

Impact of Surrogate Advertising in the Indian Market

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ABSTRACT

This research paper explores the impact surrogate advertising has had on building brand recognition and market dominance in India over the past decade. Due to strict regulations placed on the marketing of demerit goods such as alcohol and tobacco, which usually have adverse effects on one's health, companies choose to build identity through the form of indirect advertising. This can be done through advertising a closely related product, such as soda or water in the case of alcoholic beverages, or products in a completely different category, such as music CDs, to promote a tobacco company. They are able to do this through finding loopholes in legislation made by the government and the lack of enforcement of laws. This form of advertising has only amplified due to celebrity endorsements and the rise of social media. Case studies of companies like Vimal Pan Masala, Royal Stag and Imperial Blue reveal how businesses have used surrogate advertising to build a prominent brand identity.

Definitions

1. Surrogate advertising: Surrogate advertising is a marketing technique used by companies to indirectly promote their products or services, which are prohibited or restricted from advertising directly.¹

2. Demerit goods: Demerit goods are products which have harmful impacts on consumers or society.²

¹ Raj, Priti. "Surrogate Advertisement." ClearIAS, 15 Sept. 2024, www.clearias.com/surrogate-advertisement/. Accessed 22 June 2025.

² France, Claire. "Merit and Demerit Goods - A Level Economics Revision Notes." *Save My Exams*, 24 Oct. 2024, www.savemyexams.com/a-level/economics/aqa/17/revision-notes/individuals-firms-markets-and-market-failure/8-the-market-mechanism-market-failure-and-government-intervention/market-failure-merit-and-demerit-goods/. Accessed 22 June 2025.

3. Nudge Theory: A theory by Richard Thaler based on the idea of using encouragement or suggestions to change people's behaviour while still giving them freedom to make their own decisions.³

4. Choice architecture: The way in which people can be influenced to make particular choices by the way that something such as a system is designed.⁴

5. Vested interest: A strong personal interest in something because you could get an advantage from it.⁵

Introduction

Surrogate advertising is a marketing technique used by companies to indirectly promote their products or services, which are prohibited or restricted from advertising directly. While surrogate advertising leads to the adoption of harmful products that threaten public health and safety, it has also significantly contributed to brand recognition and market dominance for companies in India due to a lack of stringent government regulations, legal loopholes and celebrity influence. Over the past decade, brands such as Royal Stag, Imperial Blue, and various pan masala companies have employed surrogate advertising to increase their market share and build brand recognition. This research paper explores the impact surrogate advertising has had on brand recognition in India and, through key case studies (Vimal Pan Masala, Royal Stag, Imperial Blue), highlights the economic, ethical and legal aspects of this controversial practice. It will also discuss how brands use choice architecture and the role of Richard Thaler's Nudge Theory to subtly influence consumer behavior, making harmful products appear more desirable.

Surrogate Advertising as a Threat to Public Health

Surrogate advertising indirectly promotes products with known health risks, such as tobacco and alcohol, by associating them with socially acceptable alternatives like music CDs, mineral water, and prominent sporting or entertainment events.⁶In the Indian context, most cases of this form of

³ "Nudge Theory | English Meaning - Cambridge Dictionary." *Cambridge Dictionary*, Cambridge University Press & Assessment, dictionary.cambridge.org/dictionary/english/nudge-theory. Accessed 20 June 2025.

⁴ "Choice Architecture | English Meaning - Cambridge Dictionary." *Cambridge Dictionary*, Cambridge University Press & Assessment, dictionary.cambridge.org/dictionary/english/choice-architecture. Accessed 20 June 2025.

⁵ "Vested Interest | English Meaning - Cambridge Dictionary." *Cambridge Dictionary*, Cambridge University Press & Assessment, dictionary.cambridge.org/dictionary/english/vested-interest. Accessed 22 June 2025.

⁶ Reuters. "India May Impose Stricter Norms to Curb Surrogate Ads by Brands like Carlsberg, Diageo, Pernod: Report - CNBC TV18." CNBCTV18, 4 Aug. 2024, www.cnbctv18.com/travel/food-and-

advertising can be seen with alcohol and tobacco products. This is due to their addictive effects as well as the vast public sentiment against these products. A significant example from early on of this can be seen by how, in 1999, a petition was filed before the High Court in Delhi by the Voluntary Health Association of India, seeking to ban the sponsorship of the Indian cricket team by the Wills brand of cigarettes manufactured by ITC (Indian Tobacco Company).⁷ The Wills logo was present on the jerseys of all the players and had repeatedly been telecast to millions of viewers, indirectly promoting the cigarette brand to a mass audience. This led ITC to voluntarily decide to withdraw its sponsorship of the Indian cricket team in 2001, citing that they didn't want to derail the genuine efforts of the government and take unfair advantage of their position in the Indian economy.

