

COMPLAINTS RESOLUTION PANEL DETERMINATION

Complaint 12-0502 (Swisse Men's Ultivite)
Complaint 13-0502 (Swisse Men's Ultivite)

Meeting held 20 June 2002

The complaint

1. A complaint was made that advertisements for Swisse Men's Ultivite, published in the *Bulletin* in March 2002, contained expired approval numbers.
2. The sponsor of the product, Swisse Natural Health Care Pty Ltd, acknowledged that the advertisements had been published with an expired approval number and attached a copy of a letter to ACP Publishing Pty Ltd asking for immediate withdrawal of all such advertisements and an undertaking to provide ACP Publishing Pty Ltd with new advertisements that have a current CHC approval numbers.

Panel consideration

3. The Panel was of the view that the advertisements were advertisements for designated therapeutic goods because they represented the goods as for therapeutic use, and that they displayed an expired approval number
4. Under section 42C(5)(c) of the Therapeutic Goods Act, a person must not publish or insert in mainstream media an advertisement with an approval number that is expired.
5. The Panel finds the complaints justified.

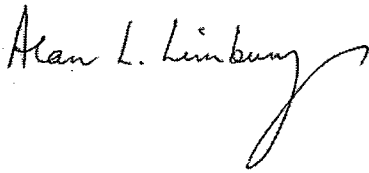
Sanctions

6. The Panel noted that the Swisse Men's Ultivite advertisements have been withdrawn from further publication, as evidenced by the letter from Swisse Natural Health Care Pty Ltd to ACP Publications Pty Ltd.
7. As the advertisements have been withdrawn, no request was made.
8. The Panel expressed concern that Swisse Natural Health Care Pty Ltd has previously published advertisements with expired approval numbers about which complaints have been made, given an undertaking by Swisse in July 2001 that "rigid and drastic measures" would be put in place so

9. as not to publish advertisements with expired approval numbers and publication in the January 2002 issue Australian Women's Weekly of a correction statement, but nevertheless has done so again.

Dated 2 July 2002

For the Panel

A handwritten signature in cursive script, reading "Alan L. Limbury". The signature is written in dark ink and has a long, sweeping tail that extends to the right.

Alan L Limbury
Chairman