



Advertising Standards Authority of South Africa

(Incorporated in South Africa)

Telephone 011 781 2006 Fax 011 781 3616 Email info@asasa.org.za Website www.asasa.org.za
Willowview Burnside Island Office Park (entrance off Athlote) 410 Jan Smuts Avenue Craighall Park PO Box 41555 Craighall 2024
Company Registration Number 1995/00784/08 Non-profit Registration Number 043-694-NPO

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To: Dr Susan Goldstein **Email:**
From: Mrs Farzana Omar
Date: 22 February 2011
Reference: **JUNGLE VITES / S GOLDSTEIN / 17189**

Dear Dr Goldstein

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

FARZANA OMAR
CONSULTANT: DISPUTE RESOLUTIONS
CC

Encl. ASA ruling (2 pages)



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RULING OF THE ASA DIRECTORATE

In the matter between:

DR SUSAN GOLDSTEIN

COMPLAINANT

and

PHARMA NATURA (PTY) LTD

RESPONDENT

22 February 2011

JUNGLE VITES / S GOLDSTEIN / 17189

Dr Goldstein lodged a consumer complaint against a radio commercial for the respondent's Jungle Vites product. The commercial was broadcast during January 2011 on Radio 702.

The commercial states, *inter alia*, "Mums it's back to school time and with Jungle Vites focussed kids you have one less thing to worry about. If lack of concentration or ADHD prevents your kid from focussing in the classroom, or completing their homework in the afternoon. Let focussed kids help and support and improve their memory, concentration levels, learning ability, eyesight and general health. Visit junglevites.co.za for more information."

COMPLAINT

In essence, the complainant submitted that the commercial was misleading as there is no evidence to support that omega 3 fatty acids improve concentration. Furthermore, high doses of fish oil can be dangerous for children.

RELEVANT CLAUSES OF THE CODE OF ADVERTISING PRACTICE

In light of the complaint the following clauses of the Code were taken into account:

- Section II, Clause 4.1 - Substantiation
- Section II, Clause 4.2.1 - Misleading claims

RESPONSE

The respondent submitted that its standard operating procedures with the screening of the commercial were not followed. This led to the claims in question being made in the commercial without having been screened by its regulatory department.

It apologised for this error and informed that the commercial has been removed from air and would not be repeated.

ASA DIRECTORATE RULING

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

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, the undertaking is accepted without considering the merits of the matter.

As the respondent's undertaking to stop broadcast of the commercial addresses the complainant's concerns, there is no need for the Directorate to consider the merits of the matter at this time.

The undertaking is therefore accepted on condition that the advertising is not used again in future.



ON BEHALF OF THE ASA DIRECTORATE