

COMPETITION COMMISSION OF PAKISTAN

ENQUIRY REPORT

(Under the provisions of Section 37(1) of the Competition Act, 2010)

**IN THE MATTER OF ENQUIRY INITIATED AGAINST VARIOUS WEIGHT
LOSS PRODUCT MANUFACTURERS/DISTRIBUTERS/MARKETERS FOR
PRIMA FACIE DECEPTIVE MARKETING PRACTICES**

BY

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Dated: May 24, 2019

A. BACKGROUND:

1. The Competition Commission of Pakistan (the “**Commission**”) took notice of various concerns raised against several undertakings engaged in the production or distribution and/or marketing of weight loss products for being involved in *prima facie* violation of Section 10 of the Competition Act, 2010 (the “**Act**”), i.e., Deceptive Marketing Practices.
2. It has been observed that such undertakings, while marketing their products, make various absolute and high sounding claims regarding the quality, suitability of use, characteristics and properties of their products. It has been observed that through such advertisements, the public is being misled into believing that these weight loss products have miraculous effects on the consumer’s body within negligible time period and without causing any side effects.
3. In view of the above, the Competent Authority initiated an inquiry against such undertakings, in accordance with Section 37(1) of the Act by appointing Mr. Riaz Hussain, Assistant Director (OFT), Ms. Fatima Shah, Management Executive (OFT), and Ms. Urooj Azeem Awan, Management Executive (OFT) as enquiry officers (the “**Enquiry Committee**”). During the process of inquiry, Ms. Urooj Azeem Awan resigned from the Commission. Subsequently, the Enquiry Committee was reconstituted by the Commission and Mr. Riaz Hussain, Assistant Director (OFT) and Ms. Fatima Shah, Assistant Director (OFT) were appointed as the enquiry officers (the “**Enquiry Committee**”).
4. The Enquiry Committee was directed to conduct an inquiry and submit an enquiry report by giving findings and recommendations, *inter alia*, on the following:
 - (i) *Whether the conduct of the undertakings is capable of harming the business interest of other undertakings in, prima facie, violation of Section 10(2)(a) of the Act?*
 - (ii) *Whether the undertakings are disseminating false or misleading information to the consumers that lacks a reasonable basis, related to character, properties, suitability for use, or quality of goods in, prima facie, violation of Section 10(2)(b) of the Act?*
 - (iii) *Whether the undertakings are engaged in false or misleading comparison of goods in the process of advertising in prima facie violation of Section 10(2)(c) of the Act?*

B. RESEARCH BY THE ENQUIRY COMMITTEE:

5. In order to ascertain the major players involved in the manufacturing and marketing of weight loss products, the Enquiry Committee conducted a survey in the major markets of Pakistan. After a detailed research in the respective markets, the following undertakings were identified as major players involved in the manufacturing and marketing of weight loss products in Pakistan:
 - i. MPC Health & Food (**Respondent No. 1**);
 - ii. Herb Health Club (Pvt.) Ltd. (**Respondent No. 2**);

- iii. Hemani International (Pvt.) Limited (**Respondent No. 3**);
- iv. Al-Mughni Herb (**Respondent No. 4**);
- v. Herbs Man Laboratories (**Respondent No. 5**);
- vi. Royal Leaf International (**Respondent No. 6**);
- vii. Awami Laboratories (**Respondent No. 7**);
- viii. Nutrifactor Healthcare (**Respondent No. 8**);
- ix. The Vitamin Company (**Respondent No. 9**);
- x. British Sliming Clinic (**Respondent No. 10**);
- xi. Herbo Natural (**Respondent No. 11**);
- xii. Marhaba Laboratories (Pvt.) Limited (**Respondent No. 12**);
- xiii. Lasani Pharma (Pvt.) Limited (**Respondent No. 13**);
- xiv. Qarshi Industries (Pvt.) Ltd (**Respondent No. 14**);
- xv. Herbal Medicine.pk (**Respondent No. 15**); and
- xvi. Baber Herbal & Homeo Clinic (**Respondent No. 16**).
(hereinafter collectively referred to as the “**Respondents**”)

C. CORRESPONDENCE WITH THE RESPONDENTS:

I. MPC Health & Food – Respondent No. 1

6. A letter dated April 30, 2018 was sent to the Respondent No. 1 by the Enquiry Committee, wherein it was requested to submit certain clarifications and supporting documents/evidence pertinent to the specific claims made regarding its weight loss/slimming product ‘Just Slim’. The highlighted claims requiring substantiation are reproduced below:
 - *Now CLA. Green Tea with L-Carnitine*
 - *Natural way to get slim & smart*
 - *Natural dietary supplement*
 - *Burn extra calories & give shape to your body*
 - *Just Slim contains ... and other magical ingredients set necessary to boost up fast metabolism & burn extra calories & sets up your body to desired body shape*
 - *Burns extra calories and reduces fat deposition*
 - *Supports the enhancement in carbs and fats metabolism*
 - *Helps in maintaining the desired body shape and keep you slim & smart*
 - *Increases good cholesterol (HDL) & decreases bad cholesterol (LDL)*
7. The Respondent No. 1, vide letter dated May 11, 2018, requested for an extension in time due to unavailability of its senior management. A reminder was sent to the Respondent No.1 vide letter dated May 21, 2018 to submit its comments to the Commission’s letter dated April 30, 2018. The Respondent No. 1 was directed to submit its comments no later than May 31, 2018.
8. The Respondent No. 1, vide letter dated May 23, 2018, again requested for further extension in time due to unavailability of its senior management. The Respondent No. 1, vide letter dated May 31, 2018, committed to submit its reply before June 21, 2018.

9. The Respondent No. 1 submitted its reply vide letter dated June 20, 2018, wherein the following submissions have been made.

- i. That the Respondent No. 1 has already discontinued import as well as sales and marketing of the product “*Just Slim*”.
- ii. That the product “*Just Slim*” is an imported nutritional supplement which is helpful in weight management. It has three active ingredients, i.e., Green Tea Extracts, Conjugated Linoleic Acid (CLA) and L-Carnitine. All three ingredients are derived from plant and animal sources (Natural Sources).
- iii. The composition of the product has been improved and new ingredient L-Carnitine has been added in formulation to advance its benefits.
- iv. References of clinical studies have also been submitted by the Respondent No. 1 in support ingredient related claims. The relevant references are reproduced below:
 - *The effect of L-Carnitine on weight loss in adults: a systematic review and meta-analysis of randomized controlled trials.*
(<https://www.ncbi.nlm.nih.gov/pubmed/27335245>).
 - *The effect of L-Carnitine on weight loss in adults: a systematic review and meta-analysis of randomized controlled trials.*
(<https://www.researchgate.net/publication/303107660>)
 - *The therapeutic effect of high dose green tea extract on weight reduction: A randomized, double-blind, placebo-controlled clinical trial.*
(<https://www.ncbi.nlm.nih.gov/pubmed/26093535>)
 - *Efficacy of green tea extract rich in catechin polyphenols and caffeine in increasing 24h energy expenditure and fat oxidation in humans.*
(<https://academic.oup.com/ajcn/article/70/6/1040/4729179>)
 - *The effect of green tea extract on fat oxidation at rest and during the exercise: Evidence of Efficacy and Proposed Mechanisms.*
(<https://academic.oup.com/advances/article/4/2/129/4591621>)
 - *Efficacy of conjugated linoleic acid for reducing fat mass: a meta-analysis in humans.*
(<https://academic.oup.com/ajcn/article/85/5/1203/4632999>)
(<https://www.nutraingredients.com/Article/2012/02/17/Clinical-trial-supports-CLA-s-weight-management-in-obese-Chinese>)

II. Herb Health Club (Pvt.) Ltd. – Respondent No. 2

10. A letter dated May 14, 2018 was sent to the Respondent No. 2 by the Enquiry Committee, wherein it was requested to submit certain clarifications and supporting documents/evidence pertinent to the specific claims made regarding its weight loss/slimming products ‘Apple Sliming Diet and Orange Slim’. The highlighted claims requiring substantiation are reproduced below:

- *100% safe and natural;*
- *Lose weight the easy way;*
- *Lose up to 7-8 kgs fat from tummy, hips, thighs, waist & arms, just in one month; and*

- Other specific claims.

11. The Respondent No. 2 was asked to submit its reply/comments to the Enquiry Committee on or before 28th of May, 2018, however, on the due date the reply/comments were not received. Therefore, a reminder was sent to the Respondent No. 2, extending the deadline to June 14, 2018. The Respondent No. 2, vide letter dated June 14, 2018 requested for extension in time of 15 days to submit its reply due to unavailability of its legal advisor. Accordingly, the extension was granted by the Enquiry committee.
12. The Respondent No. 2, through its legal counsel M/s Akhtar Law Associates, submitted its reply vide letter dated July 02, 2018, wherein the following para wise submissions have been made:
 - i. That at the very outset, the contents and entire substance of the letter indicate that there has been some misunderstanding that the Respondent No. 2, while advertising the products namely “Apple Sliming Diet & Orange Slim” on website as well as on the packaging of the product, has been making the claim “100% natural supplement”.
 - ii. That the Respondent No. 2 has been marketing the abovementioned products under the Trademark No. 313155 (Apple Sliming Diet) and Trade Registration Application No. 244333 (Orange Slim) in class 5, in respect of Food Supplements duly registered in the concerned Intellectual Property Organization (IPO) department and has been marketing them since then without any hindrance and objection from anyone, and subsequently, has established its own goodwill and reputation in respect of the said goods in Pakistan.
 - iii. With regard to the deceptive marketing practices, it has been submitted that the allegation of deceptive marketing practices are un-warranted and un-called for as the Respondent No. 2 is lawful and *bona fide* business duly incorporated under the Companies Ordinance 1984 as a private limited company with Securities and Exchange Commission of Pakistan.
 - iv. With regards to the sub-Sections (2)(a) to (d), it has been submitted that neither the Respondent No. 2 has indulged in distribution of false or misleading information that is capable of harming the consumers or the business interest of another undertaking, as alleged.
 - v. That since the Respondent No. 2 is the registered proprietor of the trademarks, Apple Sliming Diet & Orange Slim, and has been marketing its own products under these registered trademarks, any allegations regarding false and misleading comparison of goods and/or fraudulent use of another trademark, firm name, or product labelling or packaging is vehemently denied as false and baseless.
 - vi. In response to the specific claims, the Respondent No. 2, submitted the following clarification and evidence;

- ***100% natural supplement***

The composition of the supplement based on 100% natural ingredients which are food grade, natural milk, sugar, vitamins (Food Grade Color) (100% Food Grade).

- ***100% obesity treatment***

Vitamin – C of home formulation has been used for obesity treatment.

- ***To eliminate cholesterol***

A natural fiber i.e., isapaghole, has been used in formulation of food supplement which has been included under strict hygienic process.

- ***Reduce 15-20lbs weight***

It has been submitted that the consumer can reduce weight 15-20lbs by consuming one course of apple sliming diet & orange slim supplement. The course mechanism break down is, 25-30 percent fat reduced due to its Homeo formulation of Vitamin-C, 20 percent fat reduced by following the diet menu and 50 percent fat will be reduced by applying daily walk.

- ***No side effects***

No chemicals, steroids or allopathic medicine has been used, as ingredient, in this food supplement.

13. In view of the above circumstances, the Respondent No. 2 denied each and every argument, statement, allegation and claims made in the letter under reply.

III. Hemani Herbal – Respondent No. 3

14. A letter dated May 15, 2018, was sent to the Respondent No. 3 by the Enquiry Committee, wherein it was requested to submit certain clarifications and supporting documents/evidence pertinent to the specific claims made regarding its weight loss/slimming products like ‘Slimming Tea’, ‘Slim + Enhanced Formula Tea’, etc. The highlighted claims requiring substantiation are reproduced below:

- *Live Natural*
- *Has laxative properties to give a healthy digestion*
- *As you start consuming regularly, your appetite and hunger level reduces*
- *Has ginseng extract in it to give you strength and energy as you start consuming less food*
- *Helps burn fat and calories*
- *Increases Metabolism*
- *A combination of herbs makes it a refreshing natural drink*
- *Prevents Diabetes*
- *Others.*

15. As the Respondent No. 3 failed to submit its reply/comments by the due date, a reminder letter was sent to it vide letter dated May 31, 2018 to submit its reply on or before June 14, 2018.