However, in recent times, there has been a more massive increase in corporations promoting products with adverse health effects using surrogate advertising. In India, this is particularly visible in the case of alcohol and smokeless tobacco (SLT), also informally known as gutka. According to the Indian Council of Medical Research (ICMR), over 200 million adults use smokeless tobacco (SLT) and 80% of deaths due to smokeless tobacco (SLT) in the world happen in India.⁸ To investigate the reasoning for this, ICMR conducted a study where they aimed to see the effect of surrogate advertising for smokeless tobacco in the 2023 ICC Men's Cricket World Cup 2023. They found that SLT brands dominated 41.3 percent of total advertisements in the ICC Men's Cricket World Cup 2023, with Vimal and Kamla Pasand making up the majority of it. These advertisements were particularly placed during high-viewership matches, for instance, the India-Pakistan match, to garner higher sales and push for the normalisation of these substances.

Furthermore, the effect of this is not only more prevalent on the youth who are younger and more impressionable, but also on the vast rural population who are not well educated on the health risks of these products. Statistics show that although tobacco consumption for men in urban areas has fallen from 45% in NFHS-4 (National Family Health Survey) to 39% in NFHS-5, it is still

[drinks/india-may-impose-stricter-norms-to-curb-surrogate-ads-by-brands-like-carlsberg-diageo-pernod-report-19454357.htm](https://www.ijsser.org/drinks/india-may-impose-stricter-norms-to-curb-surrogate-ads-by-brands-like-carlsberg-diageo-pernod-report-19454357.htm).

⁷ Dr. Harishchandra S .B, et al. "Media Influence on Surrogate Advertisement and Its Effect on Society ." Journal of Systems Engineering and Electronics , JSSE Publisher, 2024, jseepublisher.com/wp-content/uploads/2-JSEE2079.pdf.

⁸ Gopal, K. S. Uplabdh. "Are Surrogate Marketing and False Claims Killing India's Health?" Orfonline.Org, OBSERVER RESEARCH FOUNDATION (ORF), 23 Aug. 2024, www.orfonline.org/expert-speak/are-surrogate-marketing-and-false-claims-killing-india-s-health . Accessed 20 June 2025.

high in rural areas at 43%.⁹ Oral cancer is supposed to comprise around 30% of the total cancer burden in India. This not only negatively impacts the personal health of the consumers but also has negative externalities for society and the healthcare system. This is why it's imperative to understand how the government can promote awareness against deceptive advertising and propose stricter regulations to stop corporations from partaking in these unethical practices.

Legal Implications and Government Regulation

Over the years, the Indian government has taken legislative action against surrogate advertising and tried placing regulations against this practice. However, a lot of these legislations have many loopholes that corporations have misused to their benefit. The following is a review of these legislations:

1. Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 ("COTPA").

The COPTA is one of the most pivotal legislations against the advertising of tobacco products. Section 5 of this act prohibits both "*direct*" and "*indirect*" advertisements of tobacco products.¹⁰ However, many tobacco companies found loopholes with the original version of this act, as it didn't clearly state what came under "*indirect advertisements*." This led more and more of these businesses to get around this legislation by using surrogate advertising to promote their products. This is a very unethical practice as the common man will associate the unrelated product with the brand's more famous and popular tobacco product, which was likely introduced earlier on and is now etched in their memory.

The government noticed this and amended the act by adding a sub-paragraph to Rule 2 of this section. The amended act clearly stated that if the name of a tobacco brand is used in marketing, advertising or promoting a product, it comes under "indirect advertising" and will be seen as breaking this law.

