

Central Consumer Protection Authority
Room No. 545, Krishi Bhawan, New Delhi - 110001

Case No: CCPA-2/29/2022-CCPA

In the matter of: Case against Havells India Limited regarding Misleading Advertisement.

CORAM:

Smt. Nidhi Khare, Chief Commissioner

Shri. Anupam Mishra, Commissioner

Appearance on behalf of Havells India Limited:

Mr Harsh Agarwal (General Manager Legal), Ms Roma Arora (Jt. General Manager Legal), Dr. Suresh Sisodia (Sr. Vice President & scientist developer of the product)

Date: 30.05.2024

ORDER

Central Consumer Protection Authority (hereinafter referred to as "CCPA") received a complaint from Advertising Standards Council of India (ASCI) with respect to the misleading advisement related to 'Havells Alkaline Water Purifier' being published by Havells India Ltd. (hereinafter referred to as "opposite party") through Instagram.

2. The following alleged misleading claims were made in the said advertisement by the opposite party:

- i. Alkaline Water Sabko Healthy Banaye;
- ii. Garam Chai ho ya thandi shikanji, with Havells Alkaline Water Purifier's hot and cold feature dono bane tasty aur bhadhaye aapki immunity.

3. As per sub-section (1) of Section 19 of the Consumer Protection Act 2019 (hereinafter referred to as "Act"), "The Central Authority may, after receiving any information or complaint or directions from the Central Government or of its own motion, conduct or cause to be conducted a preliminary inquiry as to whether there exists a prima facie case of violation of consumer rights or any unfair trade practice or any false or misleading advertisement, by any person, which is prejudicial to the public

interest or to the interests of consumers and if it is satisfied that there exists a prima facie case, it shall cause investigation to be made by the Director General or by the District Collector”

4. Given the above, CCPA issued a notice dated 17th May 2022 to the opposite party to substantiate the claims made by them in the said advertisement of the 'Havells Alkaline Water Purifier'.

5. The opposite party submitted its response dated 9th June 2022 stating that:

- i. Alkaline water improves health and immunity is a universal fact. Harvell by its campaign has only highlighted this age-old wisdom in a creative manner. It is not misleading in any manner whatsoever. It is a pure expression of truth and facts.
- ii. In support of the above statement the company submitted **four research papers** stating the benefits of the alkaline water.
- iii. There are various studies, research and articles that show that Ayurveda also recommends consuming Alkaline water for neutralising the Doshas, and the company has produced four articles in support of it.
- iv. The company submitted test reports from **TUV SUD South Asia and the FICCI Research & Analysis Center**.
- v. Due to the scientifically proven benefits of Alkaline water, the entire water purifier industry has based their advertisement campaigns on the connection of pure water and immunity: including HSIL, Bluestar, Pureit, Thunderwell, Eureka Forbes, Blue Mount, Aqua Guard, Kent and many others.

6. The above-mentioned online studies and articles referred by Havells do not seem to be reliable sources of confirmation of health benefits and immunity boosting properties of alkaline water.

7. As per sub-section (2) of Section 19 of the Act where, after preliminary inquiry, the Central Authority is of the opinion that the matter is to be dealt with by a Regulator established under any other law for the time being in force, it may refer such matter to the concerned Regulator along with its report.

8. Given the submissions made by the opposite party, a O.M. dated 22nd November 2023 was sent to the Ministry of Aayush to obtain their comments on the

matter to enable CCPA to seek certain required information. Ministry of Aayush by O.M dated 5th December 2023 referred the matter to Central Council for Research in Ayurvedic Sciences (CCRAS). Reply of CCRAS dated 8th March 2024 was received stating that:

- i. The justification given in terms of Ayurveda for relevance of alkaline water is not appropriate.
- ii. No data of trace elements such as Calcium, Magnesium, Potassium etc. in input water has been given in the FICCI Research & Analysis Center report in order to assess the pre and post changes in the constituents of water.
- iii. Claims about the health benefits of alkaline water, such as improved hydration, bone health, and neutralization of acid in the body etc. have been made, but substantial documents are not provided.
- iv. Overall, the response is not supported by any specific scientific evidence on immune boosting effect of alkaline water.

9. The opposite party submitted its additional written submission dated 27th May 2024 stating that:-

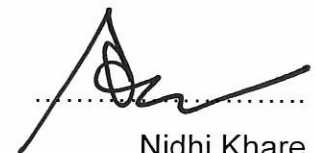
- i. To facilitate the assessment of the pre and post changes in the constituents of water, we had provided test reports from FICCI Research & Analysis Center, and these reports were of three water samples that were analyzed, first was the input sample, second was the water sample POST RO membrane and third was the sample report of water POST MINERAL ALKALINE cartridge of Havells.
- ii. following case studies and research papers:-
 - a. Effect of Alkaline Drinking Water on Bone Density of Postmenopausal Women with Osteoporosis - PubMed (nih.gov)
 - b. Effects of a bicarbonate-alkaline mineral water on digestive motility in experimental models of functional and inflammatory gastrointestinal disorders - PubMed (nih.gov)
 - c. Alkaline Water and Longevity: A Murine Study - PMC (nih.gov)
 - d. Effect of electrolyzed high-pH alkaline water on blood viscosity in healthy adults -PubMed (nih.gov)

10. An opportunity for a personal hearing was provided to the opposite party on 28th May 2024. During the hearing Mr Harsh Agarwal, Ms Roma Arora, Dr. Suresh Sisodia

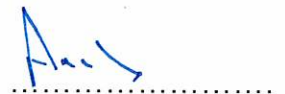
appeared on behalf of the opposite party. During the hearing the CCPA asked the opposite party to provide the scientific study in support of the claim "bhadhaye aapki immunity". To which the opposite party requested for few more days' time to submit the studies and scientific studies in support of the above stated claim.

11. In view of the above the opposite party is directed to submit scientific studies in support of the claim "Garam Chai ho ya thandi shikanji, with Havells Alkaline Water Purifier's hot and cold feature dono bane tasty aur bhadhaye aapki immunity".

12. The next date of hearing is on 10.06.2024 at 4:00 PM.



Nidhi Khare
Chief Commissioner



Anupam Mishra
Commissioner