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# Children, Influencer Culture, and Deceptive Marketing: Emerging Challenges for Indian Consumer Law

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## Abstract

*With the rapid expansion of social media platforms, a new and powerful phenomena have emerged: influencer marketing. The legal and ethical concerns are far higher when children are both the audience and active participants in this environment. The study investigates the relationship between influencer culture, misleading marketing techniques and the legal protection of minors as consumers under Indian law. It critically examines the existing legal framework including Consumer Protection Act, 2019, the Guidelines for Prevention of Misleading Advertisements and Endorsements (2022), the Advertising Standards Council of India (ASCI) Influencer Guidelines (2021) and the Protection of Children from Sexual Offences Act and identifies critical gaps in the protection of child consumers and child influencers. The article claims that India currently lacks a strong regulatory framework for child-specific advertising and influencer marketing and that the lack of such a framework has tangible adverse effects on the physical, psychological, and economic wellbeing of children. The study sets out a framework of reform recommendations for Indian consumer legislation drawing upon a comparative analysis of regulatory regimes from the United Kingdom, the United States and the European Union. The article concludes that protecting children from misleading marketing in the age of influencer culture requires not only more robust legislation, but also increased enforcement, platform accountability, education in digital literacy and parental empowerment.*

**Keywords: Influencer Marketing, Deceptive Advertising, Consumer Protection Act 2019, ASCI, Child Rights, Indian Consumer Law, Social Media Regulation.**

## 1. Introduction

India has more than 600 million internet users, and an increasing number of these users are children and adolescents under the age of eighteen. India has the highest number of children in the world, with over 440 million, according to UNICEF, and the number of youngsters frequently exposed to digital content through smart phones, tablets and smart televisions is growing rapidly. Social media platforms such as YouTube, Instagram, TikTok (before its suspension) and short-video platforms such as Moj and Josh have become the primary source of entertainment, information and social contact for millions of Indian children.
In this digital world, influencer marketing has become one of the most commercially effective and legally difficult phenomenon of our day. An influencer is someone, from a world-famous celebrity to a teenage neighbour, who utilizes social media to engage with followers and who is compensated, directly or indirectly, to promote companies, services or ideas. The global influencer marketing sector was valued at over USD 16 billion in 2022, and India is one of its fastest expanding marketplaces with thousands of "family influencers," "children influencers," and content creators making child-centric material that have millions of followers. The difficulty is that children, as a category of customers, are unusually susceptible to advertising impact. Children can be particularly susceptible to commercial content, as they typically cannot discern between commercial content and entertaining content, unlike adults. Even older kids and teenagers, while more cognitively aware, are nevertheless susceptible to peer influence, social comparison, and the pressures of identity construction, making them disproportionately vulnerable to influencer marketing. When this marketing is also dishonest – when it fails to disclose paid endorsements, makes inaccurate claims about products, or utilizes manipulative design approaches – the harm to children is compounded.

In recent years, Indian consumer legislation has taken major strides to address deceptive marketing practices. The Consumer Protection Act, 2019 (CPA 2019) is a major legislation that clearly defines deceptive marketing, sets up the Central Consumer Protection Authority (CCPA) and for the first time fixes legal liability on endorsers including celebrities and influencers. The CCPA's Guidelines for Prevention of Misleading Advertisements and Endorsements (2022) and ASCI's Influencer Advertising Guidelines (2021) offer another layer of oversight. However, as this study argues, these precautions are not enough to protect children, both as consumers of influencer material and as participants (child influencers) in the influencer economy.

This paper is organised as follows. Section 2 includes background information about influencer culture and its impact on children. Section 3 discusses the current legal framework. Section 4 points out the main legal gaps and obstacles. Section 5 provides a comparative international analysis. Section 6 contains reform recommendations. Section 7 finishes the paper.

