

<b>COMPLAINT NUMBER</b>	21/217
<b>ADVERTISER</b>	Pharmabroker Sales Ltd
<b>ADVERTISEMENT</b>	Pharmabroker Sales Ltd Television
<b>DATE OF MEETING</b>	10 May 2021
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The voiceover for the television advertisement for Buccaline said: “When there’s no time for sick days take Buccaline – The only natural oral vaccine that gives 3 months protection against the bacterial complications of colds like: sneezes, runny noses, sore throats and coughs... Ask your Pharmacist today...”.

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

**Complaint:** Irresponsible message - along the lines of "if you don't have time for sick days take buccaline for colds and flu." This is sending a terrible message during a global pandemic, when everyone should be taking full advantage of sick days if they have any cold and flu symptoms.

**The relevant provisions were Therapeutic and Health Advertising Code - Principle 1, Rule 1(b):**

**Principle 1: Social Responsibility:** Therapeutic and Health advertisements shall observe a high standard of social responsibility particularly as consumers often rely on such products, devices and services for their health and wellbeing.

**Rule 1 (b) Safety and effectiveness:** Advertisements shall not contain any claim, statement or implication that the products, devices or services advertised:

- are safe or that their use cannot cause harm or that they have no side effects or risks.
- are effective in all cases
- are infallible, unfailing, magical, miraculous, or that it is a certain, guaranteed or sure cure
- are likely to lead persons to believe that;
  - they are suffering from a serious ailment, or
  - harmful consequences may result from the therapeutic or health product, device or service not being used.

**The Chair** noted the Complainant’s concerns the advertisement was socially irresponsible.

The Chair referred to a precedent decision, 20/265, which was ruled Not Upheld by the Complaints Board. This decision related to a website advertisement for Buccaline which also said “When there’s no time for sick days take Buccaline – The only natural oral vaccine that gives 3 months protection against the bacterial complications of colds like: sneezes, runny noses, sore throats and coughs. Pharmacist-only medicine...”. The Complaints Board said the advertisement was not misleading and the Advertiser had provided sufficient substantiation to support the claims made in the advertisement.

The Complaints Board noted Buccaline is a pharmacist-only medicine. This means while it can be sold without a doctor's prescription, it must be sold by a pharmacist. The Complaints Board noted that Buccaline is an approved medicine for oral vaccination and has a Medsafe datasheet.

The Complaints Board noted the comment from the Advertiser, that Buccaline is an oral vaccine indicated for the bacterial complications of colds. Taking Buccaline can reduce "the incidence of getting a cold and a reduction in the duration of a cold", thus shortening the time a patient will suffer from sneezes, runny noses, sore throats and coughs.

The Chair said the precedent decision was relevant to the complaint currently being considered.

The advertisement was appealing to busy people by explaining that Buccaline can reduce the incidence of them getting a cold and can reduce the duration of cold symptoms. The advertisement was not encouraging people with cold symptoms not to stay home so was not contrary to COVID-19 advice. It was not therefore socially irresponsible.

The Chair said the advertisement was not in breach of Principle 1 or Rule 1(b) 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.