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Nipping false claims in the bud

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By **Guest** | June 7, 2016



nipping-false-claims-in-the-bud

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The US Supreme Court recently rejected juice maker POM Wonderful's challenge to Federal Trade Com-mission's (FTC) findings that the company's advertising, making health claims, was misleading. In 2010, the FTC concluded that POM Wonderful has engaged in deceptive advertising by printing claims not backed by scientific research and ordered POM to stop making misleading product claims. FTC's case was confirmed in 2013 when a judge said POM lacked competent and reliable scientific evidence to validate the claims.

The company lost in the appeals court last year and in the Supreme Court recently. FTC felt that the US Supreme Court judgment shows that food businesses better have good evidence to back up their claims of health benefits from their products.

Coincidentally even in India the food regulator has started talking of con-trolling advertisements that 'mislead' consumers on various claims. The CEO of Food Safety and Standards Authority of India (FSSAI) in recent media interviews, including NuFFooDS Spectrum's May issue, made his intention clear to ensure that consumers are not misled by what they see, hear or read as advertisements.

In the past, FSSAI had issued notices to some companies for misleading advertisements and submitting no study to back the claims. However, no action was apparently initiated.

India is witnessing media explosion– print, TV, web and outdoor. It is estimated that there are 137 million households with digital TV sets receiving signals of about 850 channels and more than 1,00,000 registered periodicals having over 450 mil-lion readership. With such a massive spread of media, one can imagine the impact 'misleading' ads will have on the society. Hence, extreme caution is needed.

According to Advertising Standard Council of India (ASCI) figures, of the 51 companies it upheld for misleading advertisements, 12 were food makers. This is another indicator for need of a strong system in place to stop misleading ads. ASCI guidelines are very clear on this issue. The advertisements should not mislead consumers that consumption of product will result in personal changes like intelligence, physical ability or exceptional recognition. Such claims, if made, should be supported with scientific substantiation. All nutrition-al and health benefit claims in food and beverage advertisements are required to be substantiated scientifically.

In order to escape from the legal tangle, companies often take shelter by making claim of 99% success. With FSSAI considering looking at such claims in a more rigorous way one hopes the 99% claim phenomena will end soon.

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