

DECISION

Complaint 96/61

Appellant: V. James
Advertisement: Sanitarium – So Good

Deliberation

The board was of the view that the advertisement did breach Rule 2 of the Codes of ethics. The Board was of the opinion that the advertisement contained an absolute claim which the advertiser did not substantiate. The Board noted the submission of the advertiser that the advertisement used evidence from the New England Journal of Medicine which stated “that soy protein has been shown to be implicated in the lowering of cholesterol in certain cases”. However the Board was of the view that the advertisement went much further than that in claiming “So Good. Blended with ingredients to lower your cholesterol”. The claim was quite unequivocal. It stated in simple language that the product contained ingredients “proven to lower your cholesterol “. It is unclear what the ingredients were but if the reference was to soy protein then the best evidence was that it had been “implicated in the lowering of cholesterol in certain cases”. If the reference was to other ingredients then there and been no mention of them at all.

The Board had established on many occasions that is an advertiser made a claim which was challenged then the onus of proof was on the advertiser to substantiate that claim. The Board was of the opinion that the evidence provided by the advertiser did not substantiate the claim.

With regard to the graphic which read “Proceedings of Soy Symposium 1996”, the Board was of the opinion that the Complainant was mistaken in saying that the previous Soy Symposium was in 1994. The Board accepted the submission of the advertiser that the graphic referred to the Soy Symposium held in May 1996.

The Board ruled that as the claim in the advertisement had not been substantiated the advertisement had not been substantiated the advertisement did not breach Rule 2 of the Code of Ethics.

Accordingly the Board ruled to uphold the complaint.

Decision: Complaint **Upheld**