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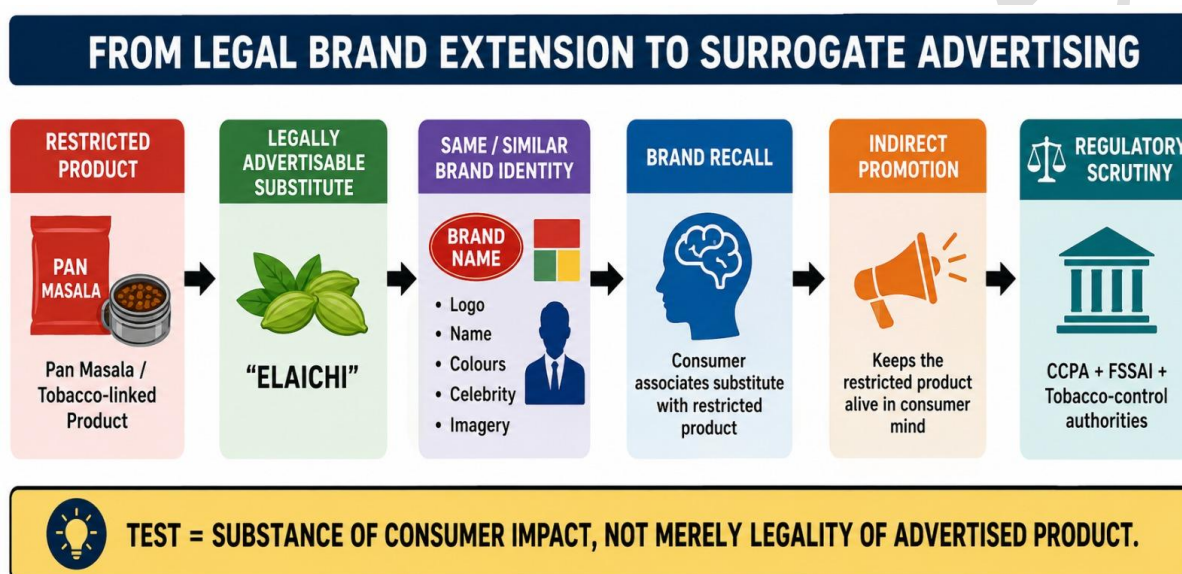
GS Paper IV: Ethics, Integrity and Aptitude

1. Surrogate Advertising and Celebrity Endorsement Accountability

a. Introduction

Maharashtra's Food and Drug Administration has issued show-cause notices to prominent actors over advertisements for Vimal Elaichi, alleging that the campaign may amount to surrogate advertising for a pan masala brand whose tobacco/nicotine-linked products face restrictions in the State.

Consumer Protection Act, 2019 empowers the Central Consumer Protection Authority (CCPA) to act against misleading advertisements. The CCPA Guidelines, 2022 specifically prohibit surrogate advertisements and impose due-diligence obligations on endorsers. The Food Safety and Standards Act, 2006 also restricts misleading advertisements relating to food products.



b. What is Surrogate Advertising?

Surrogate advertising promotes a legally restricted product indirectly through another product carrying the same brand name, logo, imagery or identity.

Restricted product → Legally advertisable substitute → Brand recall → Indirect promotion

The core test is therefore not merely whether the advertised product is legal, but whether it is being used primarily to circumvent an advertising prohibition.

c. Analysis/ Observations

Consumer protection must address indirect persuasion

Traditional regulation focused on whether an advertisement contained a false factual claim. Surrogate advertising presents a different problem: the advertisement may depict a legitimate product while deliberately creating associations with a restricted one.

Therefore, modern consumer regulation must examine:

- brand architecture;
- visual identity;
- market context;

- product availability; and
- the overall impression created in the consumer's mind.

This shifts regulation from literal content to substantive consumer impact.

Celebrity endorsements create asymmetric influence

Celebrity endorsements can significantly enhance brand recall and credibility, particularly among younger consumers.

Hence, the Consumer Protection Act imposes liability not only on manufacturers and advertisers but also on endorsers where misleading advertising is involved.