## 2. Influencer Culture, Children, and Deceptive Marketing: The Background

### 2.1 The Rise of Influencer Marketing in India

The official practice of influencer marketing in India started to take shape in 2015-16, riding on the rapid adoption of affordable 4G internet post the launch of Reliance Jio in 2016. By 2022, the number of Instagram users in India exceeded 230 million, making it one of the largest Instagram markets in the world. YouTube India has 500 million-plus users and short-form video sites have added hundreds of millions. Within this ecosystem, we have seen the evolution of a tiered structure of influencers: mega-influencers (more than 1 million followers), macro-influencers (100,000 to 1 million), micro-influencers (10,000 to 100,000) and nano-influencers (less than 10,000).  Children and families are a particularly valuable area in the influencer economy. "Kidfluencers" – kids who create content or star in family channels — attract businesses looking to tap young consumers. Kidfluencers and family channels are commonly used to market a host of products including toys, chocolates, cereals, health supplements, educational software, apparel and video games. According to a 2021 ASCI report, more over 29% of influencer material in India was related to product advertising, much of it was targeted at or included minors.

### 2.2 How Children Are Affected

The vulnerability of children to advertising impact is widely established in psychology and marketing literature. Children under about 8 usually can't tell when advertising is different from entertainment or neutral information – they don't have what scholars term "advertising literacy" or "persuasion knowledge." Even within the 8-12 age group, children can 'know' cognitively what advertising is, but they often do not have the crucial emotional defences to reject the persuasive intent of advertising. Influencer content mimicking peer recommendation is particularly strong for adolescents aged 13 to 17 years, who are particularly vulnerable to peer influence and social comparison. Within influencer marketing, there are a number of distinct hazards to children that can be found. First, there is the danger of incorrect or exaggerated product claims – children who consume items that are sold with misleading health or nutritional claims may be physically harmed. Second, there is the harm of financial deception – children who encourage parents to purchase offered products based on misleading claims contribute to household financial loss. Third, influencer content may psychologically hurt individuals by exposing them to unrealistic body images, materialism and social comparison. Fourth is the rising harm to child influencers themselves – children commercially exploited as content creators, subjected to online abuse and denied normal childhood development in pursuit of social media stardom.

### 2.3 Nature of Deceptive Practices in Child-Directed Influencer Marketing

There are a number of deceptive tactics in child-directed influencer marketing. The most common is non-disclosure of paid commercial partnerships — influencers (including

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children's and family accounts) advocate things without making it clear they have been paid to do so, creating a misleading impression that the suggestion is spontaneous and genuine. Research shows that the vast majority of influencer posts advertising items in India lack the proper disclosure labels. Another deceptive practice is the use of children to make or imply health or nutritional claims that are unsubstantiated – a child influencer shown drinking a health drink and claiming that it made them smarter, taller or more athletic is making an implied medical claim that would be illegal if made in a formal ad but escapes regulatory scrutiny when it's delivered as "organic content." A third approach is the employment of dark patterns in digital marketing targeted at children – countdown timers, in-app buy prompts, gamified advertising, and treasure boxes that are designed to prey on children's impulsivity and weak financial awareness. A fourth developing trend is the employment of AI-generated child influencer personas—animated or synthetic child avatars who sell items in a format youngsters find appealing, but which carries no disclaimer of their artificial nature.

## 3. Existing Legal Framework in India

### Consumer Protection Act, 2019

In India, the Consumer Protection Act, 2019 is the primary legislation under which consumer rights and unfair trade practices are regulated. It superseded the Consumer Protection Act, 1986 and brought major changes to the regulatory landscape. A "misleading advertisement" is defined under Section 2(28) of the Act as an advertisement which "falsely describes a product or service; gives a false guarantee to; or is likely to mislead the consumer about the nature, substance, quantity or quality; or conveys an express or implied representation which, if made by the manufacturer or seller, would constitute an unfair trade practice." The CPA 2019 establishes the Central Consumer Protection Authority (CCPA) under Section 10 which has the authority to investigate into misleading advertisements on its own motion (suo-motu), prohibit misleading advertisements and impose penalties on manufacturers, advertisers and endorsers. Section 21 of the Act provides for penalties up to Rs. 10 lakh for a first offence and up to Rs. 50 lakh and imprisonment for subsequent offences. These penalties now specifically apply to endorsers including celebrities and influencers. Section 89 of the Act provides for penalties up to Rs. 10 lakh for a first offence and up to Rs. 50 lakh and imprisonment for future offences. However, the CPA 2019 does not contain any explicit provision addressing the vulnerability of children as a consumer group, nor does it provide for any special protection or additional sanctions in circumstances where misleading advertising targets children. This is a serious omission, particularly when compared with consumer protection regimes in the UK, Australia and the EU which provide for a higher level of protection for children as vulnerable consumers.

