

## ERA Europe Self Regulation Programme

### Claims Check List - January 2010

- 1) When an efficacy claim is made in a show, whether it explicitly says “scientifically proven” or is just stated, or is even just implied directly, the advertiser needs to be sure that evidence exists to substantiate this claim. It is the responsibility of the distributor or marketer to get from the product owner or manufacturer the elements supporting this claim.
- 2) When you evaluate the evidence provided to support any claims, question if the evidence is:
  - a. *Relevant to the specific product being sold (ie evidence about this actual product, rather than a similar product).*
  - b. *Based on a meaningful sample of people – enough people to be a worthwhile test. If you are not sure, have the sample size justified by the organisation providing the testing results. And remember testimonials are not evidence that proves efficacy.*
  - c. *Obtained using fair and unbiased methods – some local regulators insist on double blind trials where neither the consumers testing the product nor the assessors know which test product is which.*
  - d. *From a reliable and respected source, usually university or other clinical institution.*
- 3) For any claim, the evidence should be in support of that specific claim. For example, a perfectly good study that proves that a skin cream does not irritate the skin is not proof that it reduces wrinkles! Proof that a product is safe is entirely different from proof that it works.
- 4) Before and after photos need to be genuine, not altered or enhanced, and there should be evidence of when, where and how they were taken, including details of the people shown.
- 5) If the words “scientifically proven”(or similar) are used, then the advertiser MUST be able to provide scientific evidence that shows the characteristics of a scientific process (such as, but not limited to, scientific credentials of the clinic, their methodology, sample size, details of test subjects, etc )
- 6) When a specific component or active ingredient of the product is referred to in the claim, the scientific evidence produced should focus on the very same active ingredient, and not similar or comparable components.
- 7) For any claims/evidence you review, there are a few factors that are matters of judgement. Based on some of the feedback from regulators over the last couple of years, you should bear in mind some basic commonsense questions:
  - a. *How up-to-date is this evidence? (clearly, the more recent, the better)*
  - b. *Whatever you actually state in the infomercial, what would a viewer take this to mean?*
  - c. *What impression does the infomercial give overall? (This may be slightly different from what the individual statements say)*
  - d. *Do any of the statements need qualifying? (eg if the benefit of a cream is time limited, this should be indicated on screen)*
  - e. *Is there any vital information that is not being given to the viewer that they should be given?*