

**CENTRAL CONSUMER PROTECTION AUTHORITY**  
Room No. 567-A, Krishi Bhavan, New Delhi-110001

Ref: F. No. J - 25/22/2022-CCPA; CCPA-2/2/2022-CCPA (E-File)

**IN THE MATTER OF**

On a complaint received from the Advertising Standards Council of India (ASCI).

**AGAINST**

**United Biscuits Private Limited**  
S-15 A 2<sup>nd</sup> Floor Vasant Square Mall, Pocket V,  
Sector B Vasant Kunj, New Delhi DL- 10070  
Email: india.cs@pladisglobal.com

..... Opposite

**Party**

**CORAM:**

**MS. NIDHI KHARE, CHIEF COMMISSIONER**  
**MR. ANUPAM MISHRA, COMMISSIONER**

Dated: 13<sup>th</sup> December 2022

**ORDER**

1. United Biscuits Private Limited ("opposite party"), in regard to their product 'McVities 5 Grain Cracker' ("the product"), on the product packaging, claimed "Whole Wheat 5 Grain Cracker" and "Taste the goodness of whole wheat". Whereas the ingredients on the package contain only 5.4% wheat flour. Recognizing the claims made in the advertisement, the Advertising Standards Council of India (ASCI) made a complaint to the Central Consumer Protection Authority ("Central Authority"). The Central Authority, empowered under section 19(1) of the Consumer Protection Act, 2019 issued a show-cause notice to the opposite party on 18<sup>th</sup> May 2022 asking it to substantiate the claims made through their advertisement and why an action under sections 20 and 21 of the Consumer Protection Act, 2019 should not be taken against them.

2. The opposite party responded to the aforesaid show-cause notice vide email dated 30<sup>th</sup> May 2022. Through their letter, the opposite party denied the allegations raised by the complainant. They claimed that the emphasis on whole wheat and 5 grain on the label of "McVities Wholewheat 5 Grain Cracker" is an effective way of communicating to the customers that "McVities Wholewheat 5 Grain Cracker" biscuits have whole wheat and 5-grain flour as a key ingredient. The opposite party further

stated that percentage of contents of the Whole Wheat and 5 grains are as follows in the product: Wheat Flour-5.4%, Oat Flakes-3.8%, Rice Flour-2.1%, Corn Flakes-1%, and, Ragi Flour-1%. The total percentage of these 5 grains is 13.3%.

3. The opposite party was given an opportunity through the hearing scheduled on 10.11.2022 at 4 pm to further substantiate the claims made in the notice. The company's representative came physically for the meeting. And he submitted that:

- I. The company has discontinued manufacturing the said alleged misleading product for the past three months.
- II. The company will discontinue the alleged misleading advertisement.
- III. The company will revise the said alleged packaging label. And requested the authority to not impose any penalty.

4. In regard to the above, the opposite party submitted its undertaking dated 11.11.2022. The opposite party undertakes that they:

- I. Have discontinued the manufacturing/ production of the said product since 16th June 2022.
- II. Undertake and confirm that they will revise the label of the said product whenever they decide to restart the manufacturing of the product in question.
- III. Will not manufacture and supply the product with the alleged misleading advertisement.

5. Going by the undertaking of the opposite party, the opposite party is directed to adhere to their undertaking and if any violation is noticed against the said undertaking, it would be liable to heavy penalties as prescribed for misleading advertisement under the Consumer Protection Act, 2019.

  
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Ms. Nidhi Khare  
Chief Commissioner

  
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Mr. Anupam Mishra  
Commissioner