16. The Respondent No. 3, through its legal counsel M/s AbSam IPS, advocates and legal consultants, submitted its reply vide letter dated June 12, 2018, wherein following submissions have been made.

- i. That the Respondent No. 3 has a very reputable name in the market and its quality products are well known in local as well as in international market. It enjoys a global recognition for its quality products, therefore, the question of indulging in deceptive marketing simply does not exist
- ii. Since the Respondent No. 3 does not have an overt competitor nor has the worthy Enquiry Officers identified and alluded to any such undertaking, therefore, Section 10(2)(a) does not relate to the entrepreneurship of the Respondent No. 3.
- iii. That its products are time tested and high quality products and have been authenticated both by national as well as international agencies, therefore, Section 10(2)(b) of the Act is superfluous viz a vis the products of the Respondent No. 3. (Copy of the PCSIR Laboratories test report has been attached)
- iv. That the Respondent No. 3 is a firm believer of honest efforts, believes in innovation and creativity, therefore, it has never compared its products with any other enterprises in the market.
- v. That its trademark and labels are registered with the Intellectual Property Office of Pakistan
- vi. The characteristics and quality of the product are based on the ingredients used by the Respondent No. 3 in its product composition, *inter alia*, contains Senna Leave, Cinnamon, Mint Leaves, Winter Cherries, Indian Ginseng. That these natural herbs and shrubs have historically been used by various herbalists and indigenous physicians to treat various ailments and diseases. The modern research and studies have established that these ingredients have been useful in treating constipation, loss of appetite, obesity, dullness and have been useful in improving metabolism. That this fact could also be verified from the fact that many multinational companies have been heavily investing in folklore and traditional medications. Moreover, many universities have established separate departments to study the intricate qualities of these plants and seeds.

IV. Al-Mughni Herb – Respondent No. 4

17. A letter dated May 18, 2018, was sent to the Respondent No. 4 by the Enquiry Committee, wherein it was requested to submit certain clarifications and supporting documents/evidence pertinent to the specific claims made regarding its weight loss/slimming product ‘SMART Belly Reducer Tea’. The highlighted claims requiring substantiation are reproduced below:

- *Total Natural*
- *No Side Effects*
- *A convenient highly effective belly reducer solution*
- **Benefits:**
 - *Reduces fats*
 - *Regularize lipogenesis*
 - *It can reduce your belly 4-6 inch using 3 boxes*

18. The Respondent No. 4, vide letter dated May 31, 2018, requested for an extension of 90 days for submission of its reply/comments along with scientific evidence. However, 03 weeks' time period was granted to it by the Enquiry Committee and was called upon to submit reply/comments on or before June 22, 2018.
19. The Respondent No. 4, submitted its reply vide an undated letter, wherein following submissions have been made.
 - i. **“Total Natural”**: The ingredients of the product are mentioned on the outer box which are natural ingredients, like Fennel, Black Cumin, Lemon Grass and Rose Petal.
 - ii. **“No Side Effects”**: It has been submitted that the net weight of its one tea bag is 1gm approximately, and is recommended to be used twice a day which is safe for use. This is also evident from the scientific research.
 - iii. **“It can reduce your belly 4-6 inches using 3 boxes”**: It has submitted that the Consumer can reduce its belly by consuming 3 boxes of smart belly reducer tea.

V. Herbs Man Laboratories – Respondent No. 5

20. A letter dated May 16, 2018, was sent to the Respondent No. 5 by the Enquiry Committee, wherein it was requested to submit certain clarifications and supporting documents/evidence pertinent to the specific claims made regarding its weight loss/slimming product ‘Smartil’. The highlighted claims requiring substantiation are reproduced below:
 - *Aik maah kay ilaj say 15-20 pounds wazan kam kijiye*
 - *Dusray maah 30 pounds wazan kam kijiey*
 - *Assist to reduce your extra body fat*
 - Others
21. The Respondent No. 5 replied through letter dated May 24, 2018, stating that it applied for company enlistment with Drug Regulatory Authority of Pakistan (DRAP) – the relevant regulator – since July 21, 2014. However, it was unable to qualify as it failed to submit the complete set of requisite documents as per the requirement of DRAP. That its previous premises has been sold and it no longer has the ownership of premises or the product under consideration. However, relevant evidence, including the pharmacopial references of the relevant ingredients, have also been submitted for perusal.

VI. Royal Leaf International – Respondent No. 6

22. A letter dated April 30, 2018, was sent to the Respondent No. 6 by the Enquiry Committee, wherein it was requested to submit certain clarifications and supporting documents/evidence pertinent to the specific claims made regarding its weight loss/slimming product ‘Diet Excel Slimming Tea’. The highlighted claims requiring substantiation are reproduced below:

- *100% Natural*
- *Slimming Tea*
- *Chinese & Asian Traditional Formula*
- *Herbal beverage with no preservatives or artificial colors*
- *Eliminates fat storage and water retention*
- *Promotes overall health while controlling weight problems*
- *Helps to accelerate thermogenesis or fat burning process in body to help get rid of stubborn bulges*

23. Upon receiving no response from the Respondent No. 6, it was sent a reminder through letter dated May 21, 2018. In response to the reminder, the Respondent No. 6 requested for an extension in deadline through letter dated May 30, 2018, which it was granted vide letter dated June 05, 2018. However, the Respondent No. 6 failed to submit its reply within the deadline and hence, was sent a final reminder via letter dated June 28, 2018. The Respondent No. 6, after being called upon to substantiate its high sounding claims three times, has not submitted its reply to the Enquiry Committee to date.

VII. Awami Laboratories – Respondent No. 7

24. A letter dated May 03, 2018, was sent to the Respondent No. 7 by the Enquiry Committee, wherein it was requested to submit certain clarifications and supporting documents/evidence pertinent to the specific claims made regarding its weight loss/slimming product ‘Slim Smart’. The highlighted claims requiring substantiation are reproduced below:

- *Contain 100% herbal composition*
- *Reduce weight up-to 1kg per week*
- *Controls Appetite*
- *Burns fats fast*
- *Accelerates energy*
- *Boosts thermogenesis*

25. The Respondent No. 7 submitted its reply vide letter dated May 04, 2018, wherein the following submissions have been made.

- i. That the Respondent No. 07 is a law-abiding “Tibb – e – Unani” manufacturing company. That it neither believes in making absolute deceptive and exaggerated claims, nor has it made any such claims on its products. It has been submitted that SlimSmart is a traditional product which also has all its ingredients written clearly on its packaging. Relevant annexures have been provided.
- ii. That the Directorate of Health & OTC, DRAP – the regulatory body which deals with the enlistment, registration and licensing of Tibb-e-Unani products, is currently in the process of devising labeling and advertising rules. Simultaneously, the Respondent No. 07 has also revised its packaging and labeling resulting in replacement of its previous claim, “*100% Natural and Pure*” with “*Nature’s Fat Fighting Ingredients*”, since 2016. That the claims highlighted from the

advertisements by the Enquiry Committee might be from the old advertisements available online. That the content available online is being updated and the Enquiry Committee would be intimated accordingly.

- iii. That the Respondent No. 07 has obtained a license from DRAP as a manufacturer as well.
 - iv. That the claim, “*reduce weight up to 1 kg per week*”, stated in the letter is misquoted as the actual claim is “ ‘*can*’ *reduce weight up to 1 kg (2.2 lbs) per week*”, which is neither an absolute claim, nor a deceptive one. Outer packaging of the product has been annexed for reference.
 - v. References for the claims, “*Burns fats fast*”, and “*Accelerates energy*”, “*Boosts thermogenesis*” have been annexed, taken from the authoritative books approved by DRAP. Copy of references from one of the books, “Makhzan ul Mufaradat” have been attached.
 - vi. It has been finally submitted that the Respondent No. 7 is willing to comply with all relevant laws and regulations as well as follow any guidance provided by the Commission.
26. The Respondent No. 7 was called upon for a meeting on February 26, 2019 for clarification of certain facts. It was also asked to submit its packaging. Moreover, Form 6 and Form 7 of DRAP were also procured from the same which are required to enlist an undertaking with DRAP under the Health & OTC Department. Additionally, further clarifications regarding the claims as well as mechanism of the ingredients were also discussed. According to the final submissions, the DRAP has enlisted SlimSmart as a “supplement for weight loss”.

VIII. Nutrifactor Healthcare – Respondent No. 8

27. A letter dated April 30, 2018, was sent to the Respondent No. 8 by the Enquiry Committee, wherein it was requested to submit certain clarifications and supporting documents/evidence pertinent to the specific claims made regarding its weight loss/slimming products ‘Lipozin’ & ‘Green Tea Complex’. The highlighted claims requiring substantiation are reproduced below:
- *Natural Weight Loss Supplement*
 - *Blocks Fat*
 - *Reduces Appetite*
 - *Metabolism Booster*
 - *Clinically Proven Ingredients*
 - *No Preservatives & No Artificial Ingredients*
28. The Respondent No. 08 has submitted in its reply that the ingredients used by it for its products and also mentioned on the marketing material are well-known for their benefits globally. Various scientific studies demonstrating efficacy of the concerned ingredients have been referenced in this regard. It has been further submitted that the products are manufactured by strictly following the Good Manufacturing Practices (GMP) guidelines. It has been finally submitted that its products are also listed with DRAP.

IX. The Vitamin Company – Respondent No. 9

29. A letter dated May 03, 2018, was sent to the Respondent No. 9 by the Enquiry Committee, wherein it was requested to submit certain clarifications and supporting documents/evidence pertinent to the specific claims made regarding its weight loss/slimming products ‘Hoodia Slim’, ‘Ultra Slim Gel’, and ‘Ultra Slim Plus’. The highlighted claims requiring substantiation are reproduced below:

- *All natural*
- *Made in USA*
- *Ultra Slim Smart is the ultimate way to reduce your weight*
- *Burns excessive fats*
- *Reduce 15-20 pounds weight just in a few weeks*

30. Upon receiving no response from the Respondent No. 9, it was sent a reminder through letter dated May 21, 2018. The Respondent No. 9, vide letter dated May 30, 2018, requested for an extension in time to submit its reply. The extension was granted to the Respondent No. 9 vide letter dated June 05, 2018, wherein it was requested to submit its reply on or before June 14, 2018. The Respondent No. 09 submitted its reply vide letter dated June 12, 2018, wherein the following submissions have been made.

- i. That the Respondent No. 9 is a DRAP enlisted company in Pakistan, with enlistment No. 0215. It is also a founder member of American Business Forum in Pakistan (ww.abf.com.pk).
- ii. That its products, discussed in the enquiry, contain All Natural/Herbal ingredients: Garcania Cambogia, Green Tea Extract, Guarana Seed Extracts, Hoodia Gordonii, etc. On the basis of aforementioned ingredients, the claim of “*All Natural*” has been made.
- iii. That all the supplements are manufactured in USA.
- iv. The key Natural/Herbal ingredients of the products are well known globally for weight loss. These ingredients regulate body metabolism and burn excessive weight.
- v. That if one takes weight loss products, the results are significant within few weeks due to action of the abovementioned known herbal ingredients. Various scientific studies, demonstrating efficacy of the concerned ingredients, have been referenced in this regard.

