

CRP 4-0302

COMPLAINTS RESOLUTION PANEL DETERMINATION

Complaint 4-0303 (Swisse Billboard) Meeting held 16 May 2002

The complaint

1. An anonymous complaint was received by the Complaints Resolution Panel [The Panel], that a 'Swisse' billboard erected on 7 March 2002 at the intersection of Canterbury Rd and Berna St, Canterbury Sydney, contained "infringements of the Advertising Code".
2. The billboard complained of advertises the Swisse Company logo and the words "You'll feel better on Swisse". The words "Tired. Stressed?" appear on the left and a photograph of a young woman appears on the right. The words "Australia's No 1 Multivitamin Antioxidants. Formulated by a professor. Choice of Australian Cricket Team. Exclusive to Pharmacies and Health Stores Everywhere" appear in smaller print at the bottom of the advertisement.
3. Swisse Natural Healthcare submits (17 April 2002) that "Swisse's new billboards do not promote any one of Swisse's therapeutic products but rather are aspirational communication strategies for the Swisse brand".
4. A letter from the Advertising Unit of the Therapeutic Goods Administration to the Panel (dated 27 Mar 2002) indicated advice the Advertising Unit provided on 26 February 2002 to Swisse about the proposed billboard. This letter notes: "it appears to be a corporate advertisement" and "does not refer to a therapeutic good and does not make claims about a therapeutic good. As such the advertisement would be consistent with those described under Regulation 5C of the Therapeutic Goods Regulations and would not require approval prior to publication. As the advertisement does not refer to a therapeutic good and no therapeutic claims are made, the mandatory warning statements are not required being consistent with clause 6.1.2 of the Therapeutic Goods Advertising Code".

Panel consideration

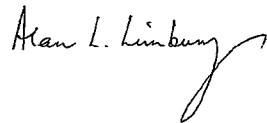
5. The Panel considered that the billboard complained of is an advertisement appearing in "specified media" as defined under Clause 2.3(c) (iii) of the Therapeutic Goods Advertising Code [TGAC]. The Panel is satisfied that the advertisement comprises a corporate advertisement, which neither refers to a therapeutic good nor makes a therapeutic claim about a therapeutic good. The advertisement is consistent with those described Regulation 5C (2) of the

Therapeutic Goods Regulations, and does not require approval prior to publication. The Panel is satisfied that the advertisement does not infringe the Therapeutic Goods Advertising Code.

6. The complaint is unjustified.

Dated 30 May 2002

For the Panel

A handwritten signature in cursive script, appearing to read "Alan L. Limbury".

Alan L Limbury
Chairman