

COMPLAINT NUMBER	22/268
ADVERTISER	Simone Anderson and Neutrogena
ADVERTISEMENT	Simone Anderson and Neutrogena Instagram
DATE OF MEETING	13 September 2022
OUTCOME	Settled

Advertisement: The Johnson & Johnson advertisement for Neutrogena promotes their Neutrogena Rapid Wrinkle Repair Retinol range, through a post on the Instagram page of influencer @Simone_Anderson. The advertisement states it is a paid partnership with her and includes images of Ms Anderson using two of the products and close shots of the products. The description on the post describes the benefits of the products and was posted at a time when Simone Anderson is pregnant.

The Chair ruled the Complaint was Settled.

Complaint: I am writing as a concerned follower of Simone Anderson . On the 25th July Simone promoted a product called “Neutrogena Rapid Wrinkle Repair Retinol Oil” & “Neutrogena Rapid Wrinkle Repair Regenerating cream”. Both of these products contain retinol which is not allowed to be used during pregnancy and while breastfeeding. The topical use of retinol and retinoids may contribute to high levels of vitamin A in the body. During pregnancy, this may cause serious harm to a fetus. Oral use of retinoids significantly increases this risk. Fetal retinoid syndrome (FRS) is a condition caused by taking retinoids during pregnancy. 25th July was Simone’s “day zero” trial of this product to which she was going to report back in 2 week’s time to her audience to show us the results. 6 days ago Simone announced to her followers they were expecting their second child. Either Simone was lying about her “day zero” which would be considered false advertising and it was not done in “real time”. Or Simone has been using retinol while pregnant and not declaring to her audience about the serious harm that can be caused to the foetus when using a topical retinol or advising her audience to seek medical advice before using retinol. I have serious concerns for some of her followers who are either pregnant or trying to conceive and live and breathe what Simone says and does.

Duplicate Complainants had similar views

The relevant provisions were Therapeutic and Health Advertising Code – Principle 1, Principle 2, Rule 1(b), Rule 1(c) and Rule 2(a)

The Chair noted the complainants were concerned that Ms Anderson was promoting beauty products which could be harmful when used during pregnancy.

The Chair accepted the complaint to go before the Complaints Board to consider whether the Therapeutic and Health Advertising Code had been breached. As part of the self-regulatory process, Advertisers and Media have the option of amending or removing their advertising to comply with the Advertising Codes.

The Chair acknowledged that Simone had removed the advertisement after receiving the complaint.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in removing the advertisement, the Chair said it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled the matter was Settled

Chair's Ruling: Complaint **Settled**

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 with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.