

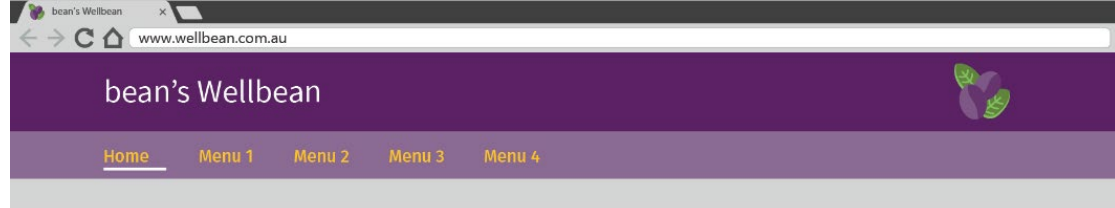
# Advertising example

## Issues explored in this example

- Substantiation of claims
- Product comparisons
- Consistency with ARTG entry
- Certainty of results
- Mandatory statements
- Clinical representations

*These advertising examples are intended to be used as an educational aid to illustrate potential non-compliance with the therapeutic goods advertising requirements in Australia. The Australian Government Department of Health (of which the TGA is a part) advises that these examples should not be relied upon as representing a comprehensive description of the regulatory requirements.*

*The compliance of each advertisement has to be assessed on a case by case basis. To obtain further assistance regarding your advertising and what is required to address non-compliance with the requirements of the Therapeutic Goods Act 1989, the Therapeutic Goods Regulations 1990 and the Therapeutic Goods Advertising Code (No. 2) 2018, you may wish to seek independent legal advice or the assistance of a regulatory affairs consultant.*



### Elderbean Cold and Flu 1000mg

All Natural

Are winter colds or flu getting you down?

Elderbean Cold and Flu can reduce the severity and duration of cold and flu symptoms including:

- Runny nose
- Aches and pains
- Night sweats
- Inflammation
- Sneezing
- Sore throat
- Bronchial cough

Elderbean Cold and Flu is clinically proven to improve your immune defence against those nasty winter bugs.



### about

Elderberry is a natural antioxidant and a well-established cure for colds. Elderbean Cold and Flu contains **natural elderberry** which works fast to stimulate the immune system and reduce the time you feel unwell.

Our convenient chewable capsules are great for those times when you are on the run and don't want miss an appointment or be left on the side-lines because you have the flu.

### why take Elderbean?

#### Suitable for the whole family

Won't make you drowsy like Codral can

Alcohol, sugar and allergen free

Great tasting chewable berry capsules

High in antioxidants to protect your cells from damage by free radicals – **maintain your brain!**

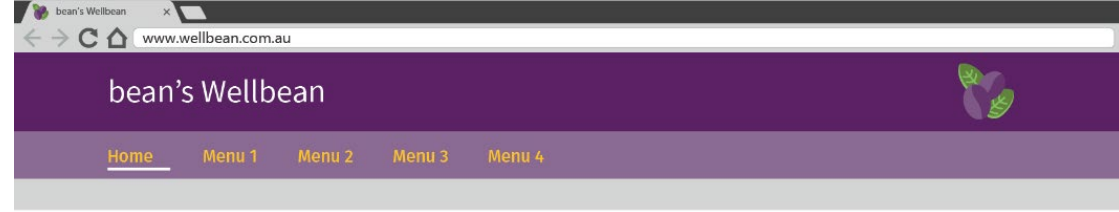
Use at the first sign of symptoms for best results

Use only as directed

# Advertising example

## Substantiation of claims

- Includes claims like:
  - 'all natural'
  - 'clinically proven'
  - 'cure for colds'
  - 'works fast'
- The advertiser must hold appropriate evidence to support these claims. Without substantiation, these claims are **false and misleading**
- Refer to Code sections 9(a) and 9(b)



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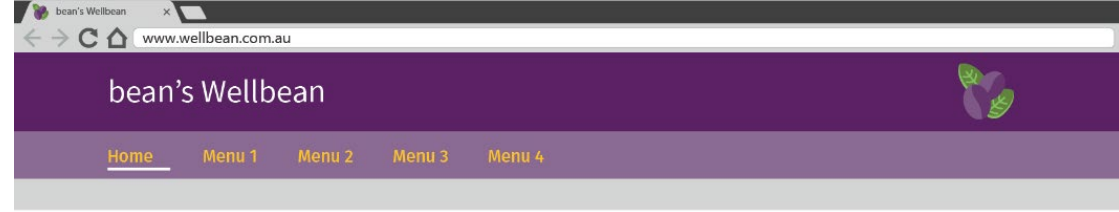
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# Advertising example

## Product comparisons

- Includes a claim relative to other therapeutic goods:
  - 'won't make you drowsy like Codral can'
- This implies that Elderbean does not cause drowsiness while other goods do, specifically Codral
- This positions the other goods as **harmful**
- Refer to Code section 9(c)