### CCPA Guidelines on Misleading Advertisements and Endorsements (2022)

In June 2022, the CCPA released "Guidelines for Prevention of Misleading Advertisements and Endorsements for Misleading Advertisements, 2022". "These guidelines are a much-needed step forward to regulate influencer marketing in India. They demand that endorsers, especially social media influencers, reveal their material link with the sponsor. A "material connection" is defined broadly to encompass cash remuneration as well as free items, gifts, hospitality, discounts and any other benefit. The disclosure must be "clear and conspicuous," "prominent," and in "words that the target audience will understand." The standards also make endorsers personally accountable if they make claims about a product that they have not used or experienced, or if they recommend a product without making appropriate diligence about the veracity of the statements. This represents a substantial change from the prior practice of non-liability for endorsers. But the recommendations have a number of important limitations in the context of child-directed marketing. They do not particularly address the misuse of child influencers in commercial material when marketing is directed to children, they need no further disclosure or protection standard. They do not consider the special sensitivity of kid audiences in evaluating what is "adequate" disclosure. And enforcement is lacking as well. The CCPA's oversight of influencer content on digital platforms is far from comprehensive.

**ASCI Influencer Advertising Guidelines (2021)**

The Advertising Standards Council of India (ASCI), the self-regulatory authority for the Indian advertising business, released its Influencer Advertising on Digital Media Guidelines in May 2021. These standards require influencers to prominently disclose the promotional content with disclosure marks such as "#Ad," "#Sponsored," "#Paid Partnership," or "#Collab." The standards apply to all types of influencer material – articles, stories, reels, live broadcasts and podcasts. They also take on "virtual influencers" (artificial intelligence personalities) for the first time, which are to be revealed as artificial. The ASCI principles apply, in principle, to family channels and kidfluencer accounts. However they do not create any explicit duties for advertisers or platforms to use child influencers or target young audiences. ASCI's enforcement is largely complaint-driven – a reactive rather than a proactive approach – and its reach to micro- and nano-influencers and regional language content makers is restricted. There are no extra monitoring methods for child-directed content, or new protections for child influencers.

**Other Relevant Laws**

Several other laws are important to the control of minors in the influencer ecosystem, but none directly address the specific problem of child influencers and deceptive marketing to children. The *Protection of Children from Sexual Offences Act, 2012 (POCSO)* and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, cover some of the areas of online kid protection. But they're mostly concerned with sexual exploitation and bad content, not financial exploitation via misleading marketing.

*The Juvenile Justice (Care and Protection of Children) Act, 2015* protects children from exploitation in the context of employment, but its provisions have not been applied to the context of influencer marketing where children are used commercially as content creators without any regulatory oversight of working hours, earnings or psychological welfare.

The *Right of Children to Free and Compulsory Education Act, 2009 (RTE Act)* does not address advertising, but it has been claimed that it implies a right to an environment free from commercial exploitation that interferes with children's education and development.

The *Drugs and Magic Remedies (Objectionable Advertisements) Act,* 1954 bans ads that purport to heal specific conditions, but is primarily antiquated, targeting traditional media and never invoked in relation to digital influencer content.

## 4. Key Legal Gaps and Challenges

**No Child-Specific Advertising Standards**

The biggest shortcoming in the Indian legislative system is the lack of any comprehensive, child-specific advertising guidelines. While general prohibitions on misleading advertising apply to all consumer segments, there are no rules in India that: (a) impose additional restrictions on the content of advertising directed at children (e.g., prohibitions on using cartoon characters to promote unhealthy foods, or prohibitions on making health claims in child-directed ads); (b) restrict the placement of advertising in child-directed media (e.g., no restrictions on advertising during children's programming analogous to the UK's HFSS advertising ban); or (c) require pre-clearance of advertising directed at children below a certain age . This is in stark contrast to many sophisticated jurisdictions. There is a part of the CAP Code, the code that governs the advertising industry in the UK that deals specifically with advertising to children. The US Children's Television Act limits the length of commercials in children's television programming. Under the EU's Audiovisual Media Services Directive, children must be specially protected in all audiovisual media, including video-sharing services.