X. British Sliming Clinic – Respondent No. 10

A letter dated May 03, 2018, was sent to the Respondent No. 10 by the Enquiry Committee, wherein it was requested to submit certain clarifications and supporting documents/evidence pertinent to the specific claims made regarding its weight loss/slimming products ‘Hilton’s F2’, ‘Double Action’, ‘Helle’, and ‘Executive’. The highlighted claims requiring substantiation are reproduced below:

- *Reduce 80 pounds weight and 10 inches in just 120 days (Helle's)*
- *Khasusi rotational diet plan yani keh ab har cheez khain aur wazan bhe ghatain*
- *Ziada moassir aur taqatwar diet supplement jo maheno ka kaam dinon main karay bina kisi side effect kay*
- *2500 calories ki ghazai taqat sirf 110 calories main maujud*
- Others

31. The Respondent No. 10 requested for an extension in deadline vide letters dated May 16, 2018, and May 22, 2018. The Respondent No. 10 submitted its detailed response vide letter dated June 04, 2018, the contents of which are reproduced below:

- i. The Respondent No. 10 sells products to help obese people in losing weight along with guiding them via rotational diet plans/charts through which the clients may reduce weight without physical exertion or medical assistance. It has been clarified that the Respondent No. 10 neither sells any drugs or medicines and the supplements – the Products, should not be categorized as such. Nor has the Respondent No. 10 claimed to be selling such drugs or medicines. That the Respondent No. 10 had also been sent a notice by the Health Department of Khyber Pakhtunkhwa (KP) for registration of its products, however, after legal proceedings, it was acknowledged by the Peshawar High Court that the products of the Respondent No. 10 do not fall in this category and hence, do not require registration under the Drugs Act as they are not medicines.
- ii. That the Respondent No. 10 has been enjoying an unblemished reputation amongst its wide clientele for thirty-three years and extreme caution is practiced by it in all areas. It has also been submitted that “British Slim Diet (BSD)” is one of the most comprehensively tested formulas for weight-loss. BSD is the sole source of nutrition and low calories diet which does not contain any kind of medicine, chemicals or steroids and thus, does not have any side effects. That in its long standing experience, it has not received any complaints of such nature either.
- iii. The Products of the Respondent No. 10 have been duly approved by the Federal Ministry of Health and has also been verified by trusted laboratories of Pakistan. The Food Supplements advertised and sold by the Respondent No. 10 have been tested and approved by the H.E.J Research Institute of Chemistry, International Centre for Chemical Sciences (W.H.O Collaborating Centre), University of Karachi (the “**Institute**”). A stamp of approval for it has also been obtained from Office of the District Health Officer, Islamabad Capital Territory the tests for which were conducted by the Health Office itself.
- iv. That the tests of the food samples were conducted via chemical methods, wherein the product composition turned out to be primarily based on water, vitamin C, sucrose and color. The quantity of water in none of the samples fell below 96%. The analysis suggested that the samples labelled as “Rapid Body Fat Reduction” were found to be mixtures of vitamin C, sugars and food colors. Other health and safety related tests have been qualified as well.
- v. The composition of the Food Supplement sold to consumers in sachets are comprised upon milk – which contains lactose, proteins, fats, calcium, potassium, sodium, phosphorus, magnesium, iron, zinc, other vitamins and minerals and fiber, food color and essence. It has been submitted that a healthy individual requires a

basic of 2500 calories a day. The manner of their consumption is of importance and that is where the Food Supplement of Respondent No. 10 comes into play. The excessive calories take shape of fat in the body. This supplement manages to cater to the intake of 2500 calories required for a body to function properly in minimum amount of calories as per the very low calorie diet (VLCD).

- vi. Through the VLCD, calorie intake of a client is reduced which results in burning of excessive fat and consequently, weight reduction. This is not a novel weight loss plan. It has been known as Micro Diet in the UK where it is considered as UK's No. 1 diet plan as well, where the basic idea is to lower caloric intake without compromising on necessary nutrition intake. The VLCD is not an overnight discovery, rather it is a product of scientific research of 50 years, starting from 1930s. This diet is comprised upon 3-4 servings of highly nutritious drinks a day, valued at 110 calories per serving. At such a low caloric intake, an individual is bound to lose weight, without losing the nutrition it requires.
- vii. Various components of the drinks (sachet), such as proteins, carbohydrates and fats have been discussed by the Respondent No. 10, along with their dose in the drinks, their mechanism, calories and impact on the body (*relevant annexures have been attached*). It has been submitted that the basic ideology behind the concept is based on Quality-Quantity Frequency (QQF) test. That simpliciter, even 16-20 pounds of weight loss in 30 days is possible, which requires a change in eating habits such as quality and frequency of food intake. The rotational diet plan suggested by the Respondent No. 10 enables this weight loss by administering the eating habits of individuals, while ensuring that all nutritional requirements are fulfilled even on a VLCD diet. The plan, therefore, also does not have any side effects.
- viii. It is important to note that the **combination** of the sachet and the product helps in achievement of these results. The Respondent No. 10 does not claim anywhere that merely the use of the sachet would help in achieving the results, i.e., there is no need to follow the diet plan. That the Respondent No. 10 has at no occasion deceived the consumers into believing that the individuals would be able to lose weight without controlling their diet and only consuming the Sachet.
- ix. That the diet plans/charts have been meticulously drafted by the Respondent No. 10 with information given to clients, exhaustively covering all aspects of the plan, along with varying options granting flexibility and choice as well as necessary guidelines required to be followed to achieve the desired results (*diet plans/information charts have been attached*).
- x. That in addition to the thousands of satisfied customers, the plans have been thoroughly scrutinized and have received acknowledgement from expert nutritionist as well. The clients who lose weight with the help of the Respondent No. 10 do so without suffering from any deficiencies and remain healthy. The clients are actually restrained from engaging in heavy exercises other than moderate exercise like walking (recommended) as the former are likely to cause strain on the body which is not suitable while being under VLCD.
- xi. That obesity poses many risks to health and the Respondent No. 10 tries to educate its clients and has contributed significantly in helping individuals attain a healthy lifestyle for many years. That while doing so, it has never engaged in deceptive marketing practices to falsely attract clients towards itself. That the Respondent No. 10 has one of the largest chains in the market and enjoys a strong position and reputation therein. That all the claims made by it are backed by appropriate and

methodical explanations, which have ensured not only its survival but also its expansion. It has been finally submitted that the Respondent No. 10 has submitted its clarifications and is willing to provide more information, if required, to satisfy the purpose of this enquiry.

32. In order to gain further clarifications on certain matters, the Respondent No. 10 was called for a meeting on January 23, 2019, along with submission of the following documents vide letter dated January 18, 2019;
- Documentary evidence demonstrating 3 – 5 successful stories of clients (complete relevant progress report) who have achieved the results as claimed by the Respondent No. 10 pertaining to each of its various products.
 - Difference between the Nutritional Sachet and different products marketed by the Respondent No. 10.
 - Laboratory tests demonstrating that the Sachet actually contains all the nutrition as per the label.
 - Clinical trial demonstrating that the products of each package had an additional impact on weight loss which could have been attained only through the combined use of the products along with the diet plan and not by following the diet plan alone.
33. After sending out various reminders and giving several extensions in deadlines, the said meeting was conducted on February 12, 2019, wherein the following matters were discussed and submissions were made;
- The Respondent No. 10 has submitted only four (04) progress reports of clients and stated that the rest of the clients did not allow them to share their data.
 - A package/program of the Respondent No. 10 is comprised upon a diet plan, nutritional sachets (based on the duration of the program), and a Syrup (based on the expert's recommendation)
 - With regards to the Sachet of the Nutritional Supplement, it has been submitted that it is actually dry milk with iron supplements added to it. However, no lab tests were submitted. The details of the Syrup have already been discussed before. With respect to the 55 ingredients mentioned by it, a client is expected to gain all of them from the regular meals s/he consumes from the diet charts, milk supplement and the syrup (primarily composed on Vitamin C).
 - No such records were available, hence not submitted.
 - The Respondent No. 10 was also asked to submit packaging of all its packages (products)

XI. Herbo Natural – Respondent No. 11

34. A letter dated May 14, 2018 was sent to the Respondent No. 11 by the Enquiry Committee, wherein it was requested to submit certain clarifications and supporting documents/evidence pertinent to the specific claims made regarding its weight loss/slimming products 'SlimEasy'. The highlighted claims requiring substantiation are reproduced below:
- *A complete research based product*
 - *100% pure and natural solution for weight loss*

- *Cures constipations*
- Others

35. As the Respondent No. 11 failed to submit its response by the deadline, it was sent a reminder vide letter dated May 31, 2018. The Respondent No. 11 submitted its reply vide letter dated June 02, 2018, the contents of which are reproduced below:

- i. That the Respondent No. 11 is a law abiding “Tibb-e-Unani” medicine concern which does not believe in making any deceptive claims. That SlimEasy is a traditional product, the ingredients of which have been clearly stated on the packaging.
- ii. The Directorate of Health & OTC – DRAP, which is also the regulatory authority that deals with enlistment, registration and licensing of Tibb-e-Unani products is in the process of forming labeling and advertising rules. Simultaneously, the Respondent No. 11 has also replaced its claim, “100% Natural and Pure” with the statement, “Nature’s Fat Fighting Ingredients”. The claims highlighted in the letter might be of marketing material present on the website which is outdated and which is also being updated. The Enquiry Committee will be informed as soon as the website is updated.
- iii. Additionally, the statements, such as “burns fats fast”, “Accelerate Energy”, and “Boosts Thermogenesis” have been taken from the authoritative books approved by the DRAP (Health & OTC Directorate).
- iv. Moreover, the production and sale of ‘Triphala Powder’ has been curtailed.
- v. It has been finally submitted that the Respondent No. 11 is committed to complying with all relevant laws and regulations and would appreciate the Commission’s guidance in this regard.

XII. Marhaba Laboratories (Pvt.) Ltd. – Respondent No. 12

36. A letter dated May 16, 2018 was sent to the Respondent No. 12 by the Enquiry Committee, wherein it was requested to submit certain clarifications and supporting documents/evidence pertinent to the specific claims made regarding its weight loss/slimming product ‘Shape Up Herbal Slimming Water’. The highlighted claims requiring substantiation are reproduced below:

“SHAPE UP HERBAL SLIMMING WATER: Shape up herbal slimming water is a colorless transparent liquid formulated to maintain ideal body weight. It is a combination of natural herbs that improves the physiological functions and tone up the body shape.”

37. In response to the Commission’s letter dated May 16, 2018, the Respondent No. 12 submitted its reply to the Enquiry Committee. The main points of the reply are summarized below:

- i. The Respondent No. 12 has never committed any deceptive marketing practices while marketing its product including “Shape Up” water and hence, Section 10 of the Act was not applicable on it.