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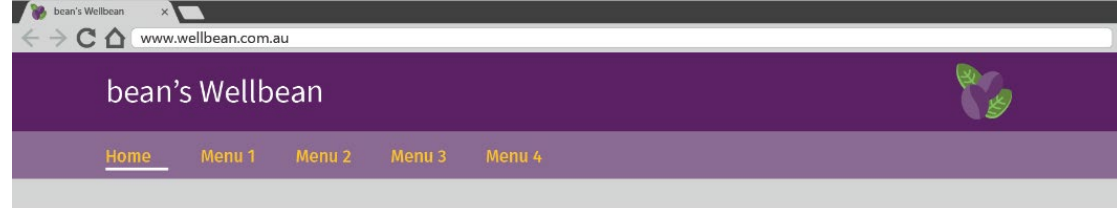
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# Advertising example

## Consistency with ARTG entry

- Includes indications like:
  - 'protect your cells from damage'
  - 'maintain your brain'
- These indications are not **consistent with the ARTG entry** for the goods
- Refer to Code section 9(d)



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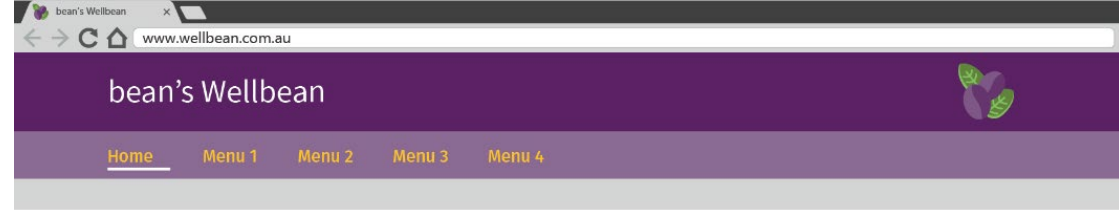
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# Advertising example

## Certainty of results

- Includes broad claims of being:
  - 'proven to improve your immune defence'
  - a 'cure for colds'
  - 'suitable for the whole family'
- These statements suggest a degree of certainty in the results that anyone may experience by using the goods
- This positions the goods as being **effective in all cases of a condition** and a **guaranteed or sure cure**
- Refer to Code sections 10(a)(ii) and 10(d)(ii)



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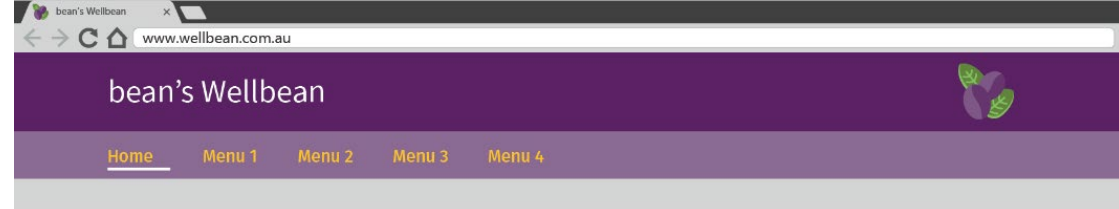
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# Advertising example

## Mandatory statements

- Statements required in relation to the type of medicine specified are missing
- Ads for all medicines must include the statement: FOLLOW THE DIRECTIONS FOR USE
- As this product does not require a health warning, it must include the statement: ALWAYS READ THE LABEL
- The statements used in this example are **not correct** or **prominently displayed**
- Refer to Code sections 13(2)(c) and 13(6)



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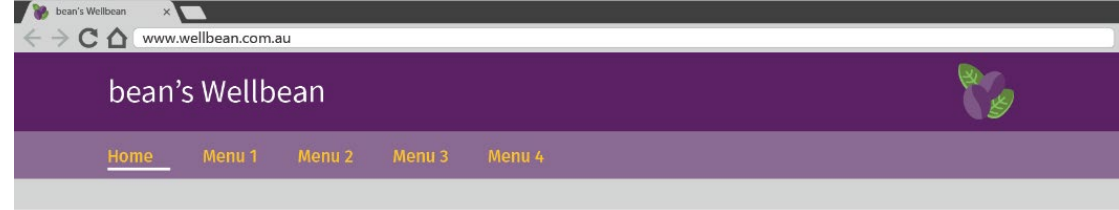
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# Advertising example

## Clinical representations

- Includes claims that the product is:
  - 'clinically proven to improve your immune defence'
- The advertiser must hold appropriate **clinical evidence** that is consistent with the broader body of evidence relating to the type of goods
- References to scientific or clinical studies must be accompanied by **sufficient information for consumers to request and access details of the study**
- Refer to Code sections 15(2) and 15(3)



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**Australian Government**

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**Department of Health**  
Therapeutic Goods Administration