

<b>COMPLAINT NUMBER</b>	18/172
<b>COMPLAINANT</b>	D Mitchell
<b>ADVERTISER</b>	Bayer NZL Limited
<b>ADVERTISEMENT</b>	Bayer NZL, Television
<b>DATE OF MEETING</b>	28 May 2018
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The television advertisement for Elevit dietary supplement said in part: "It takes a lot to create new life. Elevit with iodine has more folic acid and iron than any other pregnancy multi-vitamin. Elevit is clinically proven to reduce the risk of neural tube defects like Spina Bifida by 92%...".

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

**Complainant, D Mitchell, said:** Elevit is being advertised for women wanting to start a family 5 years ago when I was pregnant with mine and my partners daughter I spoke to my then Midwife about it I was told the midwife do not advocate it because it does not have enough iodine in it that is why women who r pregnant get prescribed Iodine tablets by midwives or their GP I think in the best interest of those expecting a baby is should be taken off air

Excuse me but both my partner and I were told all about Elevit by my at the time Midwife 5 years ago so I have all the facts about it that is why I made the complaint about it to start with so I want it reviewed again please and I want it taken very seriously,if the Midwives Association agreed with this protect then they would suggest it to women they have contact with that they have appointments with early on in those women's pregnancy but they do not that is my point it should not be advertised I totally agree with G Jonker, The midwives Association put women on Iodine tablets and Iron tablets they actually do not want women taking Elevit at all this being falsely advertised scaring women into using a product that the Midwives Association is against is very very wrong they will never ever advocate this product and the r trained in this area they know what is right for a women who is pregnant that is why they never advocate Elevit.

**The relevant provisions were Therapeutic and Health Advertising Code - Principle 1, Principle 2;**

**The Chair** noted the Complainant's concern the product should not be advertised as they had been advised by a midwife that it did not have sufficient iodine for pregnancy. If women need additional supplements these are usually prescribed by their doctor or midwife.

In considering this complaint, the Chair referred to an earlier Decision from the Complaints Board (08/270), about an advertisement for the same product which contained a claim about the reduction of neural tube defects by 92%. The Chair noted that decision stated, in part:

"The Complaints Board noted the explanation received from the Advertiser where it said, in part: 'To Bayer's knowledge, no other folic acid or multivitamin supplement has been able to demonstrate a 92% reduction in risk of NTD [Neural Tube Defects].'

The Complaints Board noted that extensive literature searches had been undertaken to confirm the claim in relation to the 92% reduction, and was thereby satisfied that it had been sufficiently substantiated by the Advertiser.”

Turning to the complaint before her, the Chair noted the advertisement did not claim to have more iron than other supplements prescribed by a midwife or doctor.

The Chair acknowledged the Complainant’s view that the product was not necessary and should not be advertised, however the Chair confirmed the Advertiser was entitled to promote a legal product, provided it is done in a socially responsible manner and any claims made are substantiated. The Chair said issues around the efficacy of the product in relation to other pregnancy supplements did not fall within the jurisdiction of the Advertising Standards Authority.

The Chair ruled the advertisement was truthful and had been prepared with a high standard of social responsibility and was not in breach of the Therapeutic and Health Advertising Code.

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

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

#### **APPEAL INFORMATION**

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website [www.asa.co.nz](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.