

Central Consumer Protection Authority (CCPA)
Ground Floor, CCPA Wing, Indian Institute of Public Administration, IP Estate
Ring Road, New Delhi- 110002

Ref. File No- J- 25/26/2020 – CCPA

In the Matter of: -Reckitt Benckiser (India) Ltd. for its product "Dettol"

CORAM:

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

APPEARANCE:

1. Mr. Rajesh K Jha – Regional Legal Director, South Asia
2. Mr. R Jawahar Lal – Advocate
3. Mr. Gaurav Sharma – Category Head – Regulatory Affairs
4. Ms. Shweta Malik – R&D Manager
5. Ms. Pallavi Bhushan – Legal Manager

Dated- 21.01.2022

ORDER

1. The Central Authority has instituted a present case under Suo moto surveillance against Reckitt Benckiser (India) Pvt. Ltd. (for its product Dettol) for alleged misleading advertisements which states that "Dettol Antiseptic Liquid and Disinfectant spray is 99.9% effective against Covid-19"

2. Accordingly, a Show Cause Notice dated 12th January, 2021 was issued to the Opposite Party as to why action under Section 21 of the Consumer Protection Act, 2019 should not be taken against them for alleged false or misleading claim made in their advertisement.

3. On receipt of afore-said notice, the opposite party filed its reply dated 24th January 2021 along with test reports from certain organizations/Institutions. Further, they also requested the Central Authority to give an opportunity for hearing in the matter. Upon consideration of the Opposite Party's response, the hearing was fixed for 21th January 2022.

4. Shri R Jawahar Lal, the Ld. Counsel and Four (4) other Officials appeared on behalf of the company and submitted that, the impugned advertisement does not suggest that disinfecting surfaces is the sole precautionary measure to be adopted by consumers, to prevent spread of COVID-19 virus. Rather the advertisement suggests that disinfecting with **Dettol Antiseptic Liquid (DAL)** and **Dettol Disinfectant Spray (DDS)**, should be adopted as a measure to prevent spread of COVID-19 infection. Further they submitted that, the advertisement clearly denotes that germ including COVID-19 virus are found on surfaces, floors etc., and disinfecting is an additional precautionary measure to prevent spread of CoVID-19 infection.

5. In support of his submissions, the Ld. Counsel played a video of DAL uploaded by them on the Youtube platform to show a "Protagonist wiping doorknobs and floor, with diluted DAL solution to impress upon the audience that, Dettol is her trusted partner against COVID-19 virus and at the bottom caption shows: "proven to be >99.9% effective at inactivating SARS-CoV-2, the virus that causes COVID19 when used in 1:40 dilution with 5 minutes contact time. Similarly, in other advertisement of DDS, the protagonist is shown spraying DDS on sofa armrest and on the parcel received with caption showing "proven to be >99.9% effective at inactivating SARS-CoV-2, the virus that causes COVID19 when used in 1:40 dilution with 5 minutes contact time.

6. The learned Counsel further submitted that, DAL is marketed and promoted in India by Reckitt Benckiser (India) for over 85 years as an Antiseptic Disinfectant and in the impugned advertisement also, the company suggested use of DAL only as a surface cleaner to prevent spread of germs and CoVID-19 virus. Similarly, DDS is marketed in India since 2019 and the same is promoted as a disinfectant spray. Further, he mentioned, in the impugned advertisement, the company suggested use of DDS only as a surface disinfectant spray to prevent spread of germs and CoVID-19 virus.

7. The Ld. Counsel further submitted that, DDS being a disinfectant and DAL as an antiseptic and disinfectant, falls within the definition of 'drug' under Section 3(b) of the Drugs and Cosmetics Act, 1940. Further, he mentioned that, the Government of India by Notification No. 1-20/60-D dated 03.06.1961 and subsequent Notifications has notified disinfectants as Drugs, under Section 3 (b) (ii) of the Drugs and Cosmetics Act. In support of his contention, the Ld. Counsel referred to the following relevant notification:

“S.O. 2666, dated 28th October, 1960,—In exercise of the powers conferred by sub-clause (ii) of clause (b) of section 3 of the Drugs and Cosmetics Act,1940 (23 of 1940), the Central Government hereby specifies as drugs the following substances ” , namely:—

Disinfectants”

8. Continuing his submissions, the Ld. Counsel submitted that, DAL is an antiseptic and disinfectant, manufactured by RB India, for which a Drug License has been issued by the Licensing Authority viz. Drug Controller for State of Karnataka, and it is valid from 13.05.2020 for a period of 5 years i.e., till 12.05.2025. Further, disinfectant DDS Drug License issued by the Licensing Authority viz. FDA Gujarat has been obtained which is valid from 2020 for a period of 5 years i.e., till 2025.

