

Central Consumer Protection Authority

Room No. 545, Krishi Bhawan, New Delhi - 110001

Case No: CCPA-2/7/2023-CCPA

In the matter of: Case against Mybooster Retails Private Limited regarding misleading advertisement.

CORAM:

Smt. Nidhi Khare, Chief Commissioner

Shri. Anupam Mishra, Commissioner

Appearance on behalf of Mybooster Retails Private Limited:

Laxmikant Dayma, Head Marketing

Date: 30.07.2025

ORDER

1. This is a case taken up by the Central Consumer Protection Authority (hereinafter referred to as 'CCPA') after receiving the complaint on Grievances Against Misleading Advertisements (GAMA) portal against Mybooster Retails Private Limited (hereinafter referred as "opposite party") regarding the publication of the misleading advertisement through electronic or print media with respect to the Alkaline Water Ionizer HI TA 817 water booster.

2. The opposite party made the following claims in the alleged misleading advertisement:-

"Wash Your hands with 2.7 pH Booster water fight against Coronavirus"

3. Accordingly, in the exercise of the powers under Sections 18 and 19 of the Consumer Protection Act, 2019 (hereinafter referred to as Act), CCPA conducted a preliminary inquiry to examine the veracity of the claims in the alleged advertisement made by the opposite party. Based on the preliminary inquiry conducted by CCPA, it was observed that the opposite party had published advertisements through electronic and print media promoting their product — the Alkaline Water Ionizer HI TA 817 Water

Booster — with claims that appear misleading and lacking scientific substantiation. Specifically, the opposite party made assertions such as “Wash Your Hands with 2.7 pH Booster Water Fight Against Coronavirus,” directly attempting to associate the use of their product with protection against COVID-19. This claim seemed to take undue advantage of the heightened public sensitivity and fear surrounding the pandemic, leveraging a global health crisis to promote a commercial product for monetary gain. Such claims, made without credible scientific backing or validation from health authorities, prima facie amount to misleading advertisement under the Consumer Protection Act, 2019, as they have the potential to mislead consumers regarding the safety and efficacy of the product, exploit consumer apprehensions, and influence purchasing decisions based on false or exaggerated assurances.

4. Thereafter, the CCPA issued a show cause notice dated 23rd June 2021 to the opposite party to furnish its response along with necessary supporting documents within 15 days substantiating the claims made by them.

5. The opposite party furnished its response dated 5th July 2021 and stated that:

- i. The advertisement clearly mentions that consumer should wash their hands with soap and water, and with 2.7 pH water.
- ii. 2.7 pH water is scientifically proven to be a substitute to sanitizer but still the advertisement states that customers should use it with soap.

6. The response of the opposite party was examined. CCPA observed that the submissions made by the opposite party require further investigation. Further, CCPA observed that, response submitted by the opposite party lacked necessary substantiation and evidence. Therefore, an opportunity of hearing was provided to the opposite party on 3rd February 2022. No one appeared on behalf of the opposite party in the scheduled hearing.

7. As per sub-section (1) of Section 19 of the 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". CCPA, having being satisfied from the preliminary inquiry report of existence of prima facie case, referred the matter for a detailed investigation to the DG (Investigation) vide CCPA's order dated 13th January 2023.

8. The Director General (Investigation) report on the matter was received by CCPA vide mail dated 20th December 2024. The investigation report submitted that:

