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News

New law bans selling of products with unjustified health claims

Rory Watson

¹ Brussels

Consumers in the United Kingdom are to receive stronger legal safeguards against products that claim, without any identifiable scientific evidence, to provide physical and mental health benefits such as tackling obesity or depression.

The protection will be provided by the consumer protection regulations that come into force on 26 May, which implement new pan-European rules on unfair commercial practices.

The scope of the legislation is deliberately wide and is the biggest shake up in consumer law for decades. It targets any unfair selling to consumers by any business. It is designed to be a safety net to catch dubious commercial practices that are not already covered by specific laws. It will cover any items—such as pills, drinks, or creams—that claim to have beneficial health effects, like losing weight, which do not fall under existing national and European medicines legislation.

"If a trader cannot prove scientifically that the product works, this will be treated as an unfair commercial practice to the detriment of the consumer. It can cover products that claim to give you energy, improve your concentration, diminish depression, or strengthen your physical and mental wellbeing," said one lawyer.

The consumer affairs minister, Gareth Thomas, has said, "Consumers have the right to be treated honestly and fairly whether shopping on the high street, at home through a catalogue, or online."

The measures contain a black list of unfair commercial practices, ranging from bogus closing down sales to aggressive doorstep selling, which are banned outright.

One of the forbidden practices is making false health claims. It will be illegal to maintain "that a product is able to cure illnesses, dysfunction, or malformations" if this is untrue. This provision, for instance, would prevent traders from erroneously claiming that a certain item could cure allergies when it can't.

Another of the measures tackles the increasing phenomenon of manufacturers using "advertorial" claims or testimonials by individuals on a product's curative powers, instead of overtly making the claims themselves.

It will no longer be possible to use "editorial content in the media to promote a product where a trader has paid for the promotion without making that clear in the content or by images or sounds clearly identifiable by the consumer."

In addition to the black list, the legislation contains specific protection for vulnerable groups, such as the young or elderly. More generally, it bans misleading and aggressive practices. This can include providing false details about a product, or omitting information which a consumer might need before making an informed decision about a purchase.

The UK is the 20th EU country to implement the legislation. When the remaining seven do so, consumers will have full legal protection across most of the continent against unfair commercial practices, whether they buy products at home or abroad.