

February 2015

CODE FOR ADVERTISING WEIGHT MANAGEMENT PRODUCTS AND SERVICES

INTRODUCTION

The purpose of this Code is to ensure that advertising for weight management products and services is conducted in a socially-responsible manner and does not deceive or mislead consumers. The Code recognises the social and health issues arising from obesity and its impact on society.

All advertisements for weight management products and services shall adhere to the laws of New Zealand and the principles and guidelines set out in this Code. The ASA Code of Ethics and Codes on Comparative Advertising and People in Advertising should also be consulted, where relevant. This Code should also be read with relevant any Guidance Notes, see www.asa.co.nz.

In interpreting the Code, emphasis will be placed on compliance with both the principles and the spirit and intention of the Code. The guidelines are merely examples, by no means exhaustive, of how the principles are to be interpreted and applied. It is possible for advertising or promotions to be in breach of the principle without being in breach of a specific guideline. Upon complaint, the ASCB is vested with discretion to ensure a common-sense outcome and have regard to all relevant matters, including the overall impression conveyed, context and target market.

APPLICATION OF CODE

This Code does not apply to advertisements with therapeutic claims that advertise medicines, dietary supplements or medical devices. Advertisements for such products are currently assessed against the Therapeutic Products Advertising Code. It is likely that following proposed changes in legislation, a code for natural health products may also be relevant.

Advertisements should also comply with those standards or codes that are set by New Zealand industry groups that have been recognised by the ASA and are detailed in the relevant Guidance Notes.

PRINCIPLE 1

Advertisements should observe a high standard of social responsibility

Guidelines

(1a) Advertisements should acknowledge nutrition and exercise as major elements in individual weight management.

(1b) Advertisements should not suggest or imply that consumers follow a diet which is not nutritionally well-balanced or include a plan or process that has, or is likely to have, an energy intake less than that recommended by an authoritative dietary expert and specified from time-to-time in the Guidance Notes.

(1c) Advertisements should not imply that the product or service is a substitute for a balanced diet.

(1d) Claims for specific weight loss or reduction in body measurement should be realistic and supportable.

(1e) Advertisements should not promote unrealistic, rapid, or unsafe outcomes.

(1f) Advertisements should not be directed nor have strong appeal, to people under the age of 18.

(1g) Advertisements should not suggest or recommend weight loss during pregnancy.

(1h) Advertisements should not suggest that it is socially or culturally desirable to be underweight.

(1i) Statements or implications to the effect that consumers of an advertised product or service can "...eat as much as you like..." or "...eat, eat and get slim..." cannot be used.

(1j) Advertisements for intensive physical activity programmes, products and services should encourage users to check with a doctor or professional adviser before commencing.

PRINCIPLE 2

Advertisements should not by implication, omission, ambiguity or exaggeration mislead or be likely to mislead or deceive consumers, abuse their trust or lack of knowledge, exploit the superstitious, or, without clear justification, play on fear.

Guidelines

(2a) Advertisements shall be accurate and all statements and claims able to be substantiated.

(2b) Advertisements should not make or imply any endorsement or testimonial by any government department or public agency, professional body or independent agency or person unless they have provided prior consent in writing.

(2c) Claims made in testimonials and endorsements, when permitted, should be valid, current, documented, and capable of verification. Exceptional cases should be represented as such, not as typical.