



GAZDASÁGI
VERSENYHIVATAL

The Competition Council of the Hungarian Competition Authority (GVH) established in its decision issued on 11 December 2006 that Bio Time Ltd. (Bio Time Kft.) and Norbi.hu Ltd. (Norbi.hu Kft.) deceived consumers when advertising the diet supplement called NorbiFit in 2005. Therefore Bio Time and Norbi.hu were fined HUF 14 million and HUF 3 million, respectively.

In September 2005 Avalon Team Ltd. (Avalon Team Kft.) and Norbi.hu agreed that they put the diet supplement called NorbiFit together on the market. According to their contract a representative of Norbi.hu supervised the advertising campaign. After a month the contract was terminated and Bio Time replaced Avalon Team.

The intense advertising campaign of NorbiFit started in the last quarter of 2005. The advertisements were published in daily and weekly papers. They presented NorbiFit as part of an all-in mode of living system and a product which reduces body weight. The slogans of the advertisements underlined the fat-reducing effect. Moreover, it was stated that Brazilian coral was one of the main ingredients of NorbiFit, by the use of which deficiency symptoms could be avoided and acid-base equilibrium could be maintained .

Pursuant to the investigations of the GVH it was not certified that the product had fat-reducing effect. However, the advertisements exaggerated the fat-reducing effect suggesting that NorbiFit was a slimming agent. According to the National Institute for Food Safety and Nutrition NorbiFit does not have any special effect on metabolism and the uniqueness of the product is not proven since its ingredients can be found in other diet supplements as well.

The unfair manipulation of consumer choice is prohibited pursuant to the Hungarian Competition Act, i.e. only credible and precise information may be provided for consumers about the characteristics of products put on the market. The effect of products must be credibly proven, especially when they affect human body.

Bio Time and Norbi.hu deceived consumers since they were not able to prove credibly the statements they made in the advertisements. The fact that, pursuant to the contract, Avalon Team and subsequently Bio Time were responsible for the observance of the regulations does not relieve Norbi.hu of its responsibility under competition law. The advertising campaign of NorbiFit was well known to Norbi.hu as well.

Consequently, Bio Time was fined HUF 14 million (EUR 54 thousand) and Norbi.hu was fined HUF 3 million (EUR 12 thousand). The amount of fine imposed was determined by the fact that Bio Time spent a huge amount of money on the advertising of NorbiFit, and the manipulating statements reached many consumers. Another aggravating circumstance was that the GVH had already repeatedly imposed sanctions, for the same reasons, on other undertakings belonging to the proprietors of Bio Time. In the case of Norbi.hu the GVH established that the undertaking was responsible for the unlawful advertisements, however, it can only be charged for neglecting its duty it had in respect of the supervision of the advertisements; on the other side, it did not deceived consumers repeatedly.