- ii. It has been submitted that the allegation regarding making specific claims of its weight loss/slimming product is incorrect and baseless as there is no specific claim made by the Respondent No. 12. Therefore, the enquiry against it may kindly be closed.
- iii. It has been further submitted that the product “Shape Up” sliming water only helps in maintaining the ideal body weight, which can never be termed as false and misleading information or false and misleading comparison in the process of advertisement, hence the enquiry may kindly be set aside and withdrawn in the prime interest of justice, equity and fair play.
- iv. The composition of the product “Shape Up”, mentioned on its packaging, is given below;

1. Cassia Fistula	1.400g
2. Ruta Graveolens	0.350g
3. Trachyspermum Ammi	0.200g
4. Rheum Officinale	0.200g
5. Mentha Arvensis	0.175g
6. Cassia Angustifolia	0.075g

- v. It has been submitted by the Respondent No. 12 that the contents of the above mentioned ingredients are scientifically proven and universally recognized for losing weight and the detail/evidence of the said is as under;

a) Cassia Fistula

The barks of Cassia Fistula have already been scientifically proved to possess anti-oxidant properties. Studies on diabetic rats showed remarkable hypocholesterolemic and hypoglycemic effects of the hexane extracts of stem bark of Cassia Fistula (Nirmala, et al, 2008). Research findings over the last two decades have confirmed the therapeutic consequences of Cassia Fistula in the health management via modulation of biological activities due to the rich source of anti-oxidant (Arshad H. Rahmani, 2015). Extracts of the Cassia Fistula at a dose of 400mg/kg showed significant hepatoprotective activity which was comparable to that of a standard hepatoprotective agent (Bhakta T et al, 1999).

b) Ruta Graveolens

National Health Portal India has declared Safoof-e-Tukham Sudab (Powder of Ruta Graveolens), in Unani homemade remedies for weight loss and has been used in numerous combinations traditionally for obesity and related disorders (<http://nhp.gov.in/obesity-saman-e-mufrat>). Ruta exhibited alteration in serum aspartate transaminase, creatine kinase, total protein, cholesterol, urea and other serum constituents (Narwa M Ammar et al, 2002). These alterations in liver enzymes suggest that herbal drugs especially Ruta probably interfere the metabolic activities of liver (Fatima et al, 2002). Essential oil of Ruta Graveolens helps in promoting digestion that provides relief from the conditions such as digestive issue and indigestion (Health Benefits of RUE).

c) Trachyspermum Ammi

According to the Journal of Obesity and Weight Loss Therapy, a total of 77 medicinal plants from 38 families were reported against obesity and overweight. The significant species based on the value of RFC (Relative Frequency of Citation) was *Trachyspermum Ammi*. *Trachyspermum Ammi* seeds in combination have been used traditionally for the reduction of abdominal obesity (Mona Nazish Rehman et al, 2018). Medicinally, it has been proven to possess various pharmacological activities like antifungal, antioxidant, hypolipidemic, antihypertensive, digestive stimulant (Rajan Bairwa et al 2002). It is extensively effective in lipid lowering action by decreased total cholesterol, LDL-cholesterol, triglycerides and total lipids (Khan G et al, 2002). In experimental rats in vivo, the addition of the *Trachyspermum Ammi* to the diet reduced food transit time and also enhanced the activity of digestive enzymes and/or caused a higher secretion of bile acids (Platel K et al, 2001)

d) Rheum Officinale

Herbal decoction, containing 40% *Rheum Officinale*, was found effective in reducing body weight gain in rats that had fed a high fat diet to induce obesity. (Zhiyun Liu et al, 2007). According to Assessment Report for *Rhubarb (Rhei radix)* by EMA, research on mice showed that mean body weights of males and females exposed to 5,500 ppm of *Rheum Officinale* and greater were significantly less than those of the controls. *Rhubarb* has been used traditionally both as laxative and antidiarrheal agent. The laxative action of anthraquinone derivatives is well recognized (Joanne Barnes, *Herbal Medicines*, 3rd Edition). *Rheum* is indicated in high Cholesterol, high Triglycerides, Hyperlipidemia (James A Duke Handbook of *Medicine Herbs*, 2nd Edition).

e) Mentha Arvensis

Mentha Arvensis is second to *Trachyspermum Ammi* in the highest RFC reported species for weight loss, peppermint scent can be used as an effective adjunct to decrease appetite, decrease hunger cravings, and consume fewer calories, which may lead to weight reduction and greater overall health (J.A Reed et al, 2008). Essential oils of *Mentha Arvensis* have exhibited strong antioxidant properties (Mc Kay et al, 2006).

f) Cassia Angustifolia

Senna is also included in several herbal teas used for purging and in weight loss common brand name are Slim Meta. *Cassia Acutifolia*, *Cassia Angustifolia*, *Cassia Senna* (therapy – diet-studies. BlogSpot 2016). It may also be used to detoxify the body expel worms or act as diuretic. (4, 9) (Balasankar et al, 2013). Dieters' tea, the herbs of *Senna* is found as primary ingredients. Due to the combination of acting as laxative and stimulant regular intake of *Senna* tea is found to reduce the appetite without disturbing other body system (Balasankar et al, 2013). Herbal teas which contain *Senna* leaves are most commonly used to promote weight loss (Omur Demirezer et al, 2011).

- vi. It has been further submitted by the Respondent No. 12 that the ingredients mentioned above are also recognized by the WHO as well as the other recognized

bodies of Pakistan. The ingredients of the product, 'Shape Up' help to reduce body weight and maintain other body functions.

- vii. The enquiry under reply is, therefore, liable to be withdrawn on the basis of the "Direction for use & the Note" mentioned on the packaging of the product, in which it is clearly mentioned that "*Take 4 tablespoon (40ml) of Shape Up Herbal Sliming water with juice of half lemon in a cup of warm water an hour before meal, twice a day*". Furthermore, it has also been mentioned on packaging that, for efficient results, one should avoid excessive cholesterol intake in their diet and add exercise in daily routine. These directions and note for using the product with warm water and lemon, avoiding excessive cholesterol intake and adding exercise in daily routine suggest that following the same properly will help in losing weight and shaping up the body. The Respondent No. 12 has finally requested that the enquiry under this reply may kindly be withdrawn and set aside.

XIII. Lasani Pharma (Pvt.) Limited – Respondent No. 13

36. A letter dated May 16, 2018, was sent to the Respondent No. 13 by the Enquiry Committee, wherein it was requested to submit certain clarifications and supporting documents/evidence pertinent to the specific claims made regarding its weight loss/slimming product 'Arq-e-Mehzal'. The highlighted claims requiring substantiation are reproduced below:

- *No side effects*
- *Pakistan ka number 1*
- *Wazan ghatain, sehet payain*
- *Har kisam kay motapay ki wajuhaat ko kam karnay kay liye muassir*

37. The Respondent No. 13 submitted its reply through letter dated May 29, 2018, wherein the following submissions have been made:

- i. That the Respondent No. 13 has been incorporated as a company under the Companies Ordinance, 1984, and is involved in the production, supply and distribution of herbal medicines and preparations in Pakistan. It has developed into a strong entity after years of hard work, progressive approach and diversification. Resultantly, it has emerged as a leading entity which also ensures adoption of criteria of fair competition.
- ii. The production facility of Respondent No. 13 is located in Lahore and it adheres to strict and high quality standards, encompassing aspects, such as production, quality, safety, occupational health and environmental control. A strict monitoring system is also maintained with the suppliers of raw material in order to ensure that its final products are approved by the regulatory authorities as well. Maintaining high quality is the foremost aim of the Respondent No. 13 and therefore, its workforce is also highly skilled due to the various trainings given to them.
- iii. Consequently, its efforts have resulted in a wide distribution network across the country. The Respondent No. 13 ensures adherence to strong work ethics and compliance with good manufacturing practices. It also ensures provision of good quality products to its customers, including the doctors and hakeems who prescribe

them. It also invests in research and innovation to cater to the changing market dynamics.

- iv. Top priority has been given to promote research based herbal medicines by the Respondent No. 13 which has given it strength and has placed it in a strategic position. In order to create awareness, it also regularly conducts herbal medical conferences, meetings, workshops, etc., through which it has also developed close relations with the opinion leaders, physicians and hakeems.
- v. The Respondent No. 13 follows principles of strict cGMP (Current Good Manufacturing Practices). A variety of products are produced in the form of liquids, tablets, capsules, dry syrups, creams, ointments, sterile, etc. The prices of its products are also highly competitive which means that the consumers also get high value solutions. Due to continuous efforts, it has also achieved a reputable status and goodwill in the market. Intellectual Property Rights of its products have also been protected to safeguard and maintain this goodwill.
- vi. In this reference, the Respondent No. 13 has also developed a weight-loss product, “Arq – e – Mehzal” which is a symbol of high quality and reliability. This product has been well-received in the market, so much so that it has been replicated by other firms as well. It has been advertised in electronic print media only to create its awareness and not to deceive consumers. The Respondent No. 13 has not used deceptive marketing and will never indulge in such practices either. The clarifications regarding the claims highlighted in the Commission’s letter dated May 16, 2018, are provided below.
- vii. **No Side Effects:** The product, “Arq – e – Mehzal”, is a herbal product which is manufactured by using essence of natural herbs, fruits, stones, metals, vegetables, trees, roots, leaves, etc. Herbal medicines do not have side effects, a fact which has been recognized by hakeems, scientific laboratories, and long term analysis as well. The Respondent No. 13 also observes high quality standards in production and hence, the product has no side effects.
- viii. **Pakistan ka Number 1:** The Respondent No. 13 is the exclusive owner of the property rights associated with the product, “Arq – e – Mehzal”, which cannot be used by anyone else. This claim has been used as a result of information given regarding the Respondent No. 13 in the preceding paragraphs.
- ix. **Wazan Ghatain, Sehat Payain:** This claim has been used to educate the customers and not deceive them.
- x. **Har kisam kay motapay ki wajuhaat ko kam karnay kay liye muassir:** The product is an effective medicine for weight loss as it has ingredients which help in reducing causes of obesity and therefore, the claim is not deceptive.

XIV. Qarshi Industries (Pvt.) Ltd. – Respondent No. 14

38. A letter dated May 16, 2018 was sent to the Respondent No. 14 by the Enquiry Committee, wherein it was requested to submit certain clarifications and supporting documents/evidence pertinent to the specific claims made regarding its weight loss/slimming product ‘Anti-fat Tablets’. The highlighted claims requiring substantiation are reproduced below:

- *Eliminating unwanted fat*
- *Controlling excessive weight gain*

- *Keep the body healthy, active and smart*
- Others

39. The Respondent No. 14 submitted its reply vide letter dated May 29, 2018, wherein the following submissions have been made:

- i. That it is one of the leading undertakings of Pakistan engaged in production and supply of natural medicines, refreshing syrups, Springley natural mineral water, soft carbonated drinks, and farm products. It also has multiple accreditations/certifications, GMP compliant facility enlisted with DRAP, state of the art laboratories which are the first in Pakistan with 17025 and 17043 accreditations.
- ii. That it is a law abiding undertaking, however, it has been humbly submitted that scope of Section 10 of the Act does not extend to herbal and pharmaceutical undertakings as the medicine of either characteristic, whether natural or synthetic is prescribed by an expert, i.e., doctor, pharmacist or tabib who has the required knowledge regarding the medicine and its implications. Therefore, it has been submitted that anti-fat tablets do not fall under the ambit of Section 10 of the Act.
- iii. Nonetheless, in order to clarify its position before the Commission, it has been submitted that Unani formulations/herbal products are a mixture of one or more herbal ingredients based on authoritative Unani books used over hundreds of years. The benefits of the herbs highlighted in these authoritative books are tested and validated over long periods of time. Any claims made regarding such unani/herbal products are based on their benefits highlighted in these books. All the highlighted benefits are well established and have been in existence before development of modern science, whereas this a topic which has been extensively debated and well settled.
- iv. That the current allopathic research is also based on plants. The only difference between the two is that allopathic medicine is extracted using chemically modified ingredients, whereas the ingredients used in unani products are natural and in crude form. These products, owing to their natural formulation, have no side effects if made strictly according to the Books of Tibb-e-Unani.
- v. The ingredients used in the products of Respondent No. 14 are aligned with the authoritative books. They help in smooth functioning of the digestive system and helps in removal of wastes from the body. Copy of the information of the ingredients from the authoritative books has been annexed.
- vi. That one of the ingredients “Lakh” acts as a solvent and dissolves body wastes/fats and results in body thinning. Reference of this claim from an authoritative book has been attached. Effects of other ingredients used in the product along with its effects are provided below:

Local Name	Botanical Name	Medicinal (Anti-Fat) Effect
Fennel	Foeniculum Vulgare	- Increase Gastrointestinal (GI) motility - Anti-spasmodic

		<ul style="list-style-type: none"> - Reduce retention of food in gut
Ajwain	Trachyspermum Ammi	<ul style="list-style-type: none"> - Carminative - Helps in reduction of weight by improving digestion or gastric emptying
Cinnamon	Cinnamomum Cassia	<ul style="list-style-type: none"> - Imitates the biological activity of insulin and increases the metabolism of glucose - Since high blood sugar levels can lead to increased storage of fat by the body, cinnamon helps prevent this increased storage of fat - Prevents the transformation of the metabolized sugar into fat. Cinnamon also delays the passing of food from the stomach into the intestine. Hence, you feel satisfied for a longer time and eat less. - Cinnamaldehyde may work by activating an enzyme in your tissues called AMPK, which inhibits triglyceride synthesis.
Cumin	Cuminum Cyminum	<ul style="list-style-type: none"> - Research shows that cumin helps in burning of calories fast by increasing metabolism rate and digestion - It has a specific property of lowering bad cholesterol (LDL)
Garden Rue Leaf	Ruta Graveolens	<ul style="list-style-type: none"> - Rue contains terpenes such as limonene. This acts on the kidney to stimulate diuresis. This reduces fluid retention. - Help lower blood glucose

Senna Leaves	Casia Angustifolia	<ul style="list-style-type: none"> - Herbal laxative - Ingredients in popular weight-loss dietary supplements. - Speed up bowel movements - Reduction in serum total cholesterol, triglyceride, non-esterified, fatty acid and hepatic triglyceride levels were also observed. The histological examination of obese mice treated with <i>Senna alata</i> showed a reduced lipid accumulation in the liver tissue. - Stimulant on the myenteric plexus of the colon to induce peristaltic contradictions and decrease water absorption from inside the colon, effects that would provide relief from constipation.
Lac	Resins	<ul style="list-style-type: none"> - Hepatoprotective and anti-obesity drug - Helps in body slimming

40. In view of the above, it has been submitted that its product and the claims made are in line with the above mentioned information.

