

Dr Ken Harvey
35A Mary Street
Hawthorn VIC 3122

COMPLAINTS
RESOLUTION PANEL

5 August 2013

Integrity in Healthcare Advertising

Dear Dr Harvey,

Complaints Resolution Panel – Complaint 2012/12/007 Scala BioPromise Shapewear and BIOFIR Fitness Wear

Pursuant to sub-regulation 42ZCAI(5) of the Therapeutic Goods Regulations 1990 (“Regulations”), you are hereby given written notice of a decision made by the Complaints Resolution Panel (“Panel”) under sub-regulation 42ZCAI(3) of the Regulations.

By letter dated 18 July 2013 the Panel Secretary sent to Brazcom Imports Pty Ltd, the person responsible for the advertisement, a copy of the Panel’s determination for the above complaint, requesting the withdrawal of the advertisement subject of the complaints, withdrawal of representations that are outlined in the determination and the publication of a retraction on the website www.reliefplusproducts.com.

The Panel requested that evidence of compliance be provided within 14 days. The determination drew the sponsor’s attention to the provisions of sub-regulations 42ZCAI(3) and (4) which permit a recommendation to be made to the Secretary in the event of non-compliance with a request of the Panel.

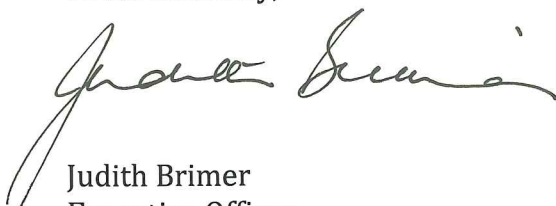
The Panel has noted that the response to the determination from Brazcom Imports Pty Ltd indicated an intention to comply with most but not all of the requests made by the Panel, in particular, non-compliance the Panel’s request for the publication of a retraction on the websites www.brazcom.com.au and www.scalabiopromise.com.au. The Panel was satisfied that its determination for the complaint had made findings of breaches of the Therapeutic Goods Advertising Code (“Code”), the Regulations, and/or the Therapeutic Goods Act 1989 (“Act”), and that the sanctions requested in the determination all were appropriate and necessary to address those breaches.

For the reasons that:

- the determination identified breaches of the Code, Regulations, and/or Act;
- the sanctions requested in the determination were appropriate and necessary to address those breaches; and
- the response to the determination has not indicated an intention to comply with the Panel’s request for the publication of a retraction,

the Panel decided to recommend pursuant to regulations 42ZCAI(3) and 42ZCAI(4) that the Secretary make orders that Brazcom Imports Pty Ltd comply with all of the requests made in the determination.

Yours sincerely,



Judith Brimer
Executive Officer

Complaints Resolution Panel

Suite 2202, Level 22, 141 Walker Street North Sydney NSW 2060 Postal Address CRP, C/O PO Box 764 North Sydney NSW 2059
Phone: 61 2 9460 2796 Fax: 61 2 9460 2798 Website: www.tgacrp.com.au Email: jbrimer@tgacc.com.au