

CRP 9-0601

**COMPLAINTS RESOLUTION PANEL DETERMINATION
Meeting 24 September 01**

Complaint 9-0601 (Swisse Women's and Men's Ultivite)

Background

1. In its determination dated 29 August 2001 the Panel found unjustified, as against the sponsor, a complaint that an advertisement for Swisse Women's and Men's Ultivite, published in the June 2001 issue of the 'Women's Weekly' magazine, contained no approval number. The Australian Women's Weekly confirmed that the sponsor had had nothing to do with the publication of the advertisement. Approval is not required for advertisements unless published for valuable consideration, so the Panel found this aspect of the complaint not justified against the publisher

Matter not mentioned in the complaint

2. Under Regulation 42ZCAH(1), whereby the Panel may deal with a matter that is not mentioned in a complaint, the Panel decided to afford an opportunity to the publisher to respond to the following possible breaches of the Therapeutic Goods Advertising Code:
 - a. Breach of Clause 6 Minimum requirements – 6.2 (c) and 6.2 (d)
 - b. Breach of Clause 4 Principles - 4.1.2
3. Accordingly, the Panel invited the publisher, within 14 days of its receipt of that determination, to send written submissions on this matter to the Panel together with any supporting documents.
4. At its meeting on September 24, 2001 the Panel considered these matters. There was no response from the publisher.
5. The advertisement did not contain the statements required by paragraphs 6.2 (c) and (d) of the Code to be present in advertisements for therapeutic goods published in mainstream media. Accordingly the Panel found this aspect of the complaint to be justified.
6. The Panel did not pursue the question of possible breach of paragraph 4.1.2.

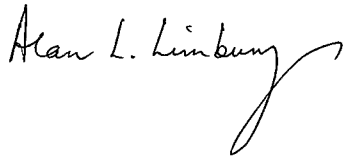
Sanctions

7. The Panel requests the publisher, in accordance with subregulation 42ZCAI(1) of the Therapeutic Goods Regulations:

- (a) to withdraw the advertisement from further publication; and
 - (b) within 14 days of being notified of this request, to provide evidence to the Panel of its compliance.
8. The publisher'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.

Dated 8 October 2001.

For the Panel

A handwritten signature in cursive script that reads "Alan L. Limbury". The signature is written in black ink and has a long, sweeping tail that loops back under the name.

Alan L Limbury
Chairman