XV. Herbal Medicine.pk – Respondent No. 15

41. A letter dated May 18, 2018, was sent to the Respondent No. 15 by the Enquiry Committee, wherein it was requested to submit certain clarifications and supporting documents/evidence pertinent to the specific and extensive claims made regarding its weight loss/slimming products and diet plans, ‘Slim Chakotra’, ‘Ultra Fat Cutter Tablets’, ‘German Slimming Tea’, and ‘Slim Course’ on various marketing mediums, including but not limited to, website and product packaging.

42. As no response was received from the Respondent No. 15, two reminders were sent through letter dated June 05, 2018 and June 26, 2018. Finally, the response was received vide letter dated July 06, 2018, the contents of which have been summarized below, under correspondence of Respondent No. 16.

XVI. Baber Herbal & Homeo Clinic – Respondent No. 16

43. A letter dated May 15, 2018, was sent to the Respondent No. 16 by the Enquiry Committee, wherein it was requested to submit certain clarifications and supporting documents/evidence pertinent to the specific claims made regarding its weight loss/slimming product in newspaper advertisements. The highlighted claims requiring substantiation are reproduced below:
- *Motapa khatam, barha hua pait, jismani faltu charbi guarantee say khatam*
 - *Na dieting*
 - *Na parhaiz*
 - *Na warzish*
 - *Others*
44. As no reply was given by the Respondent No. 16 within the given time period two different reminders were sent through letter dated May 31, 2018 and final reminder on dated June 28, 2018.
45. The Respondent No. 16, through its legal counsel Mr. Amjad Hussain Malik, submitted its reply vide letter dated July 06, 2018, wherein the following submissions have been made.
- i. That the products/herbal medicine mentioned in the Commission’s letter are not being manufactured or promoted/marketed by the Respondent No. 16.
 - ii. That it has closed its business completely and the new business is being carried out by Mr. Asad Iqbal (CEO) with the name of BD Marketing (Social Media Marketing) on address mentioned on the Commission’s letter and the Respondent No. 16 has no concern with it.
 - iii. It has further submitted by the Respondent No. 16 that the cause of the action against has been completely removed, therefore, the proceedings may please be drop/cancel in the interest of justice.

D. ANALYSIS:

46. Before initiating the analysis of the instant matter, it is important to define various terms used in the pharmaceutical industry, such as drug, alternative medicine/drug and health & over-the-counter (OTC) products. The first Drugs Act was passed in Pakistan in 1976 with the aim of regulating the manufacture, storage, distribution, sale, import and export of drugs.
47. The Drugs Act, 1976 defines drug¹ as:
- i. *any substance or mixture of substances that is manufactured, sold, stored, offered for sale or represented for internal or external use in the treatment, mitigation, prevention or diagnosis of disease, an abnormal physical state,*

¹ <http://www.dra.gov.pk/docs/TheDrugsAct1976111115F.pdf>

or the symptoms thereof in human beings or animals or the restoration, correction, or modification of organic functions in human beings or animals, not being a substance exclusively used or prepared for use in accordance with the ayurvedic, unani, homoeopathic or biochemic system of treatment except those substances and in accordance with such conditions as may be prescribed;

- ii. abortive and contraceptive substances, agents and devices, surgical ligatures, sutures, bandages, absorbent cotton, disinfectants, bacteriophages, adhesive plasters, gelatin capsules and antiseptic solutions;*
- iii. such substances intended to be used for the destruction or repulsion of such vermin, insects, rodents and other organism as cause, carry or transmit disease in human beings or animals or for disinfection in residential areas or in premises in which food is manufactured, prepared or kept or stored;*
- iv. such pesticides as may cause health hazard to the public;*
- v. any substance mentioned as monograph or as a preparation in the Pakistan Pharmacopoeia or the Pakistan National Formulary or the International Pharmacopoeia or the British Pharmacopoeia or the British Pharmaceutical Codex or the United States Pharmacopoeia or the National Formulary of the United States, whether alone or in combination with any substance exclusively used in the unani, ayurvedic, homoeopathic or biochemic system of treatment, and intended to be used for any of the purposes mentioned in sub-clauses (i), (ii) and (iii).*

48. Further legislation took place and a new law was passed in November 2012 for the establishment of the Drug Regulatory Authority of Pakistan (DRAP) which is known as DRAP Act, 2012 (the “**D-Act**”). The aim of this D-Act is to provide for effective coordination and enforcement of the Drugs Act, 1976 and to bring harmony in inter-provincial trade and commerce of therapeutic goods.

49. The DRAP Act, 2012 defines Alternative Medicine/Drug² as:

“a product used exclusively in Homeopathic, Unani, Ayurvedic, Biochemic, Chinese or other traditional system of treatment”

50. According to the DRAP Act, 2012, Health & OTC³ Products (non-drugs) include and are defined as:

*“probiotics and disinfectant, nutritional products, food supplements, baby milk and foods, medicated cosmetics, medicated soaps and medicated shampoos; and
OTC mean over-the-counter non-prescription products.”*

51. After review of the definitions given in Drugs Act, 1976 and DRAP Act, 2012, let us recall Section 10 of the (Competition) Act which prohibits deceptive marketing practices:

² <http://www.dra.gov.pk/docs/DRAP%20Act.pdf>

³ <http://www.dra.gov.pk/docs/DRAP%20Act.pdf>

Deceptive marketing practices. — (1) No undertaking shall enter into deceptive marketing practices.

(2) The deceptive marketing practices shall be deemed to have been resorted to or continued if an Undertaking resorts to—

(a) the distribution of false or misleading information that is capable of harming the business interests of another undertaking;

(b) the distribution of false or misleading information to consumers, including the distribution of information lacking a reasonable basis, related to the price, character, method or place of production, properties, suitability for use, or quality of goods;

(c) false or misleading comparison of goods in the process of advertising;

52. Subsequently, each of the weight loss product manufactured by the Respondents has been analyzed in light of the above information. However, in order to draw a conclusion regarding *prima facie* violation of Section 10 of the Act, it is important to consider the marketing practices of the Respondents, carried out through packaging of the products, print media advertisements, online selling through websites, or any other mode/forum used for marketing their products, while keeping in view the overall net general impression disseminated by the Respondents to the ordinary consumers regarding their products.

53. For the purpose of this inquiry, products manufactured and marketed by each of the following Respondents will be analyzed individually.

S.No	Undertaking Name	Product Name
1	MPC Health & Food (Respondent No. 1)	Just Slim
2	Herb Health Club (Pvt.) Ltd. (Respondent No. 2)	Orange Slim and Apple Slimming Diet
3	Hemani Herbal (Respondent No. 3)	Slim Tea
4	Al-Mughni Herb (Respondent No. 4)	SMART Belly Reducer Tea
5	Herbs Man Laboratories (Respondent No. 5)	Smartil
6	Royal Leaf International (Respondent No. 6)	Diet Excel Slimming Tea
7	Awami Laboratories (Respondent No. 7)	Slim Smart
8	Nutrifactor Healthcare (Respondent No. 8)	Lipozin & Green Tea Complex

9	The Vitamin Company (Respondent No. 9)	Ultra Slim Plus
10	British Sliming Clinic (Respondent No. 10)	Various Diet Plans such as Hilton's F2, Executive, etc.
11	Herbo Natural (Respondent No. 11)	SlimEasy
12	Marhaba Laboratories (Pvt.) Ltd. (Respondent No. 12);	Shape Up Herbal Slimming Water
13	Lasani Pharma (Pvt.) Limited (Respondent No. 13)	Arq-e-Mehzal
14	Qarshi Industries (Pvt.) Ltd (Respondent No. 14)	Anti-Fat Tablets
15	Herbal Medicine.pk (Respondent No. 15); and	Slim Chakotra, Ultra Fat Cutter Tablets, German Slimming Tea and Slim Course
16	Baber Herbal & Homeo Clinic (Respondent No. 16) (hereinafter collectively referred to as the " Respondents ")	Weight Loss Products (Unnamed)

I. IN THE MATTER OF RESPONDENT NO. 1 – MPC HEALTH & FOOD

54. The products manufactured by the Respondent No. 1 include, but are not limited to, Be Yung Max, JustLook, JustSlim, JustGain and so on. However, the product under consideration for this enquiry is JustSlim. The following specific claims are being made by the Respondent No. 1 regarding its product JustSlim:
- *Natural way to get slim & smart*
 - *Natural dietary supplement*
 - *Burn extra calories and give shape to your body*
 - *Just Slim contains CLA & Green Tea Extracts and other magical ingredients set necessary to boost up fast metabolism & burn extra calories & sets up your body to desired body shape*
 - *Burns extra calories and reduces fat deposition*
 - *Supports the enhancement in carbs and fats metabolism*
 - *Helps in maintaining the desired body shape and keep you slim and smart*
 - *Increases good cholesterol (HDL) and decreases bad cholesterol (LDL)*
 - *Reduce 20-30lbm weight immediately by using the Just Slim capsule twice a day*
55. The Respondent No. 1 in its reply, dated June 20, 2018, submitted that they have discontinued the import, sales and marketing of its product Just Slim since the last 18 months. However, on March 2018, the Enquiry Committee placed an order of the product online

as an anonymous customer and the same was delivered on March 09, 2018 through invoice no. MPC-18-0169. Snapshot of the product and invoice generated by the Respondent No. 1 is shown below:



MPC HEALTH & FOOD
 SF-13, 5TH FLOOR, SHAHNAZ ARCADE,
 MAIN SHAHJED-E-MILLAT ROAD,
 KARACHI

Invoice

DATE	INVOICE #
09-Mar-2018	MPC-18-0169

Bill To

Mr. Haseeb Hossain
 House # 789-D, street # 22,
 Mehrauli Innam Bazaar, Muzaffargarh
 Pakistan town, Phase-1, Islamabad
 0333-3762423

D.O NUMBER	TERMS	RCP	SHIP DATE	VIA	T.R. DETAIL
			09-Mar-2018	LEOPARD	
ITEM	DESCRIPTION		QTY.	RATE	AMOUNT
JUST SLIM 90	JUST SLIM SOFTGELS 90s		1	1,500.00	1,500.00
DISCOUNT	DISCOUNT 30%			-450.00	450.00
				Total	PK 1,050.00

* Non receipt of goods must be notified in writing within seven days
 * Goods once sold can not be taken back.
 * Any Claim will not be accepted after 7 days.
 * Shortage Claims will not be accepted after Delivery.