2. The Cable Television Networks (Regulation) Act, 1995 ("CTNA").

This act has gone through several amendments since its introduction in 1995. It helps regulate what can be shown on Indian TV channels. Rule (7) (1) enacted under provisions of sections 22,

⁹ Singh, S K, et al. "Tobacco Use and Cessation among a Nationally Representative Sample of Men in India, 2019-2021." *Journal of Smoking Cessation*, U.S. National Library of Medicine, 22 Mar. 2023, [pmc.ncbi.nlm.nih.gov/articles/PMC10060064/](https://pubmed.ncbi.nlm.nih.gov/articles/PMC10060064/). Accessed 20 June 2025

¹⁰ Dr. Harishchandra S .B, et al. "Media Influence on Surrogate Advertisement and Its Effect on Society ." *Journal of Systems Engineering and Electronics* , JSSE Publisher, 2024, jseepublisher.com/wp-content/uploads/2-JSEE2079.pdf.

states that, *“Advertising carried in the cable service shall be so designed as to conform to the laws of the country and should not offend morality, decency and religious susceptibilities of the subscribers.”* Rule 7(2) (viii)(a) provides that, *“No advertisement shall be permitted which promotes directly or indirectly production, sale or consumption of cigarettes, tobacco products, wine, alcohol, liquor or other intoxicants.”*¹¹ This law, though poorly enforced, is supposed to ensure that operators comply with these guidelines and remain transparent with the consumer.

3. The Advertising Standards Council of India (“ASCI”):

ASCI is a self-regulatory body, which means it’s not a government agency but works to make sure ads follow certain ethical rules. The organisation is committed to self-regulation in advertising and the protection of consumer interests which is why they have drawn up a Code of Self-Regulation. It requires advertisements to be legal, decent, honest, and truthful and not harmful, maintaining fairness in competition. This code applies to all forms of advertising (print, television, cinema etc.).

Clause 6 of this code, in summary, states that advertisement for products that are prohibited should not circumvent the restriction through advertising other products, for which advertising is not banned. This same clause also states the criteria for deciding what is an indirect advertisement.

Further, the organisation continues to amend this Code of Self-Regulation. In December 2023, they added a clause that emphasized that advertising spends for legitimate brand extension products must align with the extension’s sales turnover.¹² This would help ensure that the money the company is spending on advertising for a product is solely for that product and not a form of surrogate advertising for another product from that brand. Yet, due to this body not being able to take legally binding action most of its regulations are unable to be enforced.

4. Framework Convention on Tobacco Control (FCTC):

This convention is led by the World Health Organisation and was enforced in India on 27th February, 2005. The convention provides a framework against the consumption of tobacco and exposure to tobacco smoke. Article 13 of this framework deals with establishing an effective ban against any kind of advertising of tobacco products. It also entails prohibiting advertising that

¹¹ Dr. Harishchandra S .B, et al. “Media Influence on Surrogate Advertisement and Its Effect on Society .” *Journal of Systems Engineering and Electronics* , JSSE Publisher, 2024, jseepublisher.com/wp-content/uploads/2-JSEE2079.pdf.

¹² “Asci-and-Doca-Host-Consultation-with-Stakeholders-On- ...” *ASCI Online*, Department of Consumer Affairs , 22 Feb. 2023, www.ascionline.in/wp-content/uploads/2024/02/ASCI-and-DoCA-host-consultation-with-stakeholders-on-Surrogate-Ads.pdf.

influences the consumer negatively as well as curtailing events sponsored by tobacco companies.¹³ This framework mainly aims to protect future generations from the harmful effects of tobacco.

Celebrity Influence in Surrogate Adversiting

India is a country where celebrity worship is widespread. Their influence on consumer behaviour, especially among the masses, is significant as people often want to lead the same lifestyles as the stars they revere. Brands choose to partner with celebrities as they often have large audiences and can help build a positive image for products and create a brand identity. However, this has detrimental effects, especially in rural areas and on the youth who are not aware of the deceitful tactics being employed to make them purchase these harmful products.

For instance, one of India's biggest stars, Shah Rukh Khan's endorsement for Vimal Pan Masala, a brand that uses surrogate advertising to promote their SLT, is a prominent example.¹⁴ Other celebrities such as Ranbir Kapoor and Kiara Advani have also been called out for promoting Fairplay, a company the ASCI believes is involved in offshore betting.¹⁵ This is not only limited to movie stars but also to sports players, as, along with actors, there is also a sense of reverence surrounding them. This can be seen by MS Dhoni's commercial for the brand McDowell No.1 Platinum Soda, which indirectly is an advertisement for the alcoholic beverages made by the brand.

Although these advertisements may increase recognition for celebrities, especially at a ground level and offer them a great source of income, it can also be damaging to their reputation. In 2021, Bollywood actor Akshay Kumar faced backlash on social media for promoting Vimal Pan Masala. He was criticised for promoting a product that has harmful impacts on people's health, as well as promoting a product he himself doesn't use, as he claims to live a very healthy and fit lifestyle. After this, he decided to issue a statement saying that he will be mindful not to promote such products again and hadn't realised the detrimental effects of these products.

