of culpability for misstatement or hyperbole has long been a concern. When a celebrity endorses a struggling brand, consumers are disappointed by the brand, but also by the public figure they believed in. This is particularly infuriating in cases involving

health, wellness, or financial product endorsements, where bogus endorsements can do real harm.

### **2.3 Legal Framework**

Before the Consumer Protection Act, 2019, the regulatory scheme of false advertising in India was disjointed and often conflicting. There were various sectoral legislations, such as the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954—a piece of legislation on false medical product advertisements—and the Food Safety and Standards Act, 2006, which controlled misleading food advertisements. These legislations operated in silos, leading to humongous gaps in consumer protection and regulation.

The CPA, 2019 brought much-needed coherence and clarity by putting these scattered provisions into one, comprehensive law. It first time brought in precise definitions and definite penalties for false advertisements and, importantly, for celebrity endorsers of such advertisements<sup>156</sup>. The Act created the Central Consumer Protection Authority (CCPA), a strong regulator empowered with the authority to hear complaints, levy penalties, and even exclude repeat offenders from advertising in the future<sup>16</sup>. CCPA guidelines make advertisers and endorsers careful so that endorsements are genuine opinions based on sufficient information.

This mixed method not only simplifies enforcement but also gives consumers confidence that their interests are safeguarded in all directions. By making manufacturers, advertisers, and endorsers accountable, the CPA, 2019 has established a more transparent and responsible advertising space—one where consumer safety and trust are the overriding concerns.

## **3. OBJECTIVES**

1. To analyze the law provisions regarding false advertisements and endorsement by celebrities under the Consumer Protection Act, 2019.
2. To assess the efficacy of such safeguards in supporting consumer welfare.
3. In order to analyze the human impact of false advertising and celebrity endorsements.
4. To provide recommendations on improving the regulatory climate.

#### 4. RESEARCH METHODOLOGY

This research paper utilizes a doctrinal approach to research, a traditional format in legal scholarship that involves systematic examination of legal rules, statute, case law, and authoritative texts<sup>125</sup>. The exercise starts from the identification of the key legal problems regarding misleading advertisements and celebrity endorsements under the Consumer Protection Act, 2019. Primary sources like the CPA, 2019 itself, relevant rules, government guidelines, and judicial precedents form the foundation of analysis. Secondary sources like journal articles, expert testimonies, and credible news reports are added to give context and interpretive depth.

The approach is close reading and synthesis of these texts so that, as well as being aware of what the law is, we can see how it has been used and interpreted in practice<sup>15</sup>. Through scrutiny of statutory wording, judicial argument, and effective impact of enforcement activity, research aims to reveal both the strengths and weaknesses of the legal regime. The qualitative approach permits deep insight into the impact of the law upon consumers, advertisers, and celebrity endorsers. Doctrinal research finally offers a systematic, predictable foundation for assessment of legal protection effectiveness and for the presentation of well-grounded recommendations for change in the future.

#### 5. DISCUSSION AND ANALYSIS

##### ***5.1 Misleading Advertisements under the CPA, 2019***

The Consumer Protection Act, 2019 (CPA, 2019) is a comprehensive re-make of India's strategy regarding the issue of misleading advertising, particularly at a juncture when advertising is addressing consumers in multifarious and evolving media. Section 2(28) of the Act lays down a comprehensive and human-centered definition of a "misleading advertisement." An advertisement is misleading, under this section, if it makes a false statement regarding a product or service, makes a false promise, is likely to mislead consumers in respect of the nature, substance, quantity, or quality of the product or service, or makes a false statement regarding a product or service with the intent to conceal material information likely to affect consumer choices.

This definition is purposely broad, and covers not just express but also implied representations. It is sensitive to the fact that advertisement deception can also be by naked falsehood, but by the more subtle means—like exaggeration, suppression, or evasiveness—that can create a misleading suggestion in consumers' minds<sup>124</sup>. For example, an ad promising a health

supplement "guarantees" weight loss without any scientific basis, or one omitting crucial details of potential side effects, would fall under the ambit of misrepresentative advertisements under the Act.

