

Slimming advertisements

1. Application of Appendix E

The ASA Code, and specifically Appendix E, sets certain requirements in regard to slimming advertising.

In terms of the Foodstuffs, Cosmetics and Disinfectants Act 54 of 1972 the Department of Health is empowered to exercise control over the packaging and advertising of slimming products.

The approval of the diet plans referred to in Appendix E clauses 2.1.3 and 2.2 should be obtained from the Department who will ensure that the users follow a balanced diet plan.

Appendix E clause 2 deals with claims relating to permanent mass loss and/or control. Temporary loss brought about by the expulsion of fluid from the body may not be presented as slimming (see Appendix E clause 2.1.4). There is, of course, nothing against an advertiser claiming that he can effect temporary mass loss, eg via a sauna.

Claims that mass loss or control, whether permanent or temporary, can be achieved by the use of impulse machines, massages or by any kind of cream or diet aids such as tablets, capsules or liquids may only be advertised as being effective when linked to an approved kilojoule restricted diet.

2. Muscle toning or “centimetre loss”

This is achieved by various methods, the most obvious by exercise. It does not mean mass loss. Exaggerated claims, eg “3,6 cm lost in one visit”, are unacceptable. This is obviously achieved by the expulsion of fluid from the body combined with other “treatment” and does not last longer than a few hours. Any advertisement offering this type of treatment must make it clear that it does not achieve mass loss or control. It is not sufficient to state “centimetres lost” as this will be understood to mean mass loss.

3. Department of Health requirements for the labelling and advertising of slimming products

The following are the general principles applied by the Department in the evaluation of meal replacements and dietary aids for which slimming claims are made.

3.1 *Labelling and advertising*

The most important requirements of Regulation 908 of 1977-05-27 (promulgated under the Act) are that—

- 3.1.1 All information required to be printed on the label must be printed in the language designated in the regulation.
- 3.1.2 The name of the product must be printed in letters at least 4 mm high and constitute a true description of the product. It is not to be confused with the brand name.

To determine whether the name is a true description of the product the following principles apply:

3.1.2.1 Meal replacement powders

The combination of the meal replacement powder together with the kilojoule restricted diet should:

- comply with the recommended daily allowance laid down by GN R908 of 1977 in respect of vitamins, proteins and essential fatty acids;
- supply at least 120 grams of carbohydrates a day in order to prevent ketosis;
- supply at least 4 200 kilojoules;
- be presented in an easily understood form in order to prevent possible misunderstanding. A meal plan and examples of menus for a week must be included. The diet should be balanced and planned by a registered dietician.

3.1.2.2 Dietary aids

As these products only contribute partially to the daily nutritional requirements, the name must always be a true description eg “Fibre Supplement” with the words “with a balanced kilojoule restricted diet” printed in equal type size and prominence.

In order to conform to Section 2 of the Act, ie not to be injurious to health, the kilojoule restricted diet must:

- together with the product comply with the daily nutritional requirements;
- together with the product provide at least 4200 kilojoules;
- be presented in a easily understood form in order to prevent misunderstanding. A meal plan and examples of menus for a week must be included. The diet should be balanced and planned by a registered dietician.

3.2 Unacceptable claims

The following claims are not considered to be in accordance with the requirements of the Act:

3.2.1 Claims suggesting that other similar products do not comply with the Act eg

“Product X is safe”

“Contains no harmful substitutes with side effects”.

3.2.2 Claims implying that this product is a medicine ie intervening with the normal physiology of the body, eg

“Product X increases/speeds up metabolism”

“Product X melts fat away”

“Product X makes fat cells shrink”

“Product X contains bio-active ingredients”.

3.2.3 Claims for “fat busting” or any wording to this effect.

3.3 Claims quantifying mass loss

If the expected mass loss is quantified for a product, the amount stated shall not exceed 1 kg per week as this is the accepted level for safe mass loss. Furthermore claims such as “Helps you slim fast” and “Easy weight loss” etc are not permissible.

3.4 Additional requirements

Additional requirements relating to labelling of these products are clearly defined in Regulations R908 of 1977-05-27.

4. Definition of the scope of the profession of dietetics

- 4.1 Regulation 1894 of 1983-09-02 published in terms of Section 33(1) of the Medical, Dental and Supplementary Health Professions Act of 1974 specifies inter alia:
- 4.2 The following acts are specified as acts which shall for the purposes of the Act be deemed to be acts pertaining to the Profession of Dietetics:
- 4.2.1 Nutrition counselling
Establishing and implementing guidelines to promote and maintain healthy nutritional practices for individuals, groups of persons and the community.
- 4.2.2 Therapeutic feeding
Applying dietary measures as part of the treatment of a patient referred by or in consultation with a registered medical practitioner.
- 4.2.3 Group feeding
Establishing guidelines for the provision of suitable nutrition in the community and in institutions for healthy and for sick persons.
- 4.3 These regulations shall come into effect on the 1st day of March 1984.
The effect of these Regulations is that any unregistered person who performs any act falling within the domain of the profession of dietetics for profit is guilty of a misdemeanour.

5. The use of testimonials and photographs in slimming advertising

Testimonials must be genuine and original and still apply. The contents of a testimonial statement or claim forms part of the copy of the advertisement and must be capable of substantiation.

Originals of “before” and “after” photographs must be dated and signed.

6. Department of Health rulings on slimming

6.1 *Slimming tea*

In a letter dated 1986-05-14 to the NPU the Department requested the cessation of all advertisements for slimming teas

claiming slimming properties for these products as such claims were considered to be false and misleading.

In a further letter dated 1986-06-12 they stated that the teas could be advertised provided no slimming claims were made.

6.2 Fibre and slimming claims

In a letter to the NPU dated 1986-05-19 the Department wrote:

Kindly take notice of the following:

- Addition of fibre to diets do not cause subjects to lose weight. Increased losses of fat are known to occur in the stool yet this energy loss is too small to be noticeable (*American Journal of Clinical Nutrition*).
- As further research is required to substantiate the speculations about fibre and weight loss (Food Nutrition and Diet Therapy) the following claims should be deleted from all fibre advertisement and labels: “Fewer kilojoules are absorbed by the body”.
- No reference is to be made to curbing or blunting the appetite.
- It is misleading to claim that “Dietary Fibre also slows down the absorption of glucose in your bloodstream” unless the diet contains enough fibre to substantiate the statement.
- High fibre diets composed of commonly available natural foods have been accompanied by improved glucose metabolism.
- A high fibre diet consists of at least 45 grams of dietary fibre (40-50 g per 4200 kj).
- Fibre supplements taken separately sprinkled on top of food have not been found to be as effective (Food, Nutrition and Diet Therapy).