**No Regulation of Child Influencers**

The Indian legislation does not have any provision pertaining to the employment of children as commercial content makers or influencers. There is no minimum age for a youngster to

feature in paid commercial social media material. There are no limits on the number of hours a youngster can spend on commercial content development. Unlike in several US states under the "Coogan Law", there is no requirement to hold a portion of a child influencer's commercial earnings in trust for the child. "Child influencers do not require psychological welfare checks. When a child is utilized for commercial purposes, there is no requirement that parental or guardian consent be filed with any regulatory authority.
This gives rise to conditions where children can be commercially exploited by their parents, guardians or third party companies in search of social media monetization, without any legal protection. "Sharenting", where parents post a large volume of content about their children's lives for economic gain, is nearly wholly uncontrolled under Indian law.

**Platform Accountability Gap**

Digital platforms – YouTube, Instagram, Facebook, Moj, Josh and others – constitute the infrastructure through which fraudulent child-directed influencer marketing functions. The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 (IT Rules 2021) requires big social media intermediaries (with more than 5 million users) to establish a Grievance Officer and adhere to specified material removal duties. However, these rules do not require platforms to take any specific steps to monitor or remove misleading advertising targeted to children, to identify and disclose paid partnerships in influencer content, or to protect child content creators from commercial exploitation on their platforms. Currently, platforms have a "safe harbour" under Section 79 of the Information Technology Act, 2000, which shields them from liability for third-party content, as long as they are passive intermediaries and adhere to takedown notices. This safe harbour – while important in terms of freedom of expression – creates a position where there is little regulatory motivation for platforms to proactively control fraudulent advertising targeting children.

**Dark Patterns and Gamified Marketing**

Dark patterns are design characteristics in digital interfaces that trick users into doing something they didn't want to do or wouldn't have done if they had been fully informed. Dark patterns in marketing to children include in-game advertising that masks commercial content as part of the game, loot boxes and random reward mechanisms that encourage repeat in-app purchases, countdown timers and limited-time offers that create artificial urgency, and subscription traps where free trials automatically convert to paid subscriptions.
The CCPA recently (2023) produced guidelines on dark patterns following public input, however these rules do not particularly address dark patterns targeting children, which are qualitatively more detrimental because children lack the cognitive capacity to understand and oppose them. There is a pressing need for regulation of dark patterns specifically for children in India.

**Jurisdictional and Enforcement Challenges**

Many influencers who create content enjoyed by Indian children are headquartered outside of India, on platforms incorporated in foreign jurisdictions. This presents substantial jurisdictional and enforcement difficulties. The CCPA's principles apply to all endorsements targeting Indian consumers, irrespective of the location of the influencer, although real enforcement against artists based outside is quite restricted. Similarly, platforms incorporated in the United States or Ireland are governed by the data privacy and advertising regulations of their jurisdictions, which may or may not be compatible with India's consumer protection obligations.

**Table 1: Key Legal Gaps in Child Advertising Protection in India**

| Area | Current Position in India | International Benchmark |
|---|---|---|
| Child-directed advertising standards | No specific rules | UK CAP Code, EU AVMSD |
| Child influencer regulation | No provisions | USA Coogan Law, France 2020 Act |
| Platform obligations for child safety | General IT Rules only | EU DSA, UK Online Safety Act |
| Dark patterns targeting children | General CCPA guidelines only | EU/UK child-specific rules |
| Unhealthy food ads to children | No restrictions | UK HFSS ban, WHO guidelines |
| Disclosure in child-directed content | General ASCI/CCPA only | FTC child-specific guidance (USA) |

## 5. Comparative International Analysis

### 5.1 United Kingdom

The UK has one of the most extensive and advanced regulation regimes for the protection of children from harmful and deceptive advertising. The system is principally regulated by the Committee of Advertising Practice (CAP) Code for non-broadcast ads and the Broadcast Committee of Advertising Practice (BCAP) Code for television and radio advertisements. These codes provide special safeguards to protect children against commercial exploitation. Advertisements must not take advantage of children's inexperience, credulity, loyalty or confidence in parents, teachers, celebrities or other authority figures. Advertisers are prohibited from inciting youngsters to put pressure on parents or guardians to buy products and services. Prize campaigns, tournaments and commercials which may promote false expectations in youngsters are also subject to special limitations.