¹³ Kushwaha, Anchal. "Surrogate advertising: A legal perspective." *International Journal of Law*, vol. 6, no. 2, 5 Mar. 2020, pp. 53–56. 2020, <https://doi.org/10.22271/law>.

¹⁴ Sarkar, Ayon. "Surrogate Advertising in India: A critical Analysis." *International Journal of Science & Engineering Development Research (IJSDR)*, vol. 10, no. 1, Jan. 2025, pp. 1–7, <https://doi.org/2455-2631>.

¹⁵ Bhushan, Ratna. "Offshore Betting Ads Concerning, Says Asci amid Increased Scrutiny on Betting Apps." *The Economic Times*, 15 Nov. 2023. Accessed 20 June 2025.

The role of social media

In recent times, social media has become one of the most widely used tools for surrogate advertising. Social media platforms such as Instagram, YouTube, Snapchat, etc., allow brands to market to a wide global audience without having to go through the strict regulatory measures that traditional forms of media, such as print and television networks, have to go through. When a product is promoted by an influencer on one of these platforms, for many users, these recommendations feel personal, as over the years, these creators have built a loyal fan following. This form of advertising is much more effective because it's woven into the influencer's daily life and is often based on their personal interests, making it seem more authentic. Followers feel as if they are getting an exclusive look at the influencer's personal life and due to their trust in the creator, it benefits the brand and results in higher engagement as well as sales.¹⁶

This has many ethical concerns as most of these influencers appeal to a young, impressionable audience and may not always be fully transparent about the purpose behind their brand promotions. Although influencers are required to state whether a post is sponsored or in partnership with a brand, this law is very blurred in the case of surrogate advertising. It is also much more difficult for governmental bodies to regulate social media posts, considering that 95 million posts are uploaded solely on Instagram per day.¹⁷

How business use behavioral economics

Businesses usually employ tactics of behavioral economics, such as nudge theory and choice architecture, to make their products more appealing to consumers and their behavior in a predictable manner without restricting their freedom of choice. This can be seen in the case of surrogate advertising, as brands use familiar logos, catchphrases, and celebrity endorsements. For example, the liquor brand United Breweries used to promote Kingfisher Airlines and Kingfisher Soda using the same red and blue logo with the Kingfisher bird. The logo, along with the tagline and peppy music, was often what people associated with Kingfisher Beer. Even though the advertisements never directly mentioned alcohol, the branding for the products was so similar that it automatically reminded people of their main product. This was a “nudge” by the brand to establish a connection between products from the brand and encourage them to choose

¹⁶ Rishad, Muhammad. “Surrogate Advertising and the Role of Social Media Influencers.” *CDA Academy*, 21 Feb. 2025, cda.academy/surrogate-advertising-and-the-role-of-social-media-influencers/.

¹⁷ Marr, Bernard. “How Much Data Do We Create Every Day? The Mind-Blowing Stats Everyone Should Read.” *Bernard Marr*, 13 July 2021, bernardmarr.com/how-much-data-do-we-create-every-day-the-mind-blowing-stats-everyone-should-read/.

the actual liquor products later on. They also employed choice architecture in this case, which is a concept based on the presentation of choices given to consumers. The products and their advertisements were associated with fun youthful settings, including the Indian Premier League (IPL), music festivals, racing events, etc. This made people associate the brand as fun and exciting, which was furthered by how the owner of Kingfisher, Vijay Mallya, was known as the ‘King of Good Times.’”

Case Studies depicting Surrogate Advertising

Vimal Pan Masala

Vimal is one of the most well-known brands for surrogate advertising in India. While in most advertisements it claims to promote its “pan masala” which is a mouth-freshener, or its “ Vimal Elaichi” which is also used for mouth-freshening, many people believe its goal is to promote its tobacco-related products. Almost all of their products have the same packaging and logo which makes it difficult for consumers to differentiate between which of their products contain tobacco and which don’t. The font size on the packaging that mentions whether the product contains tobacco or not is so tiny that most consumers would likely not even notice it. Furthermore, most of their ads usually feature famous celebrities such as Shah Rukh Khan, Ajay Devgan and Tiger Shroff. These are usually full of glamour and extravagance, portraying the brand in a positive light. The brand even uses the tagline “Bolo Zubaan Kesari” which can be associated with patriotism as the word “Kesari” (saffron) holds deep cultural and political meaning in India, as saffron is one of the three colors of the Indian national flag and is often associated with courage, sacrifice, and national pride. By using this word in its slogan, the brand subtly connects itself to patriotic emotions, creating a sense of pride and loyalty among consumers.

