

## International action against marketers of abdominal toners

The ACCC and the US Federal Trade Commission have filed separate legal proceedings against the marketers of electronic abdominal exercise belts as part of a cooperative international enforcement effort.

The proceedings allege that the belts, promoted as aids to weight loss and fitness, have been misleadingly advertised.

Both actions have been supported by ongoing liaison and cooperation between consumer protection staff from the two enforcement agencies.

The ACCC's complaint, filed in May in the Brisbane Federal Court, relates to the promotion of an abdominal toning belt called the 'Abtronic'. The ACCC alleged that marketing company Danoz Direct Pty Ltd, its director and a number of other individuals have engaged in misleading and deceptive conduct in promoting the Abtronic's firming and slimming capabilities.

Advertisements and 'infomercials' for the Abtronic, aired repeatedly on Australian television, claimed the belt would give users flat stomachs, toned muscles and enable them to lose their 'love handles' all without any exercise. The ads further claimed that the belt would give the results of up to 600 sit-ups in just ten minutes, without any effort.

The Abtronic was also promoted on Channel Ten's *Good Morning Australia* and *Bright Ideas* programs, and similar claims appeared in a Danoz product catalogue and on the company's Internet site.

The ACCC is seeking orders from the court to prevent Danoz from making further misleading representations about the Abtronic.

The US action also involved allegations of deceptive claims about the Abtronic, as well as two similar products called the AB Energizer and Fast Abs. The FTC filed separate complaints against the promoters of all three toning belts, challenging claims that the belts were 30 per cent more effective than normal exercise, and that users would 'lose 4 inches in 30 days guaranteed'.

The products were heavily advertised in the US, largely through infomercials aired on national cable television stations and on the promoters' Internet sites. The infomercials featured fitness professionals, user testimonials and alleged expert opinions to sell the products. According to the FTC each of the 30-minute long infomercials was aired well over a thousand times.

Among the most concerning allegations made by the FTC were false claims about the products' safety for all users.

This contradicts findings by the US Food and Drug Administration and expert studies on the effects of electronic muscle stimulation. These findings suggest that such devices are not always safe, and should not be used by people with a range of conditions such as those with pacemakers.

Canadian authorities are also reported to be investigating the abdominal toners following filing of the US and Australian lawsuits. According to press reports Health Canada is investigating claims made about the belts in Canada, which include that users will lose weight and achieve 'six pack' abdominal muscles without exercising.

The ACCC and FTC have advised consumers to be wary of claims which sound too good to be true they probably are!