The UK has achieved important efforts to address health problems resulting from advertising to children. In 2021 the Advertising Standards Authority (ASA) tightened rules on promoting meals heavy in fat, salt and sugar (HFSS) in recognition of the role advertising plays in childhood obesity and poor eating habits. Advertising of unhealthy food products is strictly controlled, especially in media and internet settings where minors make up a large proportion of the audience. The initiatives are part of a wider UK commitment to preserve the physical and mental well-being of children. The UK has also become a world leader in children's online privacy and digital safety regulation. The Information Commissioner's Office (ICO) has published the Age Appropriate Design Code – or "Children's Code" as it is more generally known, requiring online platforms, applications, games and digital services likely to be accessed by children to give the greatest level of privacy protection by default. The Code limits abusive data collecting, profiling, geolocation monitoring and targeted advertising methods that could be used to exploit children's personal information. Companies should build digital services with children's best interests as a major concern.

The Online Safety Act 2023 also places key legal duties on digital platforms to identify, assess and reduce the hazards children experience online. Platforms should take action against harmful content, misleading commercial communications and online scams and materials that could threaten the well-being of children. Failure to comply can lead to substantial penalties. The UK model provides a comprehensive approach to advertising regulation, consumer protection, online safety and data privacy legislation to establish a robust framework for protecting children from deceptive advertising and digital exploitation. This integrated approach offers useful lessons for countries like India striving to bolster child-focused consumer protection regulations.

**5.2 United States**

In the United States, federal legislation, regulatory guidelines, and state-level regulations have come together to provide a comprehensive framework for safeguarding children against misleading advertising. The Federal Trade Commission (FTC) is the main agency regulating unfair and deceptive advertising. One of the first pieces of legislation was the Children's Television Act, 1990, which limits the amount of advertising that may be shown during children's television programmes and demands a clear distinction between entertaining material and commercial messages. The goal of this regulation is to shield children from over persuasive advertising and to assist them to differentiate between programming and commercials. The implementation of the Children's Online Privacy Protection Act (COPPA), 1998 was an important milestone in the digital protection of consumers. COPPA bans the collection, use, and disclosure of personal information from children under the age of 13 years old without verifiable parental agreement. This regulation has important ramifications for digital advertising by limiting behavioral advertising, targeted marketing and data-driven profiling of young users. Websites, apps, games and social media services directed to minors must follow severe privacy standards and transparency requirements.

The FTC has also ramped up its scrutiny of influencer marketing through its Endorsement Guides. The recommendations underscore the need for explicit disclosures of paid endorsements and sponsored material in a manner that is understandable to consumers, especially youngsters. The FTC recognizes that children may not have the cognitive capacity to understand the commercial motive underlying influencer material, and so requires advertisers and influencers to ensure that disclaimers are easy to understand and are clear and visible enough for younger audiences. Failure to disclose substantial ties between influencers and brands might result in enforcement action.

Another hallmark of the U.S. system is legislation like the Coogan Law (first adopted in California), which protect juvenile performers and content providers. The legislation requires that a percentage of a child's profits from entertainment and commercial work be placed in a safeguarded trust account for the child's future. The rise of social media has led to a new generation of kid influencers, and legislators are now asking whether children who earn money through digital platforms should have similar rights. In general, the United States has a multi-pronged approach that includes advertising regulation, privacy protection, parental permission systems and financial protections to protect children from exploitation in traditional and digital media contexts.

**5.3 European Union**

The European Union has one of the most sophisticated and extensive systems to protect children in digital settings with a mix of consumer protection, privacy, media regulation and platform governance legislation. All member states are required to implement the Audiovisual Media Services Directive (AVMSD) updated in 2018 that forbids anything that could be detrimental to children's physical, mental or moral development (including television broadcasting and video-sharing platforms) in their audiovisual media services. The Directive also places limits on advertising towards minors and calls on member states to take further preventive action when appropriate.