- i. Mybooster Retails Pvt. Ltd. clarified that their product, 2.7 pH Booster Water, is neither advertised nor claimed to be a direct substitute for hand sanitizers. Instead, they stated that it can be used in a manner similar to hand sanitizers due to its properties. To support this, the company provided a test report conducted by SGS Taiwan Limited. However, the company has misled consumers by advertising with the statement, 'Wash your hands with 2.7 pH Booster Water fight against Coronavirus.
- ii. Mybooster Retails Pvt. Ltd. claimed the product is marketed based on its unique properties, as stated in the report. Although the company claims that the test report conducted by SGS Taiwan Limited includes the validation of a pH level of 2.7, the fact is that the pH level is not reported in the test report. Therefore, it is clear that the company has not substantiated its claim of 2.7 pH level.
- iii. Mybooster Retails Pvt. Ltd. mentioned in their reply that their product, 2.7 pH Booster Water, is not advertised or claimed as a direct substitute for hand sanitizers. Instead, they stated that it can be used in a manner similar to hand sanitizers due to its properties. However, nowhere in the impugned advertisement does the company state this; instead, they used the phrase, 'Wash your hands with 2.7 pH Booster Water fight against Coronavirus', which could potentially mislead consumers thereby violating Section 2 (28) of Consumer Protection Act, 2019.
- iv. The company has claimed in the impugned advertisement that its 2.7 pH Booster Water will help fight against the Coronavirus. However, there is no mention of the 2.7 pH level in the test report conducted by SGS Taiwan Limited. Therefore, the claim of a 2.7 pH cannot be substantiated, thereby violating Section 2 (11) (ii) of the Consumer Protection Act, 2019.

- v. Therefore, in light of the above findings, it may be concluded that Mybooster Retails Pvt. Ltd. has indulged in a violation of the Section 2 (28) and Section 2 (11) (ii) of the Consumer Protection Act, 2019
9. The Director General (Investigation) report was shared with the opposite party vide letter dated 16th January 2025 for their comments.
10. In accordance with the provisions of Section 21(8) of the Consumer Protection Act, 2019, an opportunity of hearing was afforded to the opposite party on 28th January 2025. However, neither did any authorized representative of the opposite party appear on the scheduled date of hearing, nor any sufficient cause or justification for such non-appearance was submitted by the opposite party.
11. Subsequently, another opportunity of hearing was afforded to the opposite party on 16th May 2025 at 5:00 PM. However, once again, no authorized representative of the opposite party appeared on the said date, nor any explanation or justification for such non-appearance was submitted by the opposite party.
12. Another opportunity of hearing in the matter was scheduled on 3rd June 2025 at 4:00 PM. However, on the said date as well, no authorized representative of the opposite party appeared, nor any justification or explanation for such continued non-appearance was submitted by the opposite party.
13. Once again an opportunity of hearing, in accordance with Section 21(8) of the Consumer Protection Act, 2019, was afforded to the opposite party on 30th June 2025 at 4:00 PM. On the said date, Shri Laxmikant Dayma appeared on behalf of the opposite party during the course of hearing.
14. During the course of the hearing, the CCPA raised specific queries regarding the test report of SGS Taiwan Ltd. that had been submitted by the Opposite Party to the DG investigation, as well as sought information regarding the volume of sales of the aforementioned product.
15. In response to the query raised the opposite party submitted that the product in question is manufactured in Taiwan, and that they act solely as its distributors. The opposite party further stated that, upon receipt of the Director General's Investigation

report, they have raised the relevant concerns with the manufacturer in Taiwan, and their response is currently awaited.

16. Pursuant to the hearing held on 30th June 2025, the Central Consumer Protection Authority (CCPA), vide its interim order dated 30th June 2025, directed the opposite party as under:

- i. To submit a detailed report indicating the total number of units sold of the product Alkaline Water Ionizer HI-TA 817, along with a statement of the profits earned from such sales;
- ii. To furnish their comments, if any, on the Director General's Investigation Report, specifically responding to the observation regarding the absence of any reference to 2.7 pH in the SGS Taiwan Ltd. Test Report submitted by the opposite party;
- iii. To clarify whether the said product is still being offered for sale. In the event that the product is no longer available for sale, the opposite party was directed to submit a formal undertaking to that effect.

17. The opposite party was granted a period of two weeks to comply with the aforesaid directions and file the above-mentioned submissions on or before 13th July 2025.

