

Celebrities entangled in the case of Maggi noodles

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Maggi brand products by Nestlé made headlines in India when they failed multiple tests and were found to be harmful because they contained excessive quantities of lead. As a result, the products were banned and legal actions were initiated against Nestlé. Surprisingly, a few celebrities who were endorsing Maggi for Nestlé also came under scrutiny and notices were sent to them. This ignited debate on the liability of celebrities for appearing in misleading advertisements or endorsing harmful products.

There are conflicting views on the subject. Some support the view that since celebrities are paid large amounts for advertisements they should act deliberately while choosing to endorse and signing such contracts. However others firmly believe that celebrities should not be liable for such endorsements and only the producers of the impugned products should compensate as allowing such liability would only increase the number of vexatious suits filed against celebrities.

Legal framework

Last year, the Central Consumer Protection Council, headed by former minister for consumer affairs KV Thomas, unanimously decided to propose a law to hold celebrities liable for endorsing harmful products and appearing in misleading advertisements. The proposed amendments to the law relating to consumer protection are currently with an inter-ministerial committee and are expected to be soon introduced in the parliament. The proposed amendments will surely have specific provisions to hold celebrities liable for misleading or false advertisements.

However with laws such as the Consumer Protection Act, 1986, and the Food Safety and Standards Act, 2006, in action, consumers can still protect

themselves against false claims and advertisements, and celebrities could be held liable under these laws also. The definition of “unfair trade practices” under section 2(1)(r) of the Consumer Protection Act includes false claims made for promoting sale of any goods.

Also, under section 24 of the Food Safety and Standards Act, any person who makes false claims about the nutritional value of a product or the efficacy of a product without providing any scientific justification stands in violation of the act. Section 53 of the act further states that any person who is party to the publication of an advertisement that falsely describes any food or is likely to mislead as to the nature or substance or quality of any food may be fined up to ₹1 million (US\$15,700).

Celebrities' influence

While visiting any store in the market we often relate a particular product with our favourite stars. Every time these stars endorse some products we are so convinced that we end up buying the product.

When the Maggi incident came into the limelight, many consumers felt betrayed to hear that their favourite noodles had been deceiving them for quite some time and so had their favourite celebrities. As soon as this incident was reported legal actions were initiated against Nestlé as health matters are of utmost importance. However shouldn't our favourite celebrities also pay for convincing us to eat something harmful? After all, celebrity endorsements are an effective exploitation by famous personalities of their image rights and celebrities earn huge royalties for endorsing these products.

The real objective of celebrity endorsements is to market the product well. People often tend to follow celebrities. Celebrities have considerable influence

over consumer choice and this should give rise to some form of liability for the endorsements they do. Almost every advertisement in India is a celebrity endorsement today and their popularity is ever rising. A study by the Indian School of Business in Hyderabad concluded that in emerging markets such as India and China, celebrity endorsements lead to favourable advertisement evaluations by consumers.

All these factors require celebrities to be cautious while endorsing such products, knowing that their statements usually attract consumers and convince their fans.

The wider picture

It is true that when celebrities come forward to endorse a brand, they add credibility and trust and are also paid large sums and therefore they should know a product before they endorse it. The question that arises is why only the Maggi muddle has been gaining publicity. Celebrities have been endorsing a variety of products including harmful products and also appearing in misleading advertisements for a long time. For instance, many celebrities endorse fairness creams both for men and women which are at the outset misleading and make false claims. More concern should arise when celebrities endorse harmful products such as alcohol and tobacco. There have been advertisements for alcohol and other harmful products picturing celebrities in some way or the other. What about these endorsements?

The Maggi incident has opened a broader debate. Now only time will tell the fate of Nestlé and the celebrities who have endorsed its products.

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