One of the fundamental pillars of the European framework is the General Data Protection Regulation (GDPR) which allows for increased protection of children's personal data. The GDPR acknowledges children as particularly vulnerable data subjects and sets out stronger requirements for data processing, profiling and targeted advertising in relation to minors.

Organizations will have to get the required consent, give information in language suitable for children and ensure that children's data are not misused for commercial interests. These restrictions severely restrict behavioral advertising tactics that use the acquisition of large amounts of data and consumer profiling.

The Digital Services Act (DSA), adopted in 2022, enhances child protection through new duties for online platforms and digital intermediaries. Large internet platforms must be transparent about their advertising practices, release information on how they target advertisements, and set up publicly available advertising repositories. Crucially, the DSA prohibits targeted advertising based on profile if the user is a kid. Platforms should also carry out risk assessments to determine possible harms to children and take adequate mitigation actions to mitigate those risks.

In addition to EU-level measures, numerous member states have introduced innovative national laws. In 2020, France was the first country in the world to legislate expressly on kid influencers. French legislation mandates parents to declare any commercial activity of their child influencer after certain audience and income limits are met. Children have the right to ask for content involving them to be taken down when they become adults, and some of the money earned by the kid must be transferred into a protected trust account. These safeguards are intended to avoid financial exploitation and to protect the privacy, dignity and long-term welfare of children. The EU approach shows how consumer protection, privacy legislation and digital governance may be combined to build a strong framework to protect children in the modern digital economy.

**5.4 Key lessons for India**

The comparative study of the United Kingdom, the United States and the European Union provides some crucial lessons for India. First, it shows that normal consumer protection regulations are not enough to deal with the particular vulnerabilities of children. Countries with mature regulatory systems have developed child-specific advertising regulations that reflect children's limited ability to process compelling commercial messaging. India should have specific regulations to oversee advertising aimed at minors, especially in the digital and social media space.

Second, international experience shows the need of platform responsibility. Modern advertising is increasingly provided via digital channels rather than conventional media. Regulatory frameworks should therefore require social media businesses, video-sharing platforms and online intermediaries to have explicit and enforceable obligations to identify, monitor and remove dangerous or misleading information directed at children. Transparency regulations, advertising repositories, age appropriate design standards and prohibitions on behavioural advertising can all help to increase kid protection.

Third, the regulation of child influencers should be perceived as a separate legal category. The French model shows that the children participating to the making of commercial material need special protection in terms of working conditions, remuneration, privacy and psychological health. There is no particular system in India that addresses the commercial abuse of child influencers. Legal provisions comparable to those implemented in France and other jurisdictions of the United States protect the rights of minors and enable for responsible participation in the digital economy.

International experience suggests that effective child safety requires a comprehensive approach combining consumer legislation, advertising regulation, data protection, platform administration, digital literacy, parental empowerment and kid-specific measures. The lessons offer a useful path for enhancing India's legal and regulatory framework in the age of influencer marketing and digital advertising.

## 6. Reform Recommendations for Indian Consumer Law

**Amendment of Consumer Protection Act, 2019**

The most noteworthy reform is a revision to the CPA 2019 that introduces child-specific prohibitions on misleading advertising. These should be (a) a definition of 'child-directed advertising' based on the composition of the audience and the nature of the content, (b) increased penalties (at least twice the standard penalty) for misleading advertising directed at children, (c) an explicit ban on advertising to children below the age of 6, (d) a requirement that advertising directed at children between the ages of 6 and 12 must be clearly distinguishable from editorial content in a manner that a child can understand, and (e) a provision creating a duty on manufacturers and advertisers to consider the vulnerability of child consumers in all marketing communications.

**A Law for the Protection of Child Influencers**

India needs to have a separate statute or comprehensive guidelines under the Juvenile Justice Act or the CPA 2019 to control the commercial usage of minors as social media influencers. Inspired by France's 2020 law and the US state Coogan laws, such a law should stipulate that: a child must be registered with a regulatory authority when they appear in commercial content that crosses a specified view threshold (e.g., 10,000 views per video); a percentage (at least 50%) of the child's commercial earnings must be placed in a trust account administered by the government or a court-appointed trustee; child influencers' working hours should be limited in line with child labour laws; child influencers should have mandatory psychological welfare assessments carried out by a licensed child psychologist; and children should have the right to request deletion of all commercial content featuring them when they reach adulthood.