18. In compliance with the Interim Order dated 30th June 2025, the opposite party, submitted its response dated 12th July 2025, wherein the following submissions were made:

- i. With respect to the sale and profits of the product — Alkaline Water Ionizer HI-TA 817, the opposite party submitted that a total of 219 units of the said product were sold since its launch. The company stated that the COVID-19 pandemic adversely impacted its business operations due to restrictions on physical installation and on-site user training, resulting in negligible sales during that period. It was further submitted that the business activities related to the said product were discontinued post-pandemic due to continued operational impracticalities, leading to the cessation of all commercial activities in respect of the product. The opposite party also submitted a formal undertaking confirming that the product is no longer being offered for sale in any form.

- ii. On the issue of the advertisement referencing “2.7 pH Booster Water”, the opposite party contended that the advertisement, when read in its entirety, does not make any independent or implied health, medicinal, or curative claims nor promote the product as a substitute for soap, sanitizer, or medically approved disinfectant. The opposite party highlighted that the advertisement contained a detailed handwashing guide explicitly directing consumers to use soap, thereby aligning with standard public health advisories issued by authorities such as the World Health Organization (WHO) and the Ministry of Health and Family Welfare, Government of India.
 - iii. The opposite party further stated that the phrase “Fight Coronavirus” was used solely in the context of emphasizing general hand hygiene — recognized universally as a preventive measure — and did not claim any specific antiviral or curative property of the product. The concluding message in the advertisement, emphasizing frequent handwashing as a means of protection against COVID-19 and other diseases, was claimed to be a generic public health advisory and not an endorsement of any disease-curative properties of the product.
 - iv. The opposite party submitted that the provisions of the Consumer Protection Act, 2019 invoked in the present proceedings — particularly Sections 2(28), 21, 28, and 39 — were not attracted in the instant case, asserting that there was no misrepresentation, concealment of material facts, or intent to mislead consumers. The opposite party maintained that the advertisement was issued in good faith during a global health emergency and was consistent with established public health messaging.
 - v. Notwithstanding the above contentions, the opposite party expressed its willingness to publish a disclaimer or corrective clarification, should this Authority find any part of the advertisement susceptible to misinterpretation by consumers.
- 19.** The final hearing in the matter, in accordance with the provisions of Section 21(8) of the Act, was conducted on 14th July 2025, wherein Mr. Laxmikant Dayma appeared on behalf of the opposite party.

20. During the course of the hearing, the opposite party submitted that they are a small business entity and candidly accepted their lapse in relation to the advertisement in question. They stated that during the COVID-19 pandemic, there were neither adequate facilities available to verify the authenticity of the claims made nor were they, as a small business, in a position to conduct such verification. The opposite party further submitted that their business operations suffered considerable losses during the pandemic period.

21. They also contended that only a limited number of units of the product were sold during the COVID-19 period due to the requirement of physical installation at the consumer's premises — a service that could not be rendered owing to prevailing lockdowns and movement restrictions.

22. The opposite party expressed their apology for the lapse and urged the CCPA to take a lenient view of the matter, requesting mercy in consideration of their status as a small business and the adverse impact of the pandemic on their commercial operations.

23. It may be mentioned that Section- 2(28) of the Act, defines "misleading advertisement" in relation to any product or service to mean an advertisement, which—

- a) falsely describes such product or service; or
- b) Gives a false guarantee to, or is likely to mislead the consumers as to the nature, substance, quantity or quality of such product or service; or
- c) Conveys an express or implied representation which, if made by the manufacturer or seller or service provider thereof, would constitute an unfair trade practice; or
- d) Deliberately conceals important information;

24. From a bare reading of the above provisions of the Act, it is clear that any advertisement should:

- i. Contain Truthful & honest representation of facts.
- ii. Have assertions, and guarantees only when backed by underlying credible and authentic material, study etc.
- iii. Not indulge in unfair Trade practice as defined in Section 2(47) of the Act. It should be free from false representation that the goods/services are of

particular standard, quality [(section 2(47)(a)] and should not make false or misleading representation concerning the need for or usefulness of any goods or services (section 2(47)(f) of Consumer Protection Act with respect to unfair trade practice.

- iv. Disclose important information in such a manner that they are clear, prominent and extremely hard to miss for viewers/consumers so as to not conceal important information.

