

Case number:	Vj-008/2005
Short title (party, conduct, type of case):	Avalon Team Kft. – advertising diet supplementary product – deception of consumers
Type of case:	Deception of consumers
Description:	Avalon distributes several diet complementary products, and advertised these as such having curative effects (as e. g. articulation painkillers, antidepressants, etc.). According to OÉTI (a food examining institute) these effects are not supposed to be providing by diet supplementary products but medicines, because these problems require medical assistance to be resolved. The effects listed in the advertisements were deceptive since falsely claimed the diseases mentioned by them would cease to be by the use of the products. The product Vivax was promoted as an antidepressant and sexual potency booster, but these effects could not be attributed to a diet supplementary product. According to the statutes in force, such products must not be shown as products having medicinal effect and the advertisements must not suggest that diet is not sufficient to get the necessary nutritive.
Decision:	The Competition Council established the described behaviour was an infringement, and prohibited the continuation of the conduct which violated the Hungarian Competition Act; it ordered a corrective announcement to be published in respect of a previous information which was likely to deceive consumers and imposed a fine of HUF 30 million on Avalon. The undertaking did not cooperate during the investigation which fact was taken into consideration as an aggravating circumstance in the same was as the fact that another undertaking under the control of the manager of Avalon had already been fined for a similar behaviour.
Date:	Budapest, 6 July 2005