56. The Respondent No. 1 has also submitted that its product is an imported nutritional supplement which is helpful in weight management. However, no documentary evidence has been submitted by the Respondent No. 1 to prove that its product has been imported from any other country.
57. According to the Respondent No. 1, Just Slim, has three active ingredients (i) Green Tea Extracts (ii) Conjugated Linoleic Acid (CLA) and (iii) L-Carnitine and all three ingredients are derived from plants and animal source which makes the basis of the claim that it has been derived from natural sources. As mentioned in para 9 *ibid*, the Respondent No. 1 has also submitted several clinical study references related to the ingredients found in the product which forms the basis of the various claims made by it. Moreover, the Respondent No. 1 has also submitted different clinical trials of the aforementioned ingredients which prove that the product have an ability to reduce weight.
58. The images of the product packaging and the claims available on its website⁷ as well as on the product brochure can be seen below. The packaging clearly shows the claims made by the Respondent No. 1.




⁷ www.mpchealth.com/product/just-slim-softgels/

MPC Health - Just Slim

www.mpchealth.com/product/just-slim-softgels/

Home About Us Our Products Health Categories Store Locator Contact Us

MPC Health / Products / Weight Management / Just Slim Softgels



Just Slim Softgels

Price: ~~Rs. 1,050.00~~

Natural Way to get Slim & Smart

Description

New advanced formulation in which L-Carnitine, CLA conjugated linoleic acid & Green Tea Extract are in combination. Just Slim boosts up metabolism, and burns extra calories & reduce fat deposition. Get results from first week.

گرین ٹی ایکسٹریکٹ اور ایل سی کارنٹین کے بہترین امتزاج (CLA) صحت مند گنڈا پھولک ایفے اور مختلف تیز چومند، پتھار وزن کو بخترول کرتے ہیں۔ جانوریں ڈائٹر کے حتمی ہیں۔ لمفٹک کے تسلسل کارپوریز اور چربی کو لختل کر کے وزن کو کم کر دیتے ہیں، بالخصوص جب ان CLA ملتی ہے۔ یہ گنڈا، اسمٹل کیمائوٹورن غذا اور وزن کا معمول بھی اپناتا ہے۔ گرین ٹی ایکسٹریکٹ چربی جلتے والے طبلت پر اثر ڈالتا ہے اور چھاتی کے صند اور نچوہرے کے حتمی کر 33 فیصد ڈک کر دیتا ہے۔

Supplement Facts:

Serving Size 1 Softgel

Amount per serving

CLA, Green tea extracts and L-Carnitine..... 70mg

Suggested usage: Take one (1) softgel three times a day, preferably 2 hours before meal.



www.mpchealth.com

Just Slim™ Softgel & Lotion

Just Slim contains conjugated linoleic acid (CLA) and green tea extract which provide comprehensive nutritional support for those desiring a healthy body. Clinical studies have shown that CLA is important for inhibition of caloric fat helps in reduction of body fat, when used in conjunction with a healthy diet and exercise routine. According to European Journal of Clinical Nutrition Green tea extract can help to increase energy metabolism, fat oxidation by 33% and prevents formation of fat cells. Furthermore, Just Slim lotion penetrates deeply into skin layers to keep them hydrated, increase the rate of perspiration and blood circulation. These nutrients in cream, want, belly, thighs and legs, also beneficial for cellulite.

Some Outstanding benefits of Just Slim:

- Stimulate healthy cholesterol levels.
- Promotes metabolism of stored fat.
- Improves glucose tolerance within the body.
- Contains essential CLA with Green tea extracts.

Directions: Take 1 softgel three times a day, preferably 2 hours before meal & apply lotion three times a day over the desired area & massage until absorbed.

Suggestion: For better results use Just Slim softgel with topical application of Just Slim lotion.

www.mpchealth.com

Natural way to get Slim & Smart

Just Slim™ کے لیے ہر صبح اور شام استعمال کریں۔ 30 روزانہ وزن صحت مند اور تیز چومند Just Slim™ اور ویسٹرن سائنس کے ساتھ

- Boosts basal metabolism and converts excessive fat into energy.
- Accelerates the burning of fuel and increases the feeling of satiety.
- Hinders lipid absorption and promotes fat excretion.

Just Slim™

Just Slim™

59. As per the submissions, a trial was conducted to check the therapeutic effects of high-dose green tea extracts on body weight reduction and as per the results, green tea extracts resulted

in significant weight loss, reduced waist circumference, and a consistent decrease in total cholesterol and LDL plasma levels, without any side effects or adverse effects in women with central obesity⁸.

60. According to another reference submitted by the Respondent No. 1, trials conducted to check the effects of L-Carnitine on weight loss in adults revealed that the use of L-Carnitine resulted in weight loss⁹.
61. The Respondent No. 1 submitted a clinical trial conducted by The American Journal of Clinical Nutrition to check the efficacy of CLA for reducing fat mass. The trials results show that given at a dose of 3.2 g/day, CLA produces a modest loss in body fat in humans¹⁰.
62. Therefore, it can be safely concluded through the results of the various trials that each ingredient used by the Respondent No. 1 in its product is effective for weight reduction. As mentioned in trial results, the primary purpose of CLA, Green Tea and L-Carnitine is to generate extra energy to boost up metabolism and burn extra calories which cause reduction of fat deposition in the human body.
63. It is important to mention here that all three studies/trials submitted by the Respondent No.1 were conducted on just one of the ingredients used in the finished product. However, it is complicating the interpretation of many studies results in combination of various ingredients. It is the fact that the product, i.e., Just Slim, contain multiple ingredients making it difficult to isolate the effects of each ingredient and predict the effects of the combination. Evidence may exist for just one of the ingredients in a finished product, and no evidence may be available for an ingredient when it is combined with other ingredients.
64. Moreover, it has been claimed that the one of benefits of the product Just Slim is to increase good cholesterol (HDL) and decrease bad cholesterol (LDL). However, the referred studies do not authenticate the claim made by the Respondent No. 1 as the referenced studies have concluded the opposite.
65. The brochure of the product also displays the absolute claim that Just Slim can immediately reduce up to 30lb weight by using it twice a day. However, the Respondent No.1 failed to provide any reasonable basis of this claim.
66. After analyzing the information and effects of the product, it can be concluded that the following claims have been satisfactorily substantiated by the respondent No. 1.
 - *Natural way to get slim & smart*
 - *Natural dietary supplement*
 - *Burn extra calories and give shape to your body*
 - *Just Slim contains CLA & Green Tea Extracts and other magical ingredients set necessary to boost up fast metabolism & burn extra calories & sets up your body to desired body shape*
 - *Burns extra calories and reduces fat deposition*

⁸ <https://www.ncbi.nlm.nih.gov/pubmed/26093535>

⁹ <https://www.ncbi.nlm.nih.gov/pubmed/27335245>

¹⁰ <https://academic.oup.com/ajcn/article/85/5/1203/4632999>

- Supports the enhancement in carbs and fats metabolism
- Helps in maintaining the desired body shape and keep you slim and smart

67. However, the remaining claims of that Just Slim can “Increase good cholesterol (HDL) and decrease bad cholesterol (LDL)” and one can “Reduce 20-30lb weight immediately by using the Just Slim capsule twice a day” have not been substantiated and hence, appear to be false. Additionally, the Respondent No. 1 in its reply has not only failed to provide a reasonable basis for its claims, but this conduct is also capable of harming the business interest of other undertakings in the business of slimming/weight loss products. Therefore, the Respondent No. 1 has been found engaged it, *prima, facie* violation of Section 10(1) in general and in particular Section 10(2)(a) and (b) of the Act.

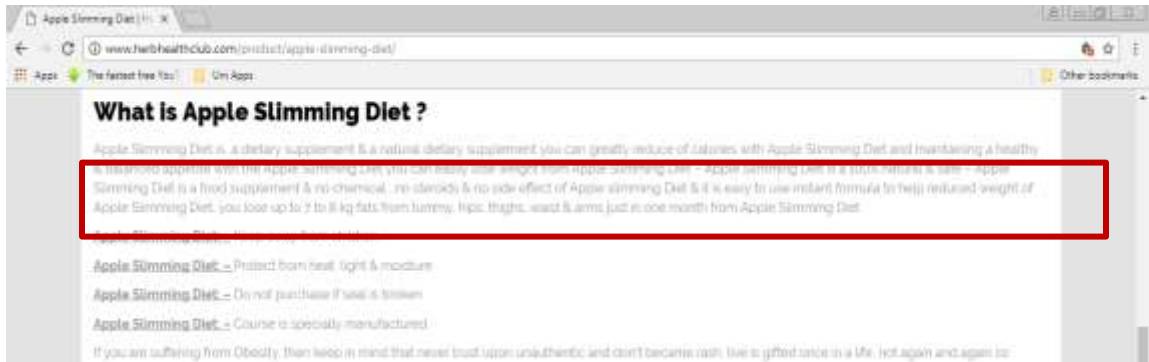
II. IN THE MATTER OF RESPONDENT NO. 2 – HERB HEALTH CLUB (PVT.) LTD.

68. In order to analyze the facts, it is important to recall and understand all the claims made by the Respondent No. 2 on its marketing material, *inter alia*, the product packaging, product leaflet and on its website¹¹:



Product Packaging

¹¹ www.herbhealthclub.com/product-apple-slimming-diet/



69. As mentioned earlier, The Respondent No. 2 has made the following claims on its website and on packaging of its product ‘Orange Slim & Apple Slimming Diet’:

- 100% safe and natural;
- Lose weight the easy way;
- Lose up to 7-8 kgs fat from tummy, hips, thighs, waist & arms, just in one month; and
- Other specific claims.

70. Regarding the absolute claims made on the product packaging as well as on its website, the Respondent No. 2 made the following submissions:

- **Lose up to 7-8 kg fat from tummy, hips, thighs, waist & arms, just in one month**

It is clearly mentioned on the product packaging of Apple Slimming Diet that the product has the ability to lose weight up to 7-8kg from different parts of the body, however, no documentary evidence has been submitted to prove this claim.

- **100% Safe and Natural Supplement/100% Natural Food Supplement**

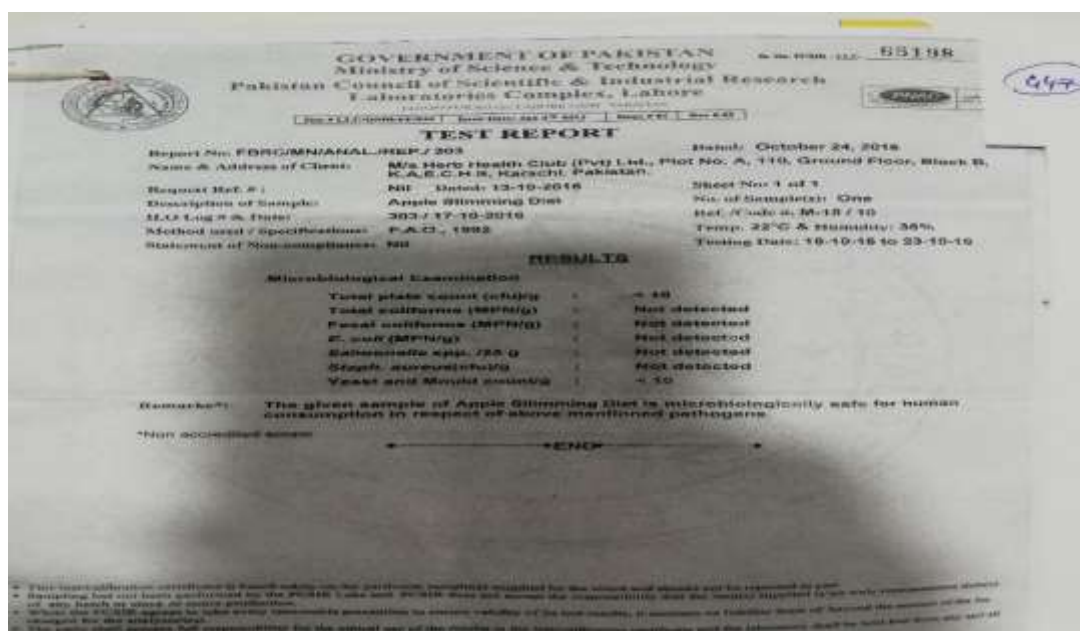
This statement of the Respondent No. 2 implies two things; that the products are 100% safe and that they are 10% natural. The Respondent No. 2 submitted that the products Apple Slimming Diet & Orange Slim contain natural milk, sugar, Vitamin - C and food grade color

