

12

WEIGHT CONTROL AND SLIMMING



Background

The rules in this section are designed to ensure that advertisements for weight control and slimming products and services receive the necessary high level of scrutiny

Definitions

This section applies to advertisements for weight-control and slimming foodstuffs, aids (including exercise products that make weight-loss or slimming claims), clinics and other establishments, diets, medicines, treatments and the like. If applicable, they must comply with [Section 11: Medicines, Medical Devices, Treatments and Health](#) or [Section 13: Food, Food Supplements and Associated Health or Nutrition Claims](#).

Rules

- 12.1 Radio Central Copy Clearance** – Radio broadcasters must ensure advertisements subject to this Section are centrally cleared.
- 12.2** If they are necessary for the assessment of claims, broadcasters must, before the advertisement is broadcast, obtain generally accepted scientific evidence and independent expert advice.
- 12.3** Advertisements for services offering remote personalised advice on health matters related to weight control or slimming are acceptable only if all staff providing that advice are suitably qualified and subject to regulation by a statutory or recognised medical or health professional body and the advice given is in accordance with its relevant professional code of conduct (see rule 11.9). That does not prevent advertisements that offer general information on health matters related to slimming or weight control.
- 12.4** Advertisements must not encourage indiscriminate or excessive use of a weight-control or slimming product or service.
- 12.5** Advertisements for slimming or weight control products or services must not be addressed to people under 18, use creative treatments likely to be of particular appeal to them, or feature any person whose example people under 18 are likely to follow or who has a particular appeal to them. This rule does not apply to advertisements for calorie-reduced or energy-reduced foods and drinks, provided the product is not presented as part of a slimming regime and the advertisement does not use the theme of slimming or weight control.

- 12.6** Broadcasters must obtain suitably qualified independent medical advice or other suitably qualified health specialist advice on the safety and efficacy of weight control and slimming products or services before broadcast. In particular, the advice must satisfy broadcasters that:
- 12.6.1** the slimming product or service is likely to be effective and will not lead to harm
 - 12.6.2** clinics and other establishments offering medically supervised treatments are run in accordance with the National Minimum Standards Regulations issued by the Department of Health or, if they operate abroad, broadly equivalent requirements.
- 12.7** Promises or predictions of specific weight loss are not acceptable for any slimming product.
- 12.8** Health claims in food product advertisements that refer to a rate or amount of weight loss are not permitted.
- 12.9** Claims that refer to specific amounts of weight that have been lost by an individual must state the period over which that loss was achieved and should not be based on unrepresentative experiences of the slimming or weight-control product or service (see rule 12.8). The amount of weight lost and the period over which it was lost must be compatible with generally accepted good medical and dietary practice. For those who are normally overweight, a rate of weight loss greater than 2lbs (just under 1kg) a week is unlikely to be compatible with good medical and nutritional practice. For those who are obese, a rate of weight loss greater than 2lbs a week in the early stages of dieting could be compatible with good medical and nutritional practice.
- 12.10** Low-calorie foods and drinks, if advertised as, or as part of, a slimming regime or if advertised using a slimming or weight-control theme, must make clear in the advertisement that the product merely helps weight loss as part of a calorie-controlled or energy-controlled diet.
- 12.11** Except where stated in 12.11.1 and 12.11.2, advertisements for weight control or slimming products or services must not be targeted directly at individuals with a Body Mass Index of 30 or above (obesity) or use testimonials or case histories referring to subjects who were or seemed to be obese before using the advertised product.

12.11.1 Advertisements for clinics or other establishments that offer treatment under suitably qualified medical supervision and advertisements for nonprescription medicines that are indicated for the treatment of obesity and that require the involvement of a pharmacist in the sale or supply of the medicine may nevertheless be targeted at those who are obese. Please see rule 11.9, "Services including Clinics, Establishments and the like Offering Advice on, or Treatment in, Medical, Personal or other Health Matters".

12.11.2 Lifestyle weight management programmes which meet the following standards may make responsible references to obesity in their advertisements. These programmes must:

- be shown to be effective at 12 months or beyond
- last at least three months
- be multi-component; addressing dietary intake, physical activity levels and behaviour change
- be developed by a multi-disciplinary team; including input from a registered dietitian, registered practitioner psychologist and a qualified physical activity instructor, and
- be provided by staff who are trained to deliver the programme in question.

Advertisers should have regard to the guidance on 'Managing overweight and obesity in adults – lifestyle weight management services' published by the National Institute for Health and Care Excellence (NICE).

12.12 Advertisements for weight-control or slimming products must not suggest or imply that to be underweight is acceptable or desirable. If they are used, testimonials or case histories must not refer to subjects who are or seem to be underweight. Underweight, for the purpose of this rule, means a Body Mass Index below 20.

12.13 Advertisements for specially formulated products intended for use in energy-restricted diets that, when used as instructed by the manufacturer, replace the whole of the total daily diet or one or more meals of the daily diet must comply with the Foods Intended for Use in Energy Restricted Diets For Weight Reduction Regulations 1997 (as amended), specifically:

12.13.1 advertisements for such foods may not be offered under any name except "total diet replacement for weight control" or "meal replacement for weight control"

12.13.2 advertisements for such foods may not refer to the rate or amount of weight loss that could result from use of the product.

12.14 For the purposes of this rule, very low-calorie diets (VLCDs) are those with a daily intake of less than 800 kilo-calories. They must comply with the provisions of the Food Safety Act 1990 and relevant regulations made under it, including those on advertising. These conditions apply to advertisements for such products:

12.14.1 the advertisement must include a clear injunction to consult your doctor before embarking on the diet

12.14.2 the diet must be positioned as a short-term measure only

12.14.3 testimonials or specific case histories must not be used

12.14.4 independent medical advice must be sought on whether the proposed advertisement accords with the guidance on "Obesity: the prevention, identification, assessment and management of overweight and obesity in adults and children" (2006) published by the National Institute for Health and Care Excellence.

12.15 Advertisements for establishments offering weight-control or slimming treatments are acceptable only if they make clear that dietary control is necessary to achieve weight loss. An exception is made for clinics and other establishments that provide immediate weight loss surgery under suitably qualified medical supervision and are run in accordance with rule 11.9. Those clinics and establishments must not refer to the amount of weight that can be lost.