



ADVERTISING STANDARDS AUTHORITY

CODE FOR ADVERTISING WEIGHT MANAGEMENT PRODUCTS AND SERVICES

Guidance Notes

These Guidance Notes are to be read in conjunction with the 2015 Code for Advertising Weight Management Products and Services. The notes are intended to provide interpretation assistance to the industry and consumers on the Principles and Guidelines of the above Code.

Please note that current regulatory framework includes the Medicines Act, and the Food Standards Code (particularly 1.2.7). In addition Advertisers should consult TAPS Guideline 11, available via www.anza.co.nz

Social Responsibility (see Principle 1)

Principle 1 requires a high standard of social responsibility in advertising weight management products and services. Advertisers in this sector should be aware that a claim of “weight loss” may be considered a therapeutic claim under the Medicines Act. The ASA and the Therapeutic Advertising Pre-Vetting Service (TAPS) recommend that Advertisers focus on weight management.

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

To help comply with the requirement for a high standard of social responsibility, Advertisers include reference to the need for a balanced, healthy diet and regular exercise as key elements of individual weight management.

Principle 1 (b) 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.

Advertisers shall not promote a diet plan with less than 3500 kilojoules (800 calories) per day.

Also see:

<http://www.health.govt.nz/publication/clinical-guidelines-weight-management-new-zealand-adults>

<http://www.health.govt.nz/publication/clinical-guidelines-weight-management-new-zealand-children-and-young-people>

Principle 1(h) Statements or implications to the effect that consumers of an advertised
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used.

The Complaints Board has regularly upheld complaints about weight loss or management products and services which make claims similar to those above. It is deemed socially irresponsible to encourage those who are trying to lose weight to eat an unlimited amount of food, regardless of the effects of the product or service being promoted.

Use of models / actors in weight management advertisements

Advertisers should take care that models or actors, and any person providing testimonials, should not be underweight and have a generally-accepted weight to height ratio and body-mass index

In addition, when using permitted testimonials, images should not be manipulated to misrepresent actual results.

Substantiation of Claims (See Principle 2)

Please refer to a separate Guidance note on responding to a complaint about misleading claims.

<http://www.asa.co.nz/pdfs/Guidance%20Note%20on%20responding%20to%20a%20complaint%20about%20misleading%20claims%20Nov%202013.pdf>

This Guidance Note has been prepared to assist Advertisers in responding to complaints that claims in their advertising may be misleading. Please note, under the ASA complaints process, the onus is on the Advertiser to prove the statements made are truthful.

Product or Service Guarantees

Guarantees in weight management advertising must be used with great care. In particular, if a guarantee offered is for your money back, as opposed to in support of the efficacy of the product, this must be clear.