

Complaint to TGA – DOJS Holdings Pty BergaMet Pro+

Product and Sponsor

Product name: BergaMet Pro+

Sponsor: DOJS Holdings Pty Ltd

Address: 49 Retreat Street, BRIDGEMAN DOWNS, QLD, 4035

ARTG no: 253193

Product Ingredient: alpha lipoic acid 50 mg, ascorbic acid 25 mg, chromium picolinate 200 microgram, Citrus aurantium 650 m, Olea europaea 100 mg

Permitted Indications

- Antioxidant/Reduce free radicals formed in the body
- Maintain/support healthy blood circulation
- Helps in the maintenance of healthy blood lipids/blood fats
- Helps maintain/support healthy cholesterol
- Helps maintain/support healthy blood sugar/glucose
- Maintain/support cardiovascular system health
- Maintain/support artery health
- Maintain/support healthy liver function
- Maintain/support healthy immune system function
- Decrease/reduce/relieve symptoms of stress

Advertisement type:

Internet – Web site

Accessed on:

9 April 2020

URL(s) listed (screen shots appended)

- <https://bergamet.com.au/>.

Complaint Summary

On 24 March 2020 the TGA stated, 'The TGA is monitoring non-compliance, particularly in relation to the advertising of products that claim to prevent or cure COVID-19 and will take action in relation to any advertisements that do not meet the requirements, including those that seek to mislead consumers.'¹

The BergaMet Pro + website claims (my highlights),

- Ingredients in BergaMet Pro + provide a resistance to infectious pathogens such as SARS and COVID-19' Antioxidant nutrients have an immune function exhibiting an important protective role in infections caused by bacteria, viruses or parasites. As a result, dietary antioxidants have been related to modulate the host susceptibility or resistance to infectious pathogens...Every living organism is affected by pathogens, including bacteria, which are targeted by specialized viruses called phages, such as SARS and Coronavirus'.

¹ <https://www.tga.gov.au/media-release/tga-issues-warning-about-illegal-advertising-relating-covid-19>

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I am unaware of any evidence that the ingredients of this product have the properties claimed. In addition, 'resistance to infectious pathogens such as SARS and COVID-19' is not an allowed permitted indication.

Alleged regulatory breaches:

Therapeutic Goods Advertising Code (No 2) 2018	
s.9(a)	Claims in the advertising must be valid and accurate, and all information presented must be substantiated before the advertising occurs
s.9(b)	Advertisements must be truthful, balanced and not misleading or likely to mislead, including in its claims, presentations, representations and comparisons
s.9 (d)	Claims must be consistent with the entry for the therapeutic goods on the ARTG.
s.10(a)(ii)	Advertising for therapeutic goods must support the safe and proper use of therapeutic goods by not exaggerating product efficacy or performance
s.10(c)	Advertising for therapeutic goods must not encourage inappropriate or excessive use of the goods.
28(1)	Advertisement must not refer to serious forms of a disease, condition, ailment or defect (see s. 42DD of the Act) if (a) it is medically accepted that the form requires diagnosis or treatment or supervision by a suitably qualified health professional, except where the form has been medically diagnosed and medically accepted as being suitable for self-treatment and management; or (b) there is a diagnostic (including screening), preventative, monitoring, susceptibility or pre-disposition test available for the form (including a self-administered test), which requires medical interpretation or follow-up.

I also draw the TGA's attention to four previously upheld complaints about this product.^{2, 3} In my opinion, a retraction order and infringement penalties are warranted.

Signed and dated

Dr Ken Harvey MB BS, FRCPA, AM
Associate Professor
Public Health and Preventive Medicine
Monash University
7 April 2020

² http://www.tgacrp.com.au/complaint-register/?_search=bergamet

³ <https://www.tga.gov.au/advert-complaint/bergamet-dojsholdingsptyltd-complaint-no-2011-04-006>

Appendix (Screen shots with offending claims arrowed)

NEWS:
Protect your immunity system with BergaMet Pro +. 

Ingredients in BergaMet Pro + provide a resistance to infectious pathogens such as SARS and COVID-19. [Find out more...](#)

Nathealthsolutions is a proudly Australian family owned business and has been operating for 10 years. It is the worldwide distributor of BergaMet products, which are regarded as the best single natural products available.

"We formulate to a quality not a price".
BergaMet: Naturally Sourced for Cardiovascular, Liver and Brain Support. [Find Out More](#)



BergaMet:
Naturally Sourced for Cardiovascular, Liver and Brain Support.

<https://bergamet.com.au/>


Protect your immunity system with BergaMet Pro +.

Please be advised that BergaMet Pro + has an extremely high antioxidant count and also a unique combination of polyphenols (plant chemicals) in large quantities to support your immunity system.

Antioxidant nutrients have an immune function exhibiting an important protective role in infections caused by bacteria, viruses or parasites. As a result, dietary antioxidants have been related to modulate the host susceptibility or **resistance to infectious pathogens**

Polyphenols, are one of many categories of natural substances, that exhibit a range of biological activities. **Polyphenols promote immunity to foreign pathogens via various pathways.** Different immune cells express multiple types of polyphenol receptors that recognise and allow cellular uptake of polyphenols, which subsequently activate signalling pathways to initiate immune responses.

What is a pathogen?

A pathogen is defined as an organism causing disease to its host, with the severity of the disease symptoms referred to as virulence. Pathogens are taxonomically widely diverse and comprise viruses and bacteria. Every living organism is affected by pathogens, including bacteria, which are **targeted** by specialized viruses called phages, such as SARS and Coronavirus. 

<https://bergamet.com.au/>