

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- 25/44/2021 – CCPA

In the Matter of: - Safal Hospitality & Maintenance Services

CORAM:

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

APPEARANCE:

Mr. Mayur, Partner and Managing Director

Dated- 30.12.2021

ORDER

1. The Central Authority has instituted the present case on the basis of complaint received on Grievance against misleading advertisement (GAMA) regarding, an alleged misleading advertisement related to Covid coat that has been published by Safal Hospitality & Maintenance Service through electronic or print media and on company's website which states that **"Get Covid coat treatment 90 days virus free; one spray protects for 90 Days"**.

2. Accordingly, a Notice dated 23th June, 2021 was issued to the Opposite Party asking them to Show Cause as to why "a preliminary enquiry" under Section 19(1) of the Consumer Protection Act, 2019 should not be conducted against them for making alleged false or misleading claims in the advertisements along with supporting documents.

3. Upon consideration of the Opposite Party's response dated 02nd December 2021, the hearing has been fixed on 30th December 2021 with the company regarding the ibid claim.

4. Mr. Mayur, Partner and Managing Director appeared on behalf of the company and submitted that, they are merely traders and procured product from the manufacturer and on Container (spray) received from the

manufacturer inscribed the said claim i.e. "Get Covidcoat treatment 90 days virus free; one spray protects for 90 Days". Further, he submitted that, he do not have any intention to misguide the consumers.

5. On being enquired about the manufacturer details, Mr. Mayur (Opposite Party) submitted that, the manufacturer of the product is Organic 121, and Mr. Hanumanthe Gupta is the concerned person from whom he had purchased the material.

6. The opposite party drew the attention of the Central Authority to the test reports. He submitted that, according to the manufacturer, the product is approved by the Defence Research and Development Organization (DRDO).

7. The Central Authority further enquired about the usage of the said product. In response thereto, Opposite Party submitted that, the product can be applied to any object and it fight against Covid-19 virus. On the submissions made by the opposite party, the Central Authority pointed out that, **"the virus is in the air also"**. Further, the central authority enquired, as to how a product can fight against a virus which is already in the air. The Opposite party in response, accepted the Authority's view and again emphasized that, he is only a trader, and is not aware about the actual facts. He further submitted that, they majorly engaged into housekeeping business and the spray in question is a new product for him.

8. Further, the Central Authority expressed grave concern about advertisement and marketing of the spray in question without proper verification about its standard and efficacy. The opposite party cannot be absolved of their liability, as advertiser is equally responsible for proper verification of the product being advertised and sold by them. The Central Authority also stressed the need for strict adherence to the Advisory issued for avoiding misleading advertisement.

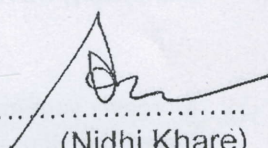
9. The opposite party agreed with the objection raised by the Authority and in support of his contention he brought out that, they had made only small purchases worth about Rs. 1-2 lakh and marketed the product for a very short period of about a month making a marginal profit of Rs. 20,000-25,000. He further informed the Authority that, upon receipt of afore-said notice from the Authority, they had withdrawn the impugned advertisement from the company's website and all social media, so as to ensure consumer does not get mislead by any such advertisements. Further, he informed that, he advertised the product in his area only through pamphlets.


10. Further, the Central Authority directed that the company should submit the data regarding total number of inventory and number of products sold to the consumers during such period, along with :-

➤ Affidavit containing statement that:-

- the impugned advertisement has been withdrawn by the company from company's website and from all social media
- They will not engage in any other such advertisements which could mislead the general public

11. The Central Authority further warned the company to be careful in future and not to engage in such advertisements, failing which the Authority shall impose penalty as per the provisions of the Consumer Protection Act, 2019. Further, upon receipt of the details the case may be considered for closure.


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(Nidhi Khare)
Chief Commissioner


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(Anupam Mishra)
Commissioner