



INDUSTRY GUIDELINES FOR THE ADVERTISEMENTS OF SLIMMING PRODUCTS AND SERVICES

**A guide for the communications and multimedia
industry over the electronic networked medium in
Malaysia**

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INTRODUCTION

This guidance as produced by the Communications and Multimedia Content Forum of Malaysia (CMCF) is intended to help industry practitioners intending to create, construct, produce, disseminate and distribute any form of advertisements including but not limited to any form of broadcasting, uploading or make available such content that falls within the meaning of electronic networked medium as defined under the Communications and Multimedia Act 1998 (or amendments thereof).

CMCF's guidance documents, including this guidance, do not establish legally enforceable responsibilities. Instead, guidance's describes the CMCF's current thinking on a topic and should be viewed only as recommendations, unless specific regulatory or statutory requirements are cited.

1.0 BACKGROUND

- 1.1 Part 3 of the Malaysian Communications and Multimedia Content Code (the "Content Code") created by virtue of the Communications and Multimedia Act 1998 (CMA '98) deals with advertisements. Paragraph 4.0 deals with specific guidelines towards treatment of specific advertisements.
- 1.2 Paragraph 4.1 by reason of sub-section (xviii) (g) imposes an absolute bar on slimming products whether used physically or through oral application and is therefore regarded as unacceptable products for advertising purposes.
- 1.3 For the purposes of this guidelines, slimming products and services as appearing herein shall include but not limited to products intended to supplement the diet, taken by mouth in forms such as pills, capsules, tablets, liquids or powders and not represented as conventional food.
- 1.4 In order to reduce ambiguity and uncertainty, this guideline is issued to assist practitioners in relation to managing any conduct associated to the advertisement of slimming products.

2.0 GUIDELINES ON ADVERTISEMENTS OF SLIMMING PRODUCTS

2.1. There is tremendous sensitivity on the part of the public when it comes to matters linked to slimming, weight loss and dealing with obesity. Taking fewer calories than the body is using is the only way for actual weight reduction and slimming. Only medically proven diet plans or exercise can lead to reduction of body fat and weight loss. Claims that products and services can induce weight loss through other means are not acceptable unless these comply with the requirements set out below:

2.1.1 Product

(a) Medicines

(i) Vitamins

(a) Vitamin / mineral supplements may be advertised to safeguard against deficiencies in poorly planned diets but it must be made clear they do not contribute to weight reduction.

(ii) Any vitamins / mineral supplements that is registered with the Ministry of Health must gain the approval from the Medicine Advertisement Board, Ministry of Health prior to being advertised.

(b) Foods

(i) Diet Plans

(a) Diet plans must include adequate amount of carbohydrate, protein, fat, vitamins and minerals on Recommended Nutrient Intakes for Malaysia (RNI), 2005. The product must be capable of achieving the results claimed with an indication of the category of people for whom such product is suitable.

(b) No claim, direct or indirect, should be made in an advertisement for a diet that it contains any ingredient

which in itself has the property of hastening the process of weight loss.

(ii) Aids to Dieting

(a) Diet aids such as foods, food substitutes, or appetite suppressants or meal replacement, may not be advertised except in terms which make clear that they can only be effective when taken in conjunction with, or as part of a calorie controlled diet. Due prominence should be given to the part played by the diet.

(b) Any diet provided in conjunction with diet aids, whether on pack, in advertisements or otherwise, will need to conform to the advice given above on diet plans, and details of the diets proposed should therefore be stated.

(c) Where a claim made in an advertisement or on a label that any food is an aid to slimming - a statement must be included that the food cannot aid slimming except as part of a diet in which the total intake of calories is controlled.

(iii) Foods offered as diet aids should give a quantitative statement of the ingredients contained in it on which the claim of special suitability is based. It should not imply that these products are effective if eaten in addition or in lieu of normal meals.

(c) Medical Devices

(i) Garments

(a) There should be no hint or suggestion in either copy or illustration which might lead a purchaser to suppose that corsets or similar product make any contribution to weight loss or real slimness. Nor should there be any suggestion that they confer any permanent physiological benefits comparable to those afforded by exercises.