25. With respect to the claims "*Wash Your hands with 2.7 pH Booster water fight against Coronavirus*" made by the opposite party in the alleged misleading advertisement regarding the Alkaline Water Ionizer HI TA 817 water booster. The opposite party, in its response dated 12th July 2025, has not submitted any scientific evidence, empirical data, or regulatory approvals to substantiate the claim that washing hands with 2.7 pH Booster Water provides any protective effect against the coronavirus. Despite the clear directions issued in the Interim Order dated 30th June 2025, the opposite party failed to furnish any test reports, certification, or studies validating their advertised claims.

26. Further, the opposite party has not produced any evidence of having sought clarification, certification, or validation from the manufacturer of the Alkaline Water Ionizer HI-TA 817, nor have they submitted any manufacturer's response supporting the claim made in their advertisement. The absence of such critical disclosures and substantiation documents is particularly concerning as it reflects a disregard for consumer safety and statutory obligations.

27. The claim that washing hands with 2.7 pH Booster Water will "fight against Coronavirus" is scientifically untenable. A substance with a pH of 2.7 is strongly acidic, whereas effective soaps and handwash solutions typically work at and near skin-neutral pH (around 5–10), which is optimal for disrupting fatty and organic residues like oils, grease, and microbes. In contrast, using a highly acidic solution can compromise the skin's natural acid mantle (pH ~4.5–6), reducing soap efficacy and potentially causing irritation and barrier damage. Combining 2.7 pH water with soap would scientifically reduce, not enhance, cleansing efficiency.

28. Despite being directed in the Interim Order dated 30 June 2025 to provide empirical or manufacturer-supplied evidence supporting the antiviral efficacy of such low-pH water, the opposite party failed to submit any scientific studies, test reports, certifications, or manufacturer endorsements validating the claim. Nor did they furnish any documentation from the manufacturer of the Alkaline Water Ionizer HI-TA 817 concerning the alleged 2.7 pH output.

29. Further, from the submission dated 12th July 2025 of the opposite party that a total of 219 units of the product 'Alkaline Water Ionizer HI-TA 817' have been sold since its launch. The opposite party, in its written submission, has provided an undertaking stating that the said product is no longer being offered for sale. However, it is observed that the same product continues to be listed for sale on the online e-commerce platform Indiamart (<https://www.indiamart.com/my-booster/water-ionizer.html#20015991348>) at a price exceeding ₹2,00,000, thereby contradicting the undertaking submitted by the opposite party.

30. Furthermore, during the course of the hearing dated 30th June 2025, the opposite party admitted that the product 'Alkaline Water Ionizer HI-TA 817' was sold at a price exceeding ₹75,000 during the COVID-19 period.

31. Accordingly, the advertisement's core assertion is misleading not only because it lacks scientific backing, but also because its use of a highly acidic pH solution, when used in conjunction with soap, is counterproductive to effective hand hygiene (as acid and base neutralizes to produce only salts). This raises serious concerns about consumer deception and public health risk.

32. The CCPA has carefully considered the written submissions as well as submissions made by the opposite party during the hearings and the investigation report submitted by the Director General (Investigation) and concludes that:-

- i. The COVID-19 pandemic created an unprecedented global health emergency, heightening public anxiety and prompting individuals across the world to seek preventive measures to safeguard their health and well-being. This situation gave rise to opportunistic marketing practices by various companies seeking to capitalize on consumer fears, often resorting to exaggerated, misleading, or

scientifically unsubstantiated claims regarding the efficacy of their products in combating the virus.

- ii. In the present case, M/s Mybooster Retails Private Limited appears to have engaged in a similar practice by publishing a misleading advertisement claim —

“Wash Your Hands with 2.7 pH Booster Water — Fight Against Coronavirus.”