This reflects an important governance principle:

Commercial influence should be accompanied by corresponding responsibility.

Celebrities cannot always treat endorsements as purely contractual arrangements divorced from consumer consequences.

Due diligence is becoming part of endorsement liability

Regulators have sought information on:

- endorsement contracts;
- campaign briefs;
- product details;
- payments;
- due diligence undertaken before endorsement; and
- whether the advertised product actually has an independent market presence.

This signals a shift from passive celebrity liability towards reasonable verification obligations.

Endorsers increasingly need to establish that they took credible steps to understand what they were promoting.

Regulatory overlap can create complexity

The issue touches several frameworks:

- Consumer Protection Act, 2019;
- CCPA Guidelines, 2022;
- Food Safety and Standards Act, 2006;
- tobacco-control regulations; and
- State-level prohibition orders.

While overlapping laws can strengthen enforcement, they can also produce jurisdictional uncertainty and inconsistent standards.

A coherent regulatory approach is therefore necessary.

Key Governance Challenge

The central difficulty is distinguishing a genuine brand-extension product from a sham surrogate.

A legitimate extension may exist independently and have real market demand. A surrogate may exist largely to keep the restricted master brand visible.

Regulators therefore need objective criteria such as:

- actual sales and distribution of the advertised product;
- advertising expenditure relative to product turnover;

- degree of branding similarity;
- consumer perception;
- commercial independence from the restricted product.

Rights Dimension

Businesses retain protection under Article 19(1)(g) to carry on lawful trade, subject to reasonable restrictions.

Therefore, regulators must avoid treating every lawful brand extension as automatically surrogate merely because the brand is also associated with a restricted product.

The correct approach is evidence-based and proportionate regulation, balancing commercial freedom with public health and consumer protection.

d. Way Forward

- Develop clearer, objective tests to distinguish genuine brand extensions from surrogate advertisements.
- Enforce meaningful endorser due diligence, especially for products linked to health-sensitive categories.
- Improve coordination among CCPA, FSSAI, State FDAs and tobacco-control authorities.
- Require transparent disclosure of material commercial relationships between brands and celebrity endorsers.
- Use consumer-perception studies and market data rather than relying solely on identical logos or brand names.
- Strengthen penalties where surrogate advertising is deliberately designed to circumvent public-health restrictions.

Conclusion

The Vimal Elaichi controversy illustrates the growing difficulty of regulating advertising in an era of sophisticated brand extensions. Effective governance must move beyond the formal legality of the advertised product and examine whether the campaign substantively circumvents restrictions and misleads consumers. At the same time, enforcement must remain evidence-based so that consumer protection does not become arbitrary restriction of legitimate commerce.

Reader's Note — About This Current Affairs Compilation

Dear Aspirant,

This document is part of the PrepAlpine Current Affairs Series — designed to bring clarity, structure, and precision to your daily UPSC learning.

While every effort has been made to balance depth with brevity, please keep the following in mind:

1. Orientation & Purpose

This compilation is curated primarily from the UPSC Mains perspective — with emphasis on conceptual clarity, analytical depth, and interlinkages across GS papers.

However, the PrepAlpine team is simultaneously developing a dedicated Prelims-focused Current Affairs Series, designed for:

- factual coverage
- data recall
- Prelims-style MCQs
- objective pattern analysis

This Prelims Edition will be released separately as a standalone publication.

2. Content Length

Some sections may feel shorter or longer depending on topic relevance and news density. To fit your personal preference, you may freely resize or summarize sections using any LLM tool (ChatGPT, Gemini, Claude, etc.) at your convenience.

3. Format Flexibility

The formatting combines:

- paragraphs
- lists
- tables
- visual cues

—all optimised for retention.

If you prefer a specific style (lists → paras, paras → tables, etc.), feel free to convert using any free LLM.

4. Monthly Current Affairs Release

The complete Monthly Current Affairs Module will be released soon, optimized to a compact 100–150 pages — comprehensive yet concise, exam-ready, and revision-efficient.

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