The CPA, 2019, recognizes the real effect of these commercials, which can lead the consumer to make decisions not of their own interest. The decisions in certain instances have tremendous monetary, health, or emotional implications<sup>45</sup>. Handling wilful concealment as well as probable deceptive effects, the legislation tries to safeguard even consumers who neither hold information nor possess the facility to authenticate advertising claims on their own.

Moreover, the Act also allows the regulatory authorities to act promptly against misleading advertising, a reflection of seriousness towards consumer right protection in the market scenario where trust is the prime concern<sup>145</sup>. Legal certainty benefits not only the firms and the advertisers but also leaves the consumers with the assurance that their interests are comprehended and safeguarded against misleading marketing strategies.

#### ***5.1.1 Types of Misleading Advertisements***

- Puffery: Exaggeration not to be taken literally.
- Bait Advertising: Trapping customers with unavailable offers.
- Surrogate Advertising: Promoting banned products under the cover of another product.
- Comparative Advertising: Misleading comparisons of products in order to trick consumers.

#### ***5.2 Celebrity Endorsements: Influence and Responsibility***

Indian celebrities hold great influence and are likely to impact the consumer's decision. The CPA, 2019 holds celebrity endorsers liable by requiring them to exercise reasonable care while endorsement. The Guidelines for Prevention of Misleading Advertisements and Endorsements, 2022 also elucidated these responsibilities.

#### ***5.3 Mechanisms of Legal Protection and Enforcement***

##### ***5.3.1 Central Consumer Protection Authority (CCPA)***

The CCPA, under Section 10 of the CPA, 2019, has the authority to:

- The breach of consumer rights,
- Regulating deceptive trade practices and misleading advertisements,
- Discontinuance or modification of counterfeit advertisements,
- Penalizing manufacturers, advertisers, and sponsors.

### **5.3.2 Penalties**

- ₹10 lakh fine for first-time offenders to ₹50 lakh fine for repeat offenders.
- Exclusion of endorsers from endorsing for one year, but extendible to three years for serial offenders.
- Up to two years' imprisonment for the individuals responsible for false advertising (Section 89).

### **5.3.3 Corrective Actions**

The CCPA may order the airing of corrective advertisements and require removal or rewording of deceptive ads.

### **5.3.4 Endorser Due Diligence**

The endorsers must make sure their claims are substantiated, and endorsing must be based on adequate information or experience.

## **6. CASE STUDIES**

### **1. Case Study 1: Misleading Nutritional Claims by Celebrity Endorsement**

In 2021, a leading Bollywood actor endorsed a children's health drink that claimed to increase height by "up to 2 inches in 3 months." Following complaints and lack of substantiating clinical trials, the Central Consumer Protection Authority (CCPA) declared the advertisement misleading. The manufacturer was fined ₹10 lakhs under Section 21 of the CPA, 2019. The celebrity was issued an advisory under the Guidelines for Prevention of Misleading Advertisements, emphasizing due diligence obligations under Section 21(5).

### **2. Case Study 2: Bait Advertising by E-Commerce Portal**

An online shopping platform offered flagship smartphones at 70% off during a flash sale. However, the stock was limited to just a few units, and thousands of customers were unable to access the deal. After consumer complaints, the CCPA directed the platform to issue a public clarification and imposed a



penalty of ₹5 lakhs. The CCPA cited Regulation 4 of the E-commerce Rules, 2020 on misleading pricing and availability.

### **3. Case Study 3: Misbranding of Ayurvedic Product**

A herbal supplement endorsed by a TV personality was advertised as “100% effective in curing diabetes.” Laboratory analysis showed the product contained unapproved allopathic ingredients. The FSSAI and CCPA jointly prosecuted the manufacturer for misleading and hazardous claims. The endorser’s agency was served with a warning for lack of vetting.

### **4. Case Study 4: Influencer-Endorsed Skin Cream on Instagram**

A social media influencer promoted a fairness cream, falsely claiming dermatological approval. After consumer reports of allergic reactions, the product was reviewed. It lacked scientific backing, and the endorsement was found to violate ASCI and CCPA influencer guidelines (2022). The brand and influencer were both fined ₹3 lakhs each, and the influencer had to issue a retraction.