**Enhanced Platform Responsibilities**

IT Rules 2021 should include certain requirements to social media platforms with regards to kid directed advertising. These should include: mandatory age verification systems for account creation and access to age-restricted content; a ban on the behavioural targeting of advertising to users identified as or likely to be minors; mandatory identification and labelling of all paid promotional content in influencer posts, enforced at the platform level through technical means; a dedicated reporting mechanism for complaints about misleading advertising directed at children; and regular transparency reporting on the volume and nature of advertising directed at children on the platform.

**ASCI Child Specific Advertising Code**

ASCI should create and implement a specific Children's Advertising Code based on Section 5 of the UK CAP Code. This code should include detailed standards on the content of advertising targeting children, including: prohibitions on the use of children's characters, toys or celebrities to promote unhealthy food and drinks; limitations on the use of fantasy, exaggeration and peer pressure techniques in advertising targeted at children; prohibitions on advertising in-app purchases, loot boxes and subscription services directly to children without clear parental consent mechanisms; and specific disclosure standards for influencer content targeted to children, including age-appropriate visual or audio disclosures.

**Digital Literacy & Consumer Education**

Legal and regulatory reform needs to be matched by investment in consumer education. The National Education Policy 2020 gives a chance to include advertising literacy — the capacity to identify, critically assess and respond appropriately to commercial communications — in the school curriculum. Kids who know how advertising works, particularly influencer marketing, are much more suited to withstand its false parts. The CCPA should collaborate with the Ministry of Education to create advertising literacy modules for students of classes 5-12.

**Empowering Parents**

Parents are the first line of defense for children against misleading marketing. The regulatory framework should: (1) mandate platforms to provide effective parental controls that allow parents to monitor and restrict advertising exposure to their children's accounts; (2) establish a dedicated toll-free helpline and online reporting portal for parents to report misleading advertising directed at children; and (3) require platforms to provide clear, simple information to parents about how their children's data is being used for advertising purposes.

## 7. Conclusion

Today, children in India are being raised in an environment full of commercial messages. Influencer culture has turned advertising into a type of communication that is embedded, aspirational, personality-driven, much more potent and much harder for youngsters to identify and resist than the previous external, clearly stated disruption. These harms are exacerbated by deceptive activities – unreported sponsored collaborations, unproven health claims, dark patterns, and AI-generated content. The commercial use of children as influencers adds a further layer of worry, with children employed to market items to other children with little legal protection for their wellbeing, wages or future. The Indian legal framework based on the Consumer Protection Act 2019, the CCPA Guidelines, and the ASCI Influencer Code is a substantial step forward from the state before 2019. But it is still fundamentally insufficient to the mission of protecting youngsters in the age of influencer culture. The framework is general where it wants to be particular, reactive when it wants to be proactive, voluntary where it wants to be mandatory, and unenforced where enforcement is most needed. The reform plan outlined in this report is a hard one, but a necessary one. It needs legislative action (amendment of the CPA 2019 and new child influencer legislation), regulatory action (stronger platform obligations under IT Rules and a dedicated children's advertising code under ASCI), educational action (advertising literacy in school curricula), and institutional action (increased capacity and coordination between CCPA, ASCI and the Ministry of Women and Child Development). None of these reforms are beyond India's legal and institutional capacity – what is required is political will and an acknowledgement that the commercial exploitation of children through deceptive influencer marketing is not merely a market efficiency problem, but a fundamental issue of child rights and human dignity.

India has a strong constitutional foundation for robust regulation of child-directed marketing under Article 15(3) (special provisions for children), Article 21A (right to education) and Article 39(f) (directive principle on protection of children from exploitation). It has also ratified the UN Convention on the Rights of the Child (UNCRC) which particularly requires nations, in Article 17, to protect children from harmful commercial and media material. India's consumer law will now have to meet these obligations.

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