- iii. This assertion, made during a period of heightened consumer vulnerability, sought to create an impression that the mere act of using 2.7 pH Booster Water, as promoted by the opposite party, could offer protection against COVID-19. Such a representation is misleading and amounts to exploitation of public fear for commercial gain. The Consumer Protection Act, 2019, strictly prohibits misleading advertisements that distort facts, omit material information, or make claims likely to deceive consumers regarding the nature, characteristics, or efficacy of a product.
- iv. Accordingly, CCPA observes that the claim made by the opposite party in the advertisement concerning the efficacy of the “2.7 pH Booster Water” in fighting coronavirus is misleading under the provisions of the Consumer Protection Act, 2019. The failure of the opposite party to substantiate its claims with evidence, or to produce any response from the product manufacturer as directed, constitutes violation of consumer rights and warrants appropriate action under the law.

The allegation of misleading advertisement could not be negated by the opposite party.

- v. The opposite party is in clear violation of the provisions related to misleading advertisement of the Consumer Protection Act 2019: Section 2(28)(i)-
 - a. Falsely describing the product
 - b. Section 2(28)(ii)- false guarantee
 - c. Section 2(28)(iii)- unfair trade practice
 - d. Section 2(28) (iv) -Deliberately concealing important information

33. The CCPA is empowered under section 20 of the Act to pass any order once the it is satisfied based on investigation that there is violation f consumer rights and unfair trade practice [*including that mentioned under section 2(28)(iii)*] .Further ,under

Section- 21 of the Consumer Protection Act, 2019 ,CCPA is empowered to issue directions to the advertiser of false or misleading advertisement to discontinue or modify the advertisement and if necessary, it may, by order, impose a penalty which may extend to ten lakh rupees and for every subsequent contravention may extend to fifty lakh rupees. Further, Section 21 (7) of the above Act prescribes that following may be regarded while determining the penalty against false or misleading advertisement:-

- a) the population and the area impacted or affected by such offence;
- b) the frequency and duration of such offence;
- c) the vulnerability of the class of persons likely to be adversely affected by such offence.
- d) Gross revenue from sales effected by virtue of such offence.

34. The opposite party was incorporated in the year 2011 and operates as a private limited company engaged in the marketing and sale of wellness-related products, including alkaline water ionizers. As per publicly available information and company disclosures, the opposite party maintains a substantial digital footprint and market presence through its corporate website. The opposite party has a dedicated online retail and promotional presence, operating its website www.mybooster.biz, which serves as a direct sales and marketing platform for its products across India.

35. In view of the above, under section- 21 read with section 20 of the Consumer Protection Act. 2019, CCPA hereby issues the following direction to the opposite party:

A. The opposite party shall be directed to immediately **discontinue** and desist from publishing, broadcasting, or disseminating, through any mode or medium, including print, electronic, and digital platforms, the misleading advertisement claiming that the 2.7 pH Booster Water can "fight against Coronavirus" or make any such similar assertions in future promotions.

B. As already noted The COVID-19 pandemic created an unprecedented global health emergency, heightening public anxiety and prompting individuals across the world to seek preventive measures to safeguard their health and well-being. The opposite party had unscrupulously sought to cash in on the public insecurities created by the pandemic and sought to push products through misleading advertisement for profits. Although the

opposite party claims to have sold only 219 units, and has stopped selling it with the impugned advertisement, CCPA finds it necessary to impose a penalty on the opposite party. Considering the facts and circumstances of the case and having regard to the factors enumerated in section 21(7) of Act, the CCPA rules that Opposite party shall pay a **penalty** of ₹ 1,00,000 for publishing false and misleading advertisement claims that affected the consumers as a class.

C. The opposite party shall submit the amount of penalty and a compliance report to CCPA on the above directions within 15 days from the date of this Order.

D. In exercise of the powers conferred under section 20 of the Consumer protection Act 2019, The opposite party is hereby **warned** to exercise due diligence and ensure that any future advertisements or promotional content published by them strictly adhere to the provisions of the Consumer Protection Act, 2019, and do not contain any false, misleading, or unsubstantiated claims.

The above order and directions are passed in exercise of the powers conferred upon CCPA under section 10, 20, 21 of the Consumer Protection Act 2019.



Nidhi Khare
Chief Commissioner



Anupam Mishra
Commissioner