

Advertising Standards Authority of South Africa

(Incorporated in terms of the Companies Act 71)

Telephone 011 781 2006 Fax 011 781 1616 Email info@asasa.org.za Website www.asasa.org.za
Willowview Burnside Island Office Park (entrance off Athole) 410 Jan Smuts Avenue Craighall Park PO Box 41555 Craighall 2024
Company Registration Number 1995/00784/08 Non-profit Registration Number 043-694-NPO

PRIVACY AND CONFIDENTIALITY

The information contained in this facsimile is intended for the named recipient/s only. It may contain privileged and confidential information and if you are not an intended recipient, you must not copy, distribute or take any action in reliance upon it.
If you have received this facsimile in error, please notify us immediately on 27 11 781 2006 and destroy the facsimile.

To: Dr Steinman **Email:** harris@zingsolutions.com
From: Ms Selloane Khosi
Date: 2 February 2010
Reference: **ARCADIA BIOSWISS CIDER VINEGAR CAPSULES / H A STEINMAN / 14681**

Dear Dr Steinman

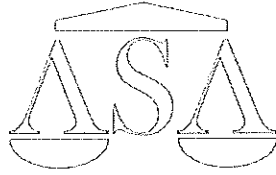
We refer to the above matter and enclose herewith a copy of the ASA Directorate ruling.

Yours sincerely
THE ADVERTISING STANDARDS AUTHORITY OF SOUTH AFRICA


SELLOANE KHOSI
SENIOR CONSULTANT: DISPUTE RESOLUTION
LH

Encl. ASA Directorate Ruling (4 pages)

President: Mervyn E. King SC
Directors: N Nkomo (Chairperson) KH Willenberg (Vice chairperson) TN Msibi (CEO)
DR Terblanche SF du Plessis IR May IRB Shepherd C Nkosi I Penhale



Advertising Standards Authority of South Africa

(Association incorporated under Section 21)

Telephone 011 781 2006 Fax 011 781 1616 Email info@asasa.org.za Website www.asasa.org.za
Willowview Burnside Island Office Park (entrance off Athole) 410 Jan Smuts Avenue Craighall Park PO Box 41555 Craighall 2024
Company Registration Number 1995/00784/08 Non-profit Registration Number 043-694-NPO

RULING OF THE ASA DIRECTORATE

In the matter between:

DR HARRIS STEINMAN

COMPLAINANT

and

ARCADIA HOME SHOPPING (PTY) LTD

RESPONDENT

2 February 2010

ARCADIA BIOSWISS CIDER VINEGAR CAPSULES / H A STEINMAN / 14681

Dr Steinman lodged a consumer complaint against an Arcadia Home Shopping print advertisement promoting Bio Swiss Cider Vinegar Capsules. The advertisement was published in the 25 October 2009 edition of the Sunday Times Magazine.

The advertisement contains, *inter alia*, the wording:

- *"The express diet for the impatient"*
- *"Did you know that, for centuries, apple cider vinegar was known as a miracle substance for purging the body and eliminating excess kilos? That's because it's reputed fat releasing properties are the most natural fat eliminators of all times. This potent slimming substance has now been rediscovered and manufactured into a capsule which people use as a slimming aid."*
- *"If you have excess fat, the full fat cells in these spots must be 'unblocked' in order for the fat to be directed back towards the muscles via the blood vessels."*

- *"The natural active ingredients in the new cider vinegar capsules are believed to play an important role in preventing the development of new fat cells. In fact, users claim they actually reverse the process by unblocking existing cells and directing the fat towards the muscles for combustion. The result is quick and there is noticeable reduction of fat on your stomach, buttocks and thighs."*
- *"...the active ingredients in the cider vinegar capsule instruct the full fat cells to empty their contents and direct the fat towards the muscles via the blood vessels."*
- *"The cider vinegar capsules open up fat deposits on the stomach, hips, legs and buttocks. They also ensure that the new fat, destined for the fat cells, is diverted to the muscles and combusted. That is how deposits of fat disappear."*
- *"The natural, active ingredients do not solve the problem chemically, but biologically."*
- *"There are no side-effects. You can also eat as much as you like."*
- *"6 kilos in 10 day!s"*
- *"I'm only 1,54m tall and weigh 79 kilos; now I've done it and am down to 63 kilos in only two weeks"*

COMPLAINT

In essence, the complainant submitted that the advertisement makes exaggerated and unsubstantiated weight loss claims.

The complainant also requested the Directorate to impose sanctions on the respondent as he is under the impression that the respondent has previously been admonished by the Advertising Standards Authority.

RELEVANT CLAUSE OF THE CODE OF ADVERTISING PRACTICE

The complainant identified Clause 4.1 of Section II (Substantiation) as relevant.

RESPONSE

The respondent addressed the merits of the matter but also submitted that it has decided to permanently desist from publishing the advertisement which is the subject matter of the complaint.

ASA DIRECTORATE RULING

The ASA Directorate considered the relevant documentation submitted by the respective parties.

Merits

The ASA has a long standing principle which holds that where an advertiser provides an unequivocal undertaking to withdraw or amend its advertising in a manner that addresses the concerns raised, that undertaking is accepted without considering the merits of the matter.

The respondent's undertaking appears to address the complainant's concerns and there is therefore no need for the Directorate to consider the merits of the matter.

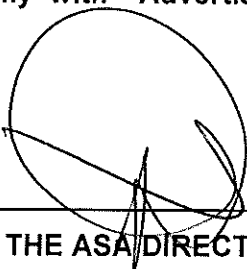
The undertaking is accepted on condition that the advertisement in question is not used again in future in its current format.

Sanctions

The complainant requested the Directorate to impose sanctions on the respondent as he is under the impression that the respondent has previously been admonished by the Advertising Standards Authority.

The Directorate has, however, searched its archives it appears there is no history of adverse rulings against the respondent regarding slimming products in general and apple cider slimming products in particular. There is therefore no need for the imposition of sanctions at this stage.

The respondent is, however, cautioned to ensure that it holds adequate substantiation for claims of this nature. With this in mind, the Directorate specifically draws the respondent's attention to Clause 4.1 of Section II of the Code, as well as Appendix E, which deals specifically with "Advertising for slimming".



ON BEHALF OF THE ASA DIRECTORATE