

COMPLAINT NUMBER	19/190
COMPLAINANT	C Warwyck
ADVERTISER	Pharmabroker Sales
ADVERTISEMENT	Buccaline, Radio
DATE OF MEETING	27 May 2019
OUTCOME	No Grounds to Proceed

Advertisement: The Buccaline radio advertisement said: “When there is no time for sick days, take Buccaline. It’s the only natural active oral vaccine that helps give 3 months protection against the bacterial complications of colds, such as sore throats, sneezes, runny noses and coughs. Join over 100,000 Kiwis already helping to power their immunity strength with Buccaline. Ask your Pharmacist for Buccaline tablets today. When there is no time for sick days, take Buccaline. Always read the label, take as directed. Does not replace the flu injection. Pharmabroker, Auckland.”

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

Complainant, C Warwyck, said: The advertisement advises the product, Buccoline, is an "active oral vaccine". The product is not a vaccine at all. It states it may help with bacterial complications from the flu. This product is being advertised as an alternative for preventing the flu when it does no such thing, it is an oral antibacterial product. Although they do have a disclaimer, it doesn't actively give the consumer the right advice, "does not replace the flu injection". Because of their wording, flu injection, it gives one the impression that this product is as good as the influenza vaccine.

The relevant provisions were the Therapeutic and Health Advertising Code, Principles 1 and 2 and Guideline 2 (a).

The Chair noted the Complainant’s concern that the product was being promoted as a vaccine and an alternative for preventing the flu, similar to the flu vaccine.

The Chair referred to the datasheet for the product from Medsafe, the Government medicines regulator. The datasheet states in section 5 that Buccaline is “an inactivated whole cell vaccine for oral application”.

The Chair said the information in the datasheet confirmed the product description in the advertisement. The Chair noted the advertisement said the product helps give protection against the bacterial complications of colds. She also noted the advertisement said the product “does not replace the flu injection” which she considered to be a reference to the flu vaccine.

The Chair said the advertisement was not misleading and had been prepared with a high standard of social responsibility. She said it was not in breach of Principles 1 and 2 and Rule 2(a) of the Therapeutic and Health Advertising Code.

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. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.