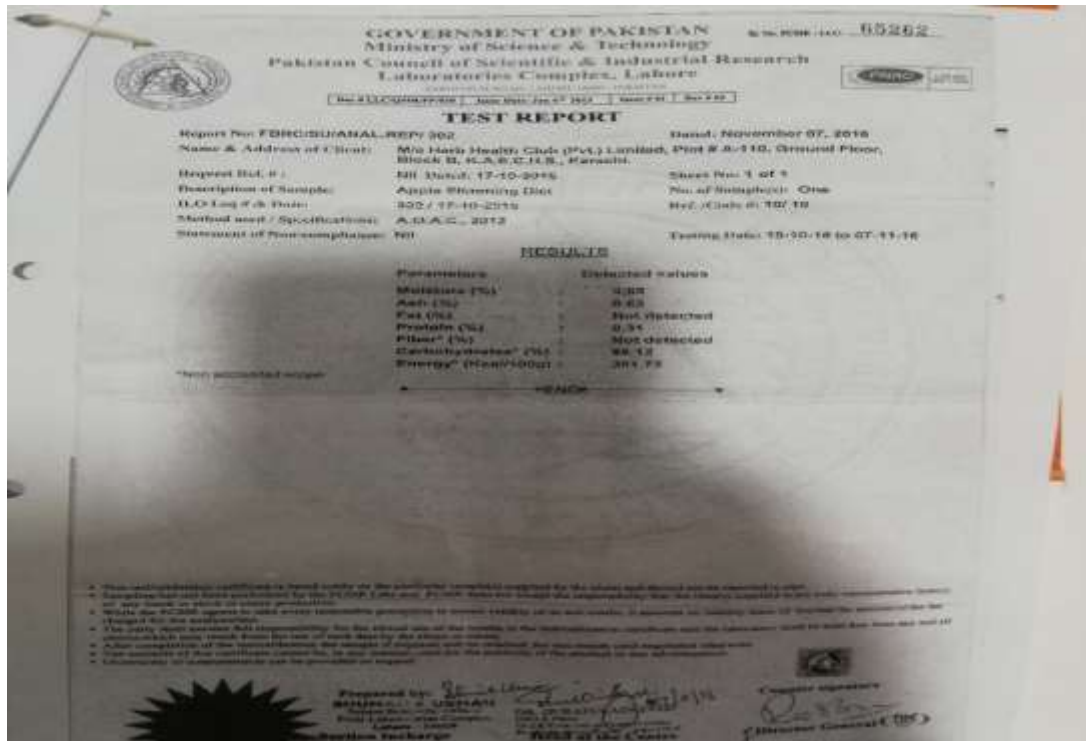
for its composition. However, if we look into the ingredient list of the product, i.e., Orange Slim, it shows that the composition of the product is based on the following ingredients; moisture, ash, fat, protein, carbohydrate, fiber, calcium, magnesium, sodium, potassium and vitamin- C with some of the homeopathic formulation, i.e., focus Q, ferrum phos 1X, vanadium 1X, nux vomica Q and thyroidinum Q.



It is noted that orange juice naturally contains some of the nutritional values given on the packaging of the product, however, no documentary evidence has been submitted by the Respondent No. 2 regarding the label of it being a 'Homeo Formulation' or whether the given homeopathic ingredients have been either attained from natural source or derived from a synthetic formulation to prove the claim of "100% natural food supplement".

71. Furthermore, the Respondent No. 2 has submitted two different test reports of the product Apple Slimming Diet conducted by the Pakistan Council of Scientific & Industrial Research (PCSIR). The copy of the test reports are provided below:





72. On October 24, 2016, the product, Apple Slimming Diet, was tested by the PCSIR for microbiological examination and different parameters were tested to check the safety of the product. The results shows that the product is safe for human consumption in respect of the tested pathogens. However, if the claim “100% safe” is interpreted as the product not having any side effects, in that case no evidentiary material has been submitted. As previously discussed, such products, i.e., homeopathic products or even very simple products like green tea may have certain side effects. Therefore, no undertaking can make such absolute and high sounding health claims, that too in absence of any cogent evidence. It should be further noticed that no such results have been submitted for Orange Slim. As a result, it should be noted that the claim under consideration is highly misleading and therefore, can easily deceive consumers.
73. In view of the forgoing, for making various abovementioned unsubstantiated claims, it is concluded that the Respondent No. 2 is, *prima facie*, involved in violation of Section 10 of the Act in terms of Section 10(2)(a) and (b) of the Act.

III. IN THE MATTER OF RESPONDENT NO. 3 – HEMANI HERBAL

74. The Respondent No. 3, manufacture of Hemani Slimming Tea submitted in its reply that its product is a time tested and high quality product which has been authenticated by both, national and international agencies. The Respondent No. 3 has also submitted the copy of a test report, dated January 26, 2015, conducted by the PCSIR. Image of the test report is provided below:

Annexure A

PCSIR LABORATORIES COMPLEX, KARACHI
Shehr-e-Qadriyah/Amna Siddiqui, Off University Road, Karachi - 75200
TEST REPORT

S. No: **24688** Page 01 of 01

Test Report #. **ILD/ATTE-1159/15** Date: **04/03/2015**

1. **Name and Address of Client:** M/s. Hemani International, Karachi
Plot No. 7, 7-B, 8, 10, Sector B-X, K.E.P.C., Lahore
Industrial Area, Extension Mehrao Highway, Karachi
75150.

Ref. No: **Nil** Date of receipt: **26-01-2015**

2. **Description of the Sample:**
Item: **100% Pure Slim Tea** Make: **Nil**
Lab. Code No.: **ILD/ATTE-1159/15** Mark if any: **Nil**
Condition found on receipt: **Properly Packaged**

3. **Test Performed on:** **30-01-2015**
Date of sampling: **N/A**

4. **Environmental Conditions:** **N/A** Temp: **N/A** Humidity: **N/A**
(Where applicable)

5. **Method Used:** **Standard Method for Acute Oral Toxicity Test (OECD-401)**

6. **Observations & Results:** **Uncertainty: N/A**
The given sample of "Hemani Slim Tea" was subjected to acute oral toxicity test in healthy laboratory experimental animals (rats and mice).
No animal showed any sign of untoward effects during 72 hours of observation period. Hence it is fit for use.

7. **Statement of Compliance:**

8. **Opinion/Interpretation (where required):** **N/A**

Tested By: **Dr. Hina Miran, MCO** **Dr. Tahmina Sohail, SSO**

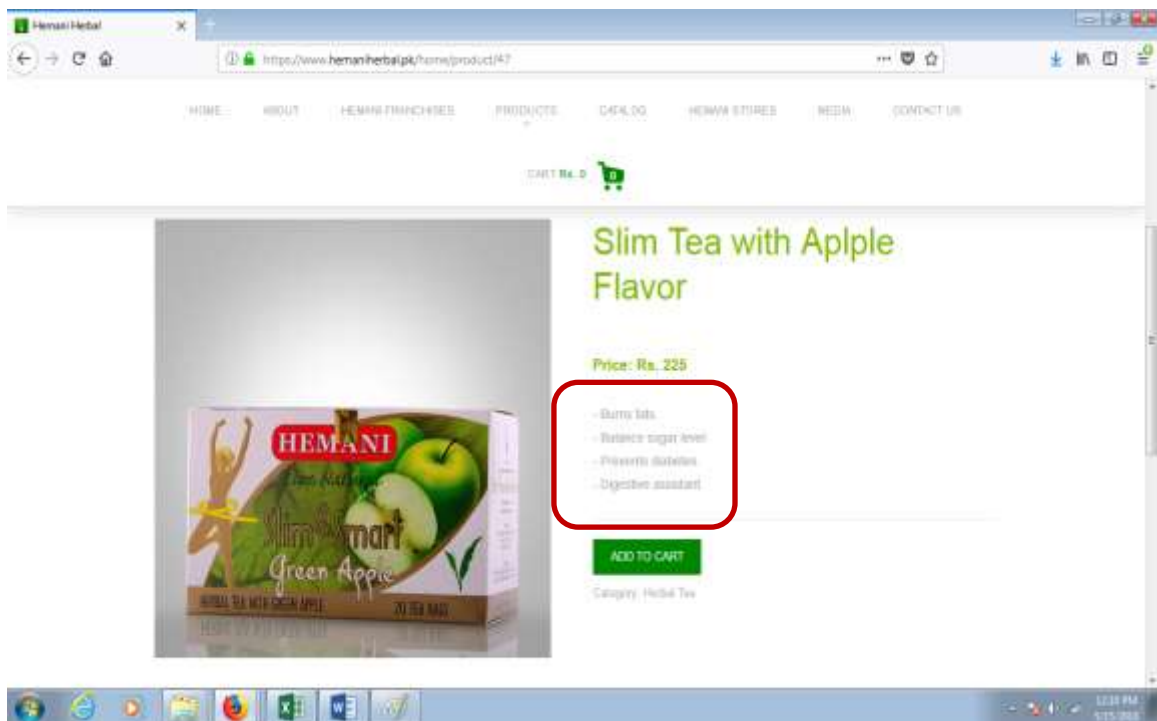
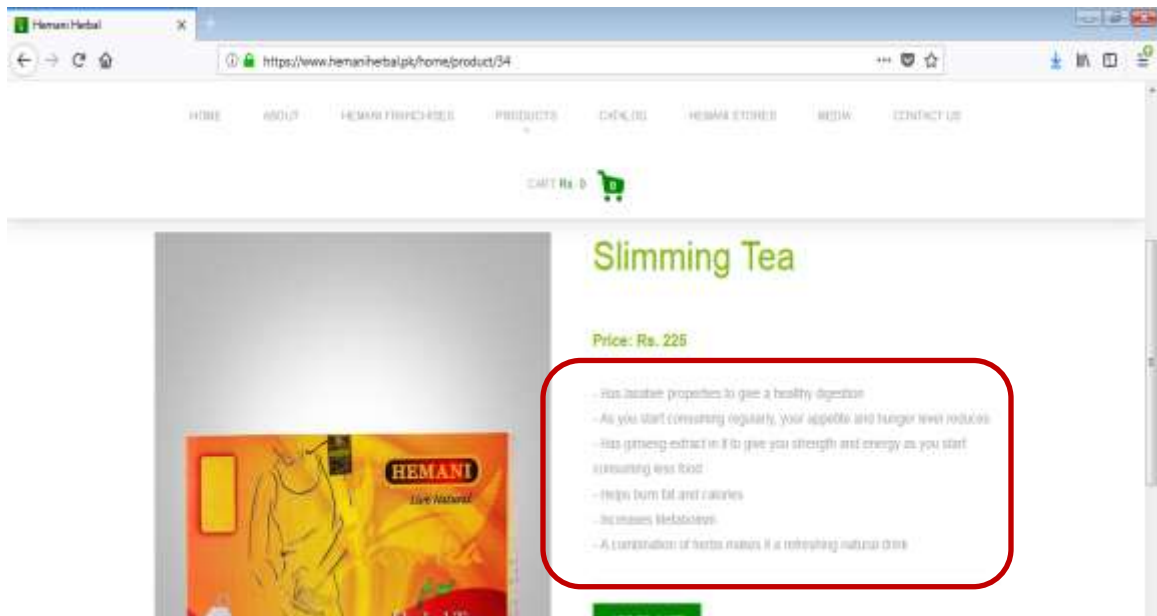
Checked / Verified By: **Dr. Yasminuddin, PMO**

Head of Centre: **Dr. Zahra Yaqoob, PSC**

The Acute Oral Toxicity Test of the product, Hemani Slimming Tea, was conducted by the PCSIR and observed that it is fit for use.

