

Background Briefing

The Advertising Standards Authority (ASA) works to maintain the highest standards in advertising by taking action to prevent ads from being misleading, harmful or offensive. Visit www.asa.org.uk for more information about our activities, to view the Advertising Codes or to access our database of adjudications.

Health and beauty

Keep young and beautiful

Many of us want to be slimmer, fitter, younger or better looking. And for years, advertisers have offered creams, lotions and tonics to help us achieve these goals. But as competition intensifies, advertisers make ever bolder claims for how much younger and how much healthier their products can make you.

The rules

Advertisers in this area are expected to comply with the general advertising rules of being able to prove all the claims that are made in their advertisements. However, specific rules on the advertising of health and beauty products also exist in the advertising Codes.

Health and beauty specific rules include:

- Objective claims, especially medical and scientific claims, should be backed up by evidence, and where appropriate, this should be in the form of trials conducted on people.
- Ads should not discourage essential treatment. No advice or offer of treatment should be given on serious or prolonged conditions unless it is to be conducted under the supervision of a doctor or other suitably qualified health professional. Accurate and responsible general information about such conditions may be offered.
- Marketers inviting consumers to diagnose their own minor ailments should not make claims that might lead to a mistaken diagnosis.

What can be claimed?

If an advertiser claims a product will have a physiological or psychological effect on the user they need to hold detailed evidence to back up those claims. Statements that are merely a matter of opinion or claims that relate to a superficial effect are often acceptable, for example:

Skin creams

- ✓ Reduce the appearance of fine lines and wrinkles; moisturise; plump; temporarily lift and firm skin; look younger.
- × Permanently reduce fine lines and wrinkles; permanently lift or firm skin; sculpt the body; reduce cellulite; references to Botox.

Slimming

- ✓ Supplies vitamins/minerals while dieting; proven, balanced diet plans in which weight loss is no more than 2lb/1kg per week.
- × Melt, burn, soak up, absorb, block or provide immunity to fat; boost metabolism; suppress appetite; pictures/descriptions of obese people; medicinal properties.

Hair

- ✓ Look healthier or shinier; protect against damage.
- × Repair; re-grow; stimulate blood supply; unblock follicles; stop hair loss.

Medical conditions

Advertisers need to be careful when claiming to treat serious or prolonged medical conditions where qualified medical advice should be sought. Products can contain ingredients that have a strong physiological effect and there is a risk that people can harm themselves by self-diagnosing or self-medicating. Medicines must have a marketing authorisation from the Medicines and Healthcare products Regulatory Agency (MHRA) before they are advertised and any claims made for the product must conform to the authorisation.

How compliant are health & beauty ads?

Of the 24,988 complaints we resolved in 2008, 1,994 related to health and beauty ads. For the *Cosmetics Advertising Survey 2007*¹, the ASA studied 445 ads for skin creams, acne treatments, fillers, make-up, perfumes and men's cosmetics. They found 32 (7%) had breached the Codes. Most of the breaches were because of a lack of evidence or the inclusion of medicinal claims.

Encouragingly, the Cosmetic, Toiletry and Perfumery Association (CTPA) have recently published its *Guide to Advertising Claims*². The document, which had extensive input from the ASA and Clearcast (the preclearance body for TV ads) is designed to help advertisers know what evidence they must hold in order to make a particular claim.

ASA action

Estée Lauder Cosmetics Ltd t/a Good Skin Labs (7 January 2009)

An ad for a wrinkle filling cream claimed "Start to see your wrinkles disappear - INSTANTLY!" but fell foul of the Code when the ASA judged the claims were not backed up by rigorous evidence.

AMI Clinic Ltd (18 February 2009)

The ASA upheld complaints about this ad on the grounds that it was promoting an unlicensed medicine to the public. The poster by AMI advertised products and treatments to help address male sexual problems,

Pharma Nord (UK) Ltd (16 January 2008)

The ASA were not convinced by the advertiser's claims that ingredients in its Bio-CLA + Green Tea capsule could cure depression and aid weight loss.

L'Oreal (UK) Ltd (25 July 2007)

This TV ad for mascara, fronted by Penelope Cruz, claimed “up to 60% longer lashes”. The ASA discovered the actress was wearing false eyelashes and trials showed subjects thought their eyelashes only ‘appeared’ longer.

Further reading

The [advertising Codes](#) contain specific rules for health and beauty.

¹ASA Compliance Report [Cosmetics Advertising Survey 2007](#)

²CTPA [Guide to Advertising Claims](#)

[Medicines and Healthcare products Regulatory Agency \(MHRA\)](#)
