

COMPLAINTS RESOLUTION PANEL DETERMINATION

Complaint 7-0601 (Swisse Children's Range)

The complaint

1. A complaint was made that an advertisement for Swisse Children's Range published in the May 2001 issue of the 'Family Circle' magazine contained no approval number.
2. In response, the sponsor said the editorial team at Family Circle magazine had amended this advertisement and that procedures have been implemented to ensure that all Swisse advertisements are approved prior to publication.

Panel consideration

3. Family Circle informed the Panel that the advertisement was a paid advertisement and that it had been sent to Swisse Natural Health Care for approval and sign-off. A copy of the advertisement that displayed signed approval by Swisse Research and Development on 23 March was provided to the Panel by Family Circle. The Panel noted that the only amendment made to the advertisement was a change to the Swisse logo.
3. The CHC Advertising Services Manager advised the Panel that the Advertising Services Office had not approved the advertisement.
4. The Panel finds the advertisement did not display an approval number as it was not an approved advertisement, in breach of s.42C(2) and hence clause 4.1.1(a) of the Code.
5. The Panel finds the complaint is justified.

Sanctions

6. Section 42C of the Therapeutic Goods Act makes it a criminal offence to publish or insert in mainstream media an advertisement that is not an approved advertisement (subsection 2).
7. The Panel requests Swisse Natural Health Care Pty Ltd, in accordance with subregulation 42ZCAI(1) of the Therapeutic Goods Regulations:
 - (a) to withdraw the advertisement from further publication; and
 - (b) to arrange for publication in the earliest possible issue of Family Circle magazine a retraction in the form and in the terms of the attachment to this decision; and

(c) within 14 days of being notified of this request, to provide evidence to the Panel of its compliance, such as copies of instructions to advertising agents or to the publisher of Family Circle.

8. The sponsor's attention is drawn to the provisions of subregulations 42ZCAI(3) and (4) which permit the Panel to make recommendations to the Secretary in the event of non-compliance with this request, including a recommendation that the listing of the goods be cancelled.

Dated August 2001.

For the Panel

Dr Derek Weir
Chairman

Attachment

Form of retraction (no other material of the sponsor to be published on the same page)

RETRACTION

An advertisement for “Swisse Children’s Range” published earlier this year in Family Circle should not have been published.

The advertisement had not been approved before publication, as required by the Therapeutic Goods Act 1989.

A complaint about the advertisement not being approved was recently upheld by the Complaints Resolution Panel, which determined that:-

- **the advertisement was published without first obtaining approval.**

The Panel requested the advertiser, Swisse Natural Health Care Pty Ltd, to publish this retraction.

Format

Size: half-page

Font: Heading
Type: Times New Roman
Size: 24 point
Case: Upper
Bold

Text
Type: Times New Roman
Size: 14
Case: Sentence
Bold

Text Box: double - 3 pt