

Complaints Resolution Panel Determination

Complaint 15-699 (Swisse Men's and Women's Ultivite)

1. [REDACTED] complained that an advertisement for Swisse Men's and Women's Ultivite published in mainstream media did not display a CHC approval number and was otherwise in breach of the Code in relation to some copy claims, particularly in the area of stamina, fatigue, vitality, energy, etc.
2. In response, Swisse Natural Health Care Pty Ltd said the advertisement was approved and that "it seems the clearance number was omitted". It indicated an intention to continue to publish the advertisement "since it was an approved ad." It enclosed a version of the advertisement which did contain an approval number.

Panel consideration

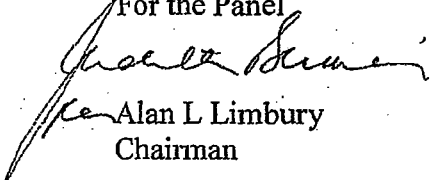
3. The Panel noted that the form of advertisement which was approved differed from the form of advertisement published, about which complaint was made. In particular, passages which were in breach of the Code and which the approval officer required to be deleted as a condition of approval were included in the publication of which complaint was made. Further, both versions contained a reference to prevention of osteoporosis, in contravention of section 4 of the Code (see under "menopausal conditions").
4. The Panel found the complaint was justified.

Sanctions

5. The Panel requests Swisse Natural Health Care Pty Ltd:-
 - to withdraw the unapproved advertisement from further publication;
 - to withdraw the approved advertisement from further publication insofar as it contains the reference to the prevention of osteoporosis; and
 - to provide to the Panel within 14 days of receipt of this determination evidence of its compliance with this request.
6. The attention of Swisse Natural Health Care Pty Ltd is drawn to Therapeutic Goods Regulations 9AC (3) and (4) which permit the Panel, should such a request not be complied with, to make recommendations to the Secretary, including recommendations that approval of the advertisement be withdrawn and that listing of the goods be cancelled.
7. The Panel decided to send a copy of this determination to the approval officer and to draw the approval officer's attention to the use of the reference to preventing osteoporosis.

Dated 28 September 1999

For the Panel


Alan L Limbury
Chairman