Over the years, the company and the celebrities associated with it have gotten into significant legal trouble for breaching the laws mentioned in the CCPA Act. Yet, to this day, they continue to get away with misleading ads and breaking regulations as tobacco companies have major vested interests in the economy and contribute around 10% of the central excise earnings.¹⁸ This means that, from an economic standpoint, it greatly benefits the government not to strictly enforce legislation against these companies, in which Vimal Pan Masala is included.

Royal Stag

¹⁸ Saini, Anoushka. “Surrogate Advertisements: How Tobacco Companies Legally Advertise Tobacco Products: Nivarana.” India’s Public Health Platform, Nirvana, 18 Mar. 2024, nivarana.org/article/Surrogate-Advertisements:-How-Tobacco-Companies-Legally-Advertise-Tobacco-Products-65f8435e447f0. Accessed 22 June 2025.

Royal Stag is a liquor brand that has built a strong presence in the Indian market over the years. It is mainly remembered by its slogan “It’s Our Life. We live it Large.” One of the main ways it broke the ASCI Code of Self-Regulation and took part in surrogate advertising is through sponsoring music and cultural events. It even made CDs, which although don’t talk about alcohol, remind people of the Royal Stag Whisky.

This brand, in particular, appeals to a younger demographic with its message. Through its musical and cultural involvement, along with celebrity endorsements, it has integrated itself into the lifestyle of many consumers.¹⁹ With this form of advertising, they have built a brand surrounding the tagline “It’s Our Life. We live it Large,” making it a lifestyle people aspire to have, with the consumption of their whisky at the centre.

However, Royal Stag has also faced trouble with ASCI regulations. In 2021, the ASCI banned surrogate advertising of liquor from the Indian Premier League from 12 brands, including Royal Stag.²⁰ Besides the legal reasons behind it, they also believed that since alcohol is harmful to one’s health, it shouldn’t be promoted at one of the most prominent sporting events.

Imperial Blue

“Men will be Men” is a tagline that got widely popularised due to the advertisements made by the liquor company Imperial Blue. Imperial Blue is a whisky brand that was launched in India in 1997. Due to the direct advertising of alcohol being heavily regulated, they chose to aggressively build brand visibility through indirect forms of advertising. It mainly targets men from the age range of 23- 25, which is why its tagline is made to appeal to their sense of humour and identity. Like other alcohol brands, they also positioned it as a lifestyle-centric brand. Even though the ads promoted their CDs and entertainment content, a strong connection was established with the whiskey brand.

¹⁹ Singh, Tanishk. “Top 5 Surrogate Advertising Examples in India: Strategies & Brands.” *Shoolini Online*, Shoolini University, 17 Apr. 2025, shoolini.online/blog/5-surrogate-advertising-examples/. Accessed 22 June 2025.

²⁰ Anand , Shambhavi. “Asci Bans Surrogate Advertising of 12 Liquor Companies.” *The Economic Times*, 18 Jan. 2021, economictimes.indiatimes.com/industry/cons-products/liquor/asci-bans-surrogate-advertising-of-12-liquor-companies/articleshow/80328835.cms?from=mdr. Accessed 23 June 2025.

Stricter government regulations have also impacted Imperial Blue's surrogate advertising strategies, especially for large-scale events such as the IPL in 2021. However, there is speculation surrounding the company being acquired for around \$500 million.²¹

Conclusion

Surrogate advertising over the past few decades in India has proven to be growing at a large scale and significantly contributing to the growth of brands selling restricted products. While legal reforms and consumer awareness are increasing, companies keep finding new innovative ways around regulation, especially using social media as a tool. Thus, it is very important for the government and independent organisations to come together and enforce regulations strictly, either by offering severe penalties to companies who breach advertising laws or through increasing consumer awareness, especially in rural areas, about how surrogate advertising is deceiving them into buying de-merit goods.

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²¹ Malviya, Sagar, and Arijit Barman. "Suntory Looks for a High with Imperial Blue Buy." *The Economic Times*, 25 June 2025, economictimes.indiatimes.com/industry/cons-products/liquor/suntory-looks-for-a-high-with-imperial-blue-buy/articleshow/122055140.cms?from=mdr. Accessed 27 June 2025.

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