9. The Ld. Counsel further submitted that, World Health Organization (WHO), has also issued Guidelines dated 15th May 2020 regarding cleaning and disinfection of environmental surfaces in the context of COVID-19. Attention was drawn to the following relevant extracts of such guidelines:

“However, it is still important to reduce potential for COVID-19 virus contamination in non-healthcare settings, such as in the home, office, schools, gyms or restaurants. High-touch surfaces in these non-health care settings should be identified for priority disinfection. These include door and window handles, kitchen and food preparation areas, counter tops, bathroom surfaces, toilets and taps, touchscreen personal devices, personal computer keyboards, and work surfaces”.

“Therefore, these surfaces, especially where patients with COVID-19 are being cared for, must be properly cleaned and disinfected to prevent further transmission. Similarly, this advice applies to alternative settings for isolation of persons with COVID-19 experiencing uncomplicated and mild illness, including households and non-traditional facilities”.

“The purpose of this document is to provide guidance on the cleaning and disinfection of environmental surfaces in the context of COVID-19”.

10. Continuing his submissions, the Ld. Counsel also referred to Guidelines issued by the Ministry of Health and Family welfare on disinfection of common public places and he drew attention to the following relevant extract there from:

“Coronavirus Disease 2019 (COVID -19) is an acute respiratory disease caused by a novel Coronavirus (SARS-CoV-2), transmitted in most instances through respiratory droplets, direct contact with cases and also through contaminated surfaces/objects. Though the virus survives on environmental surfaces for varied period of time, it gets easily inactivated by chemical disinfectants”.

11. In support of his submissions, the Ld. counsel further submitted that, the Centre for Diseases Control & Prevention (CDC), a public health institute under the Government of USA, has also issued Guidelines for Cleaning and disinfection of households, and he drew attention to the following relevant portion of such guidelines:

“Cleaning of visibly dirty surfaces followed by disinfection is a best practice measure for prevention of COVID-19 and other viral respiratory illnesses in households and community settings.”

“Clean and disinfect high-touch surfaces daily in household common areas (e.g. tables, hard-backed chairs, doorknobs, light switches, phones, tablets, touch screens, remote controls, keyboards, handles, desks, toilets, sinks).”

12. Further the Ld. Counsel emphasized on the Guidelines issued by the Ministry of Health & Family Welfare, Government of India in May, 2020 wherein they specifically recommend “Chloroxylenol (4.5-5.5%)/ Benzalkonium Chloride or any other disinfectants found to be effective against coronavirus. He further submitted that, the active ingredient of DAL is Chloroxylenol 4.8%.

13. Continuing his submissions, the Ld. Counsel also referred to Advisory issued by the National Environmental Agency, Government of Singapore (NEA, Sg) dated 22nd May 2020 (updated on 09.08.2021) regarding “Surface Cleaning and Disinfection for COVID-19” which specifically recommends use of disinfectants on surfaces to prevent/kill CoVID-19 virus.

14. The Ld. Counsel further submitted that, DAL and DDS have been tested against virus (SARS-CoV-2) that causes Covid-19 and they provide protection against SARS-CoV-2. The test have been conducted at US based third party independent laboratory, Microbac, Sterling Virginia which is an ISO certified Microbiology/Virology lab (ISO/IEC 17025:2017, Certificate Number: 3376.01).

15. The Ld. Counsel further referred to the Advisory issued by the Central Consumer Protection Authority dated 20th January 2021 requesting Industry Associations to impress upon the manufacturers/Traders to desist from making such claims that are not supported by competent and reliable scientific evidence and he pointed that, the claim made by them in the impugned Advertisement has "**scientific credibility**" and therefore does not constitute a misleading advertisement as defined in Section 2 (28) of the Consumer Protection Act, 2019.

16. After deliberating upon the submissions made by the Ld. Counsel, the Central Authority directed the company to file their written submissions on the subject matter.

17. The company's response dated 25th January 2022 has since been received wherein they has submitted all the documents/Judgments/test reports/guidelines etc. with respect to ibid claim in the advertisement.

18. In view of foregoing submissions made by the company, the matter may not be pursued further and the case may be treated as closed.


.....
(Ms. Nidhi Khare)
Chief Commissioner


.....
(Mr. Anupam Mishra)
Commissioner