

COMPLAINT NUMBER	17/268
COMPLAINANT	C. Rodgers
ADVERTISER	Brand Developers Ltd
ADVERTISEMENT	Television
DATE OF MEETING	22 August 2017
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Brand Developers Powerfit product claimed "Only the original Powerfit system delivers these certified, substantiated, real results with an unprecedented 100% success rate".

The Chair ruled there were no grounds for the complaint to proceed.

Complainant, C. Rodgers, said: "Advertising Powerfit. Claims benefits certified, substantiated, and 100% success rate'. I know several people myself included who have had to send this back. In my case when I purchased it I asked if it would be OK as I had a knee replacement. Over a couple of months my leg was being stressed by it.

When picked up courier said it must be great as they don't get any going back. Reason; another courier picks them up and said he sees heaps going back. I don't like the claim for 100% success rate."

The relevant provisions were Therapeutic and Health Advertising Code - Guideline 1(b), Guideline 1(c), Guideline 2(a), Principle 1, Principle 2;

The Chair noted the concerns of the Complainant the claim "100% success rate" was misleading as it was not effective in their personal circumstances and they understood many people had returned the product.

The Chair sought clarification from the Advertiser about what the claim "100% success rate" referred to. The Advertiser said the claim was substantiated by the WBV HIIT Weightloss Trials Auckland NZ 2016 which appeared as a disclaimer in the advertisement. The Chair also noted the advertisement included the qualification that "Results achieved with Powerfit HIIT routine and healthy eating plan".

While the Chair appreciated the Complainant was not satisfied with the product, the Chair noted the advertisement advised consumers to seek medical advice before participating in the programme if they suffer from any pre-existing medical conditions.

The Chair said the advertisement was unlikely to mislead consumers as it included clear qualifications about the source of the claim "100% success rate." She said there was no apparent breach of the Advertising Codes. The Chair ruled the advertisement had been prepared with a due sense of social responsibility and the complaint had no grounds to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**