(d) Services and Other Approach

- (i) Exercise
 - (a) Exercise based products must not claim to lead to weight loss or slimming. Diet sheets or diet aids distributed together with exercises or other aids will not be taken as any ground for allowing weight loss claims to be made. Claims of dramatic improvements over short periods are also not allowed.
 - (b) Where exercise programmes may impose strains with potential to affect the health of the user, an advice to check with a doctor must be included before the proposed exercises are undertaken.
 - (c) Where the name of the product itself, or of the manufacturer, contains the word 'slim', either alone or in combination, particular care should be taken in the copy to avoid any misunderstanding by the suggestion of possible weight loss benefits.
- (ii) Others
 - (a) Slimmer's Clubs provide psychological support for those who find difficulty in sticking to a diet. Such advertisements are accepted provided that the advertisements do not make claims inconsistent with the advice in the Content Code or in this guideline.
 - (b) Clinics & Workshops offer treatment or suggestions aimed at the achievement of weight loss or figure control. Any claims made must conform to the advice given in this guideline.
- (iii) Any services as covered under this guidelines must further fall within the requirements of the relevant Acts of Parliament under the relevant authorities. Practitioners may need to be aware of the

same and are advised to have sufficient resources and expertise to ensure compliance when necessary. (See Appendix I)

2.1.2 Unacceptable Claims

(a) Unlimited Eating

- (i) No 'weight loss' products should make claims such as 'Eat as much as you like', 'Eat, eat, eat!', 'Eat and get slim' or anything similar tending to remove due emphasis from the primary importance of maintaining a balanced calorie-controlled diet.

(b) Specific Claims

- (i) Claims in the form (you can lose up to 'x' kilograms or 'y' Centimetres, look 'x' kilograms lighter) are unacceptable. Similar claims in the form (you can start to slim in 'x' days, how to slim in less than 'x' weeks, lose 'x' centimetres immediately) are unacceptable.
- (ii) Specific Claims that Individuals have Lost Specific Amounts of Weight and Number of Inches should not be made without the permission of the individual concerned, state the period over which the benefit claimed was achieved and not be based upon unusual or unrepresentative individual experiences.
- (iii) In case of 'before and after' illustrations, a fair comparison should be made. In figure control claims, the results on various parts of the anatomy should not be aggregated, but should be disclosed individually.

(c) Exaggeration

- (i) There should be no suggestions that given methods "cannot fail, must work". Because of the enormous variations between individuals in terms of weight, build and physical condition as well as in psychological preparedness, the most that can be claimed for any method is a high probability of success.

2.1.3 Unacceptable Advertisement

- (i) Machines or vibrator machines including electrical muscle and nerve stimulators.
- (ii) Inflatable garments.
- (iii) Sauna and Turkish baths.
- (iv) Products based upon osmosis.
- (v) Bath essences, soaps.
- (vi) Products claiming to artificially increase the metabolic rate of the body.
- (vii) Diuretics, laxatives.
- (viii) Hypnosis.
- (ix) Products claiming to offer 'spot reduction' (i.e. to remove fat from specified parts of the body).
- (x) Products claiming to achieve slimming through the removal of 'cellulite'.
- (xi) Thermal pads.
- (xii) Anti-Depressants.
- (xiii) Cosmetics such as creams used for slimming.
- (xiv) Slimming patches.

2.1.4 General

- (i) It will not be regarded as sufficient to validate the advertising of any of the categories of products as efficacious in themselves for weight or figure control that a diet plan or dieting aids or an exercise scheme or treatment is offered with them.
- (ii) All claims made should be capable of being substantiated either on the basis of scientific verification or other credible research that has been carried out and is acceptable.
- (iii) All advertisements related to this guidelines that has been approved by the Medicines Advertisement Boards, Ministry of Health Malaysia (KKLIU) shall be exempted.
- (iv) Any advertisements involving anything that shall fall within the definition of a 'Medical Device' must comply to Section 44 of the Medical Devices Act 2012

(Act 737) under the jurisdiction of the Medical Devices Authority, Ministry of Health, Malaysia.

- (v) The use of machines and devices with medical claims, slimming products and the practice of traditional and complementary medicine are subject to existing rules and regulations as stipulated by the relevant competent authorities under the Ministry of Health, Malaysia.

