

## LIABILITY OF CELEBRITIES

A case had been lodged against Nestle India by UP food regulator FSDA in a local court at Barabanki in Uttar Pradesh over safety standards of its Maggi, while actors Amitabh Bachchan, Madhuri Dixit and Preity Zinta were also separately dragged to court for promoting the 'two-minute' noodles brand.

According to Food and Consumer Affairs Minister Ram Vilas Paswan, everybody associated with the “misleading ad” put out on the nutritive value of Maggi Noodles was liable for action under the Food Safety and Standards Authority of India (FSSAI).

A court in Muzaffarpur directed to lodge an FIR against Bollywood actors Amitabh Bachchan, Madhuri Dixit and Preity Zinta for endorsing Maggi noodles. Can the Bollywood stars who endorsed Maggi be held liable for its injurious effects on consumers?

The case has been filed under **IPC sections 270** (malignant act likely to spread infection of disease dangerous to life), **273** (sale of noxious food or drink), **276** (sale of drug as a different drug or preparation) and **420** (cheating and dishonesty).

Madhuri, who is the current face of the brand, was first to get Haridwar Food and Drug Administration's notice for claims made about the nutritional value of Maggi in the advertisement. On 30 May, she had tweeted that concerned over the reports, she had met the manufacturers and had said they had assured her that there would be no compromise on the quality of popular snack.

**But why on earth are brand ambassadors liable for the product itself?**

The celebrities who endorse any product or services are not the one who certify or test it. It is the government and its agencies that certify a food product safe for consumers. If any action to be taken, then it should be against the agency that failed to find the harmful ingredients in Maggi noodles. The Maggie noodles controversy teaches celebrities that they have some moral responsibility too. When you are in public life, you should not promote any product or service without checking it.

The Tamil Nadu State Consumer Disputes Redressal Commission has sent the notice to the former and current brand ambassadors of Maggi Noodles as they could be implicated and held liable in damages if and when proven in a court of law.

G. Gurucharan, Additional Secretary (Consumer Affairs) said the manufacturer/promoter is liable to be fined and asked to put out corrective advertisements. “The brand ambassadors are also liable for action but the decision will be taken by courts,” he added.

Even if some samples of Maggi did indeed contain MSG and lead beyond the permissible limits, can brand ambassadors be criminally made liable under the Indian Penal Code (IPC) and/or the Food Safety and Standards Authority of India (FSSAI)?

It is the manufacturers’ responsibility to ensure that products are made to conform to the prescribed limits. But, it is impossible for a brand ambassador or even the director of the commercial to examine whether the product meets all regulatory requirements. This would be placing an almost impossible burden on not only models, but even the advertising agency. If indeed Maggi noodles or any other product is a health hazard, a prosecution against the company and its officials must follow. But, there is absolutely no justification, in law, in making film stars as co-accused. Agree that celebs should accept endorsements with a certain amount of responsibility.

**Sections 52 and 53 of the Food Standards and Safety Authority of India (FSSAI) Act** prescribe the punishment for selling misbranded food and also for misleading advertisements. Section 53 prescribes that “any person who publishes, or is a party to the publication of an advertisement, which falsely describes any food or is likely to mislead as to the nature or substance or quality of any food or gives false guarantee shall be liable to a penalty which may extend to Rs 10 lakh.”

“Celebrity endorsement is a form of advertising where a celebrity uses his/her fame to help promote a product or service. Brands build and capitalize on borrowed equity to build credibility, recall and imagery. It is an equation where the company provides the tangible (the

product), and the celebrity the intangible (reputation, popularity, credibility, etc.) to make that elusive connect with the consumer.”

“Keeping in mind this equation, it is the responsibility of the company to ensure that the product that they are producing best enables the celebrity to promote the product. It is neither the responsibility of the celebrity nor in the purview of the celebrity to get involved in the specifics or the quality of the product. That is the job of the company.”

It is the celebrity to choose what kind of advertisement they will do?

**“So legally, and from a business point of view, the brand ambassador is not culpable at all for the quality of the final finished product.”**

Fir was registered against Managing Director of Nestle Mohan Gupta, its Joint Director Sabab Alam, 3 celebrities Amitabh Bachchan, Madhuri Dixit and Preity Zinta as directed by district court. The court also directed to arrest them if required. Later Maggi was given clean chit and all the allegations were removed.

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