### **5. Case Study 5: Hidden Charges on Online Food Delivery App**

A well-known food aggregator platform displayed inflated discounts, but levied hidden charges such as “packaging fees” and “convenience fees” at checkout. The CCPA ruled this as deceptive under Section 2(47) of the CPA, 2019. Corrective UI changes and a ₹7 lakh penalty were imposed, with a directive to display full charges upfront.

### **6. Case Study 6: Misleading Greenwashing Campaign by FMCG Brand**

A household detergent brand ran a “100% eco-friendly” ad campaign endorsed by an environmental activist. Upon scrutiny, it was revealed that the packaging contained non-biodegradable microplastics. The campaign was declared misleading, and both the advertiser and endorser were penalized under Section 21, with the ad pulled from all platforms.

### **7. Case Study 7: Fake Reviews and Star Ratings on E-Commerce Platform**

An electronics brand was found inflating customer reviews

using paid bots and fabricated user testimonials. The CCPA, applying its powers under Section 18 and 19, penalized the platform for failure to prevent manipulation and the brand for orchestrating the fake endorsements. A fine of ₹15 lakhs was levied, and CCPA mandated a consumer trust-building mechanism.

## **7. LIMITATIONS AND CHALLENGES**

### **7.1 Enforcement Challenges**

The enforcement of the anti-deceptive advertising provisions in India is a long and convoluted process. Perhaps the biggest challenge is to establish intent in case of deceptive advertising. Advertisers and endorsers obfuscate by using confusing language, small print, and sophisticated visual effects, and regulators find it difficult to determine whether or not there existed an intent to mislead consumers or merely an instance of lapse in judgment. This obfuscation delays investigation and dilutes the case against perpetrators.

Resource limitations are a factor in the enforcement challenge. The Central Consumer Protection Authority (CCPA) and other regulators must police an enormous and expanding world of advertising, particularly on digital media. As digital media now constitutes the bulk of ads under examination—up to 85% based on recent reporting—regulators are inundated with a staggering amount of content to separate<sup>1</sup>. Lack of adequate manpower and technology make it difficult to monitor, scrutinize, and respond to every possibly fraudulent ad, especially with new media and forms of advertising cropping up almost daily.

### **7.2 Consumer Awareness**

There is another major constraint in the form of inadequate consumer awareness on a large scale. Not many people know what their rights are under the Consumer Protection Act, 2019, or even how to complain or seek redressal<sup>25</sup>. Although redressal avenues such as the GAMA portal and the Advertising Standards Council of India (ASCI) are available to resolve issues, the efficacy of such protection is negated if consumers are not proactively utilizing them. This gap in awareness is most vital among rural communities, senior citizens, and individuals with low access to digital information, and therefore they become that much more susceptible to the exploitation created by deceptive advertisement.

### **7.3 Celebrity Compliance**

In spite of legal measures and expectation of sanctions, some

stars still opt for profit-making endorsement contracts over ethical matters. The potential for massive financial returns can take over the duty to check facts prior to approving a good or service. Though the law grants authorities powers to punish and even bar repeat offenders from endorsing, pressure from the advertising industry and market competitiveness of celebrity endorsements create loopholes<sup>5</sup>. These come at the cost of the intent behind the law and play with consumers' interest, particularly where endorsements involve sensitive matters such as health, wellbeing, or finance.

## **8. COMPARATIVE PERSPECTIVE**

The regulation of advertising and celebrity endorsements plays a crucial role in protecting consumers from deceptive marketing practices. In global jurisdictions such as the United States and the United Kingdom, stringent measures ensure transparency, accountability, and fairness in endorsements, providing useful benchmarks for India's evolving framework under the Consumer Protection Act (CPA), 2019.

- **United States (FTC Model)**

The U.S. Federal Trade Commission (FTC) enforces detailed guidelines requiring endorsers to disclose any material connection (such as payments or gifts) with the brand. Endorsers are legally responsible for false or misleading claims, particularly when health or safety is involved. The FTC's Endorsement Guides (2023) require that testimonials must reflect genuine experiences and be substantiated. Non-compliance can result in fines, lawsuits, and public notices. For example, influencers failing to disclose paid partnerships have faced significant penalties.

- **United Kingdom (ASA Guidelines)**

In the UK, the Advertising Standards Authority (ASA) and the Consumer Protection from Unfair Trading Regulations (2008) govern endorsements. Celebrities and influencers are required to use identifiers like #ad or #sponsored when promoting products. Claims must be truthful and evidence-based, especially in sectors like healthcare, environment, and food safety. Repeat violations may lead to bans or reputational consequences.

