

Central Consumer Protection Authority (CCPA)
Ground Floor, CCPA Wing, Indian Institute of Public Administration, IP Estate
Ring Road, New Delhi- 110002

Ref. File No- J- 25/5/2021 – CCPA

IN THE MATTER OF

Suo Moto action

Opposite Party

Hindustan Unilever Limited,
Unilever House, B.D. Sawant Marg,
Chakala, Andheri(E)
Mumbai – 400099

CORAM:

MS. NIDHI KHARE, CHIEF COMMISSIONER
MR. ANUPAM MISHRA, COMMISSIONER

Dated- 22.07.2021

ORDER

1. The Central Authority has instituted the present case suo moto against Hindustan Unilever Limited - Manufacturer of Boost (hereafter, '**Opposite Party**') for its advertisement which were broadcast on various media i.e. on Television, Facebook, Youtube and on its own website regarding "Boost (Drink Powder) is scientifically proven to give 3x more stamina+."
2. Accordingly, a Show Cause Notice dated 22th January, 2021 (hereafter, 'Show Cause Notice') was issued to the Opposite Party as to why action under Section 21 of the Consumer Protection Act, 2019 should not be taken against them for making false claims made in the advertisements along with supporting documents.

3. On receipt of afore-said show cause notice, the Opposite Party filed its reply dated 29.01.2021 inter-alia submitted that Boost is manufacturer, labeled and sold in compliance with The Food Safety and Standards Act, 2006 and the rules, regulation and standards thereunder. Further, it was submitted by the Opposite Party that, all claims on Boost are backed by scientific substantiation and made in accordance with the Food Safety and Standards (Advertising and Claims) Regulation, 2018.
4. With reference to the alleged claim, Opposite Party submitted that, the claim **“Boost (Drink Powder) is scientifically proven to give 3x more stamina+.”** is well supported by a robust clinical study, published in the Journal of Nutrition 2011 conducted at St. John’s Research Institute Bengaluru, which is a centre of excellence in medical research in India. They also informed that, the authors/investigators of the study are eminent scientist/clinicians with expertise in translational and public health nutrition, with numerous articles published to their credit on Nutrient (Energy, amino acid, iron and vitamin A) metabolism and requirement in children.
5. The Opposite Party in support of their claim submitted various clinical studies and its results being published in various scientific journals in the form of Annexure as provided below:-

Annexure 1 –

Micronutrient Supplementation Improves Physical Performance Measures in Asian Indian School-Age Children | The Journal of Nutrition | Oxford Academic (oup.com)

Annexure 2 –

Micronutrient deficiency and cognitive and physical performance in Indian children - PubMed (nih.gov)

Annexure 3 –

Oxford Textbook of Children's Sport and Exercise Medicine - Google Books
Cardiopulmonary Exercise Testing in Children and Adolescents (ethernet.edu.et)

Annexure 4 –

Importance of Assessing Cardiorespiratory Fitness in Clinical Practice: A Case for Fitness as a Clinical Vital Sign: A Scientific Statement From the American Heart Association | Circulation (ahajournals.org)

Annexure 5 –

WHO | Field-based measurement of cardiorespiratory fitness to evaluate physical activity interventions

Field-based measurement of cardiorespiratory fitness to evaluate physical activity interventions (nih.gov)

Annexure 6 –

International variability in 20 m shuttle run performance in children and youth: who are the fittest from a 50-country comparison? A systematic literature review with pooling of aggregate results - PubMed (nih.gov)

Annexure 7 –

Making a Case for Cardiorespiratory Fitness Surveillance Amo... : Exercise and Sport Sciences Reviews (lww.com)

Annexure 8 –

The multistage 20 metre shuttle run test for aerobic fitness - PubMed (nih.gov)

Annexure 9 –

Nutrition, Physical Performance & Fitness in Indian School Children - Full Text View - ClinicalTrials.gov

Annexure 10 –

Micronutrient supplementation improves physical performance measures in Asian Indian school-age children - PubMed (nih.gov)

Annexure 11 –

Micronutrient Supplementation Improves Physical Performance Measures in Asian Indian School-Age Children | The Journal of Nutrition | Oxford Academic (oup.com)

Annexure 12 –

SJRI | St. John's Research Institute

Annexure 13 –

Medicine at the limits of evidence: the fundamental limitation of the randomized clinical trial and the end of equipoise | Journal of Perinatology (nature.com)

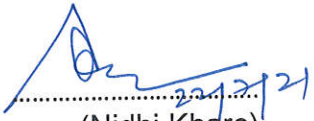
6. In view of above, the Central Authority forwarded the Opposite Party's report/documents to the Food Safety and Standard Authority of India (FSSAI) which is the regulatory body for food products in India on 04th March 2021, requesting them to examine the submissions made by the Opposite Party and inform Central Authority about correctness of their claims as given in the advertisement.

7. In response to the above request, the Food Safety and Standard Authority of India (FSSAI) on 17th March 2021 submitted as below:

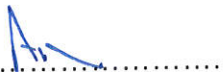
“The advertisement issued by Hindustan Unilever is found to be correct based on the documents/studies submitted by them and also in compliance with the requirement of the Food Safety and Standards (advertisement and claims) Regulations”.

8. Upon consideration of all the documents submitted by the Opposite Party and response from FSSAI, no case of misleading advertisement is made out against the M/s Hindustan Unilever Limited for its advertisement relating to their product “Boost”.

9. Accordingly, the case is disposed with no order as to cost.



(Nidhi Khare)
Chief Commissioner



(Anupam Mishra)
Commissioner