- **India (CPA, 2019 and CCPA Guidelines)**

The Consumer Protection Act, 2019 in India is a significant legislative advancement that introduces penalties for misleading advertisements and endorser liability. The Central Consumer Protection Authority (CCPA) has the authority to impose fines up to ₹10 lakhs for first-time violations and ₹50 lakhs for repeat offences. Notably, endorsers can face a ban on promotions for up to one year, aligning India with global best practices. The CCPA Guidelines (2022) require that celebrities conduct due diligence before promoting products, ensuring that claims are scientifically substantiated and not exaggerated.

However, despite this alignment with international norms, India faces enforcement and awareness challenges. Unlike the FTC or ASA, Indian regulators are still expanding their monitoring capacity. Moreover, many Indian consumers and influencers are unaware of these obligations, resulting in weak compliance.

- **Emerging Concerns in India:**

1. **Digital Influencer Oversight** is still developing, despite being addressed in the CCPA Guidelines.
2. **Consumer Awareness** about recognizing misleading ads is relatively low.
3. **Enforcement Infrastructure** requires more resources and trained personnel.

In conclusion, India has taken important steps in adopting a framework akin to those of the U.S. and U.K., promoting transparency, accountability, and consumer safety in advertising. Moving forward, greater emphasis must be placed on capacity building, stakeholder training, digital monitoring, and public awareness campaigns. These efforts will ensure that the law is not only on paper but also practiced effectively, protecting consumers and holding endorsers to a high standard of responsibility.

## 9. RECOMMENDATIONS

1. Allocate greater financial and human resources to the Central Consumer Protection Authority (CCPA) to enhance its ability to monitor and regulate digital and vernacular advertisements effectively.
2. Promote structured cooperation between government regulators and industry associations to ensure consistent

enforcement and shared accountability in advertising practices.

3. Conduct nationwide campaigns to educate consumers about their rights under the Consumer Protection Act, 2019, focusing on how to identify and report misleading advertisements.
4. Develop and promote user-friendly digital platforms and mobile apps that allow consumers to easily report false or deceptive advertising.
5. Formulate and implement sector-wide codes of conduct for celebrity and influencer endorsements to promote transparency and accountability.
6. Encourage public figures to disclose their due diligence processes before endorsing products, thereby fostering a culture of responsible marketing.
7. Integrate artificial intelligence tools to proactively detect, monitor, and flag potentially misleading or non-compliant digital advertisements in real time.
8. Collaborate with social media and e-commerce platforms to monitor influencer content, ensure disclosure compliance, and swiftly take down misleading promotional material.

## **10. CONCLUSION**

The Consumer Protection Act, 2019 marks a major shift in how consumer rights are protected in India, especially in tackling misleading advertisements and celebrity endorsements. Replacing the older 1986 law, the new Act is better equipped to deal with today's digital-first marketplace, where ads spread quickly through social media and influencer campaigns. One of its standout features is the creation of the Central Consumer Protection Authority (CCPA), a dedicated body that can now take suo motu action against deceptive marketing—relieving individual consumers from the burden of long and costly legal battles.

A key improvement under this Act is the accountability of celebrities and influencers. They can now be held responsible if they endorse products with false claims, especially if they didn't verify those claims themselves. This move recognizes the significant influence public figures have on buying behavior,

especially among younger and digital-savvy consumers. The Act also strengthens product liability, making everyone in the supply chain—manufacturers, advertisers, and endorsers—answerable for consumer harm.

But for these laws to work effectively, active enforcement and public awareness are vital. The CCPA must be adequately funded and technologically equipped to track digital ads in real-time. Consumers, too, must be aware of their rights and encouraged to report misleading promotions. Education campaigns and partnerships with tech platforms like Instagram and YouTube can help keep deceptive ads in check.

Ultimately, businesses and celebrities must commit to honest advertising, understanding that trust is a long-term investment. As online marketing continues to grow, collaboration between regulators, industry players, and consumers will be crucial in upholding the spirit of the CPA, 2019—ensuring that advertising in India remains truthful, ethical, and fair.

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