75. Below is some of the marketing material of the Respondent No. 3 for reference:





76. As mentioned earlier, the Respondent No. 3 has made the following claims on its website¹³ regarding its product, Hemani Slimming Tea.

- *Live Natural*
- *Has laxative properties to give a healthy digestion*
- *As you start consuming regularly, your appetite and hunger level reduces*
- *Has ginseng extract in it to give you strength and energy as you start consuming less food*

¹³ <http://www.hemaniherbal.pk/home/product/34>

- *Helps burn fat and calories*
- *Increases Metabolism*
- *A combination of herbs makes it a refreshing natural drink*
- *Prevents Diabetes*
- *Others.*

77. In support of the above mentioned claims the Respondent No. 3 has not submitted any documentary evidence, and hence no substantiation of claims have been made. Therefore, it appears that the Respondent No. 3 is, *prima facie*, involved in violation of Section 10 of the Act in term of Section 10(2)(a) and (b) of the Act.

IV. IN THE MATTER OF RESPONDENT NO. 4 – AL-MUGHNI HERB

78. The Product manufactured by the Respondent No. 4 is ‘Smart Belly Reducer Tea’. Below is some of the marketing material of Al-Mughni: Smart Belly Reducer Tea, including the product packaging and a leaflet distributed by it. The Respondent was asked to substantiate the claims made by it on its marketing material. Some of the claims are encircled for ease of reference.



Product Leaflet





Leaflet Inside the Box

79. Below are the claims made by the Respondent No. 4 in its marketing material:

- *Total Natural*
- *No Side Effects*
- *A convenient highly effective belly reducer solution*
- ***Benefits:***
 - *Reduces fats*
 - *Regularize lipogenesis*
 - *It can reduce your belly 4-6 inch using 3 boxes*

80. The Respondent No. 4 submitted in its reply that all the ingredients present in the product have been clearly labeled on the product packaging, further listed below:

- i. *Cinnamon*
- ii. *Anise Seed*
- iii. *Lemon Grass*
- iv. *Rose Petal*

81. It has further submitted its reply along with some documentary evidence to substantiate the claims. The validity of the absolute claims made on the product packaging will be discussed:

- ***Total Natural***

The Respondent No. 4 has submitted that it has used natural ingredients in its product which are clearly written on outer packaging of the product which include Fennel, Black Cumin, Lemon Grass and Rose Petal. However, if the packaging of the product is taken into consideration, the active ingredients used in the product are *Cinnamon, Anise Seed, Lemon Grass and Rose Petal*. The Respondent No. 4 has submitted documentary evidence regarding the use and effects of Fennel and Black Cumin on body weight which, as per the product label, are not present in this product. It has been further submitted that it has used Lemmon Grass and Rose Petal have been added only for the purpose of flavoring and aroma, respectively. Therefore, the evidence submitted in this regard have no nexuses with the ingredients used in its product and the claim made by it.

- ***No Side Effects***

The Respondent No. 4 has submitted scientific references regarding safe dosages of the ingredients mentioned in its reply, i.e., Fennel, Black Cumin, Lemon Grass and Rose Petal. However, as per the label, only two ingredients, i.e., Lemon Grass and Rose Petal are present in its product which are merely used as flavoring and aromatic agents in the product. Therefore, the evidence submitted in this regard are extraneous to the subject at hand.

- ***It can reduce your belly 4-6 inch using 3 boxes***

The Respondent No. 4 submitted irrelevant documents as evidence to substantiate the claim, therefore, the Respondent No. 4's claim is unsubstantiated.

- ***A Convenient Highly Effective Belly Reducer Solution***

No documentary evidence has been submitted to prove this claim that the product is highly effective and a convenient way to reduce belly.

82. After analyzing the documents submitted by the Respondent No. 4 regarding the formulation and efficacy of the product, it is evident that the claims of the Respondent No. 4 are unsubstantiated and hence false. The Respondent No. 4, in its reply has failed to provide the reasonable basis of the claims, therefore, it appears that it is, prima facie, violating Section 10(1) of the Act in term of Section 10(2)(a) and (b) of the Act.

V. IN THE MATTER OF RESPONDENT NO. 5 – HERBS MAN LABORATORIES

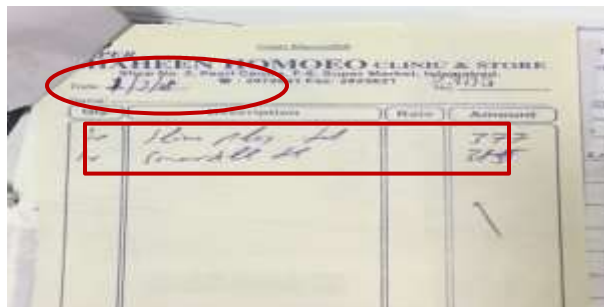
83. The brand manufactured by the Respondent No. 5 is ‘Smartil’. As mentioned earlier, the Respondent No. 5 has made the following claims on the packaging of its product:

- *Smartil – for Obesity*
- *Assist to reduce your extra body fat and makes you Slim – Smart – Beautiful – Healthy*
- *A Combination of Precious HOMEOPATHIC MEDICINE*
- *Aik maah kay ilaj say 15-20 pounds wazan kam kijiye* (Reduce 15-20 pounds with one month’s use)
- *Dusray maah 30 pounds wazam kam kijiye* (Reduce 30 pounds in the second month)

84. Below are images of the packaging of Smartil:



85. The Respondent No. 5 submitted in its reply that it has suspended its practices of manufacturing and sale of this product. However, the product was available and purchased from the market on March 01, 2018. The firm name of Respondent No. 5 can be seen on the product packaging. The receipt of the product purchase is provided below:



As a result, the Respondent No. 5 remains to bear the onus of the claims made on its product and the reason for its availability in the market.

86. Moreover, the product also contains the label of being “homeopathic”, however, as per submissions of the Respondent No. 05, it has failed to obtain the due approval from the relevant authority, i.e., DRAP. Therefore, there is also no evidence of it being a genuine homeopathic product.

87. Subsequently, the validity of the absolute claims made on the product packaging will be discussed.

- ***Aik maah kay ilaj say 15-20 pounds wazan kam kijiye (Reduce 15-20 pounds with one month’s use):***

88. No documentary evidence was submitted to prove the claim that the product has the ability to assist in reduction of 15-20 pounds in one month.

- ***Dusray maah 30 pounds wazam kam kijiey (Reduce 30 pounds in the second month):***

89. No documentary evidence was submitted to prove the claim that the product has the ability to assist in reduction of 30 pounds by the end of the second month of use.

90. Pharmacopeial evidence was submitted pertinent to the five ingredients written on the product label, namely Belladonna, Calc Carb, Fucus Ves, Graphites, and Phytolacca Berri.

i. Belladonna (Deadly Nightshade):

The evidence submitted in this regard demonstrates little to no effect of this ingredient on weight. In fact, it appears to be a harmful ingredient, severely injurious for human health.

ii. Calcareo Carbonica-Ostreorum/Calc Carb/CaCO₂ (Carbonate of Lime):

The evidence submitted in this regard demonstrates little to no effect of this ingredient on the user’s weight.

iii. Fucus Ves:

The evidence submitted in this regard demonstrates positive impact of this ingredient on weight loss. However, the source of data was not provided, thereby leaving the evidence unclear.

iv. Graphites:

The evidence submitted in this regard demonstrates little to no effect of this ingredient on weight.

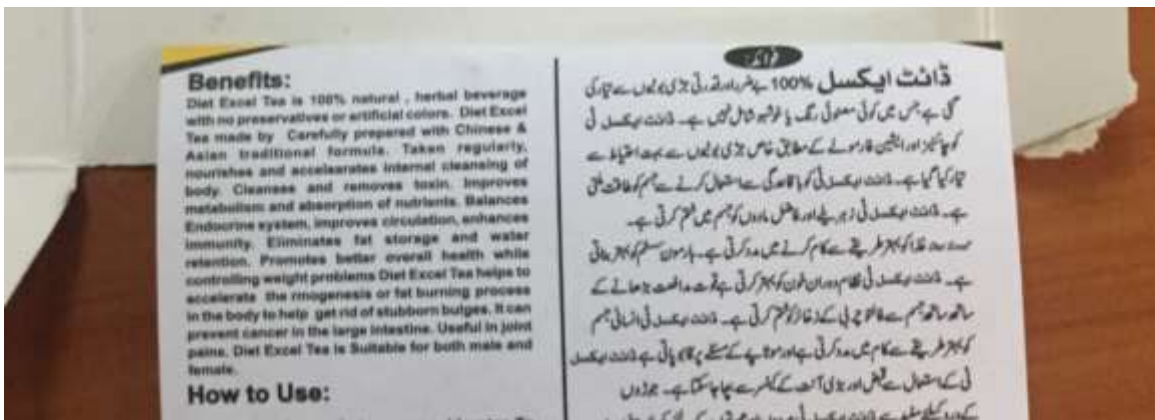
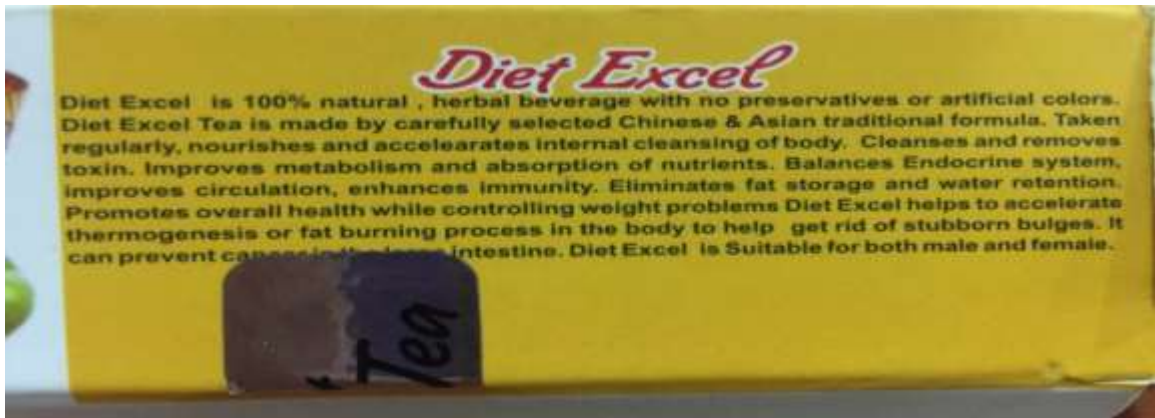
v. Phytolacca Berri:

The evidence submitted in this regard demonstrates positive impact of this ingredient on weight loss. However, the source of data was not provided, thereby leaving the evidence unclear.

91. In view of the foregoing, it appears that the Respondent No. 5 is, *prima facie*, involved in violation of Section 10 of the Act in terms of Section 10(2)(a) and (b) of the Act.

VI. IN THE MATTER OF RESPONDENT NO. 6 – ROYAL LEAF INTERNATIONAL

92. The product manufactured by the Respondent No. 6 is ‘Diet Excel Slimming Tea’. Below is some of the marketing material, primarily product packaging of Respondent No. 6:



93. In reply received for our letter dated April 30, 2018, the Respondent No. 6, vide letter dated May 30, 2018 requested for extension of time to submit its reply. However, despite sending

several reminders to the Respondent No. 6, no reply was received from it. As no reply has been received from Respondent No. 06, no substantiations have been received for the claims made. Therefore, it appears that the Respondent No. 6 has no reasonable justification for making the claims on its marketing material and hence, is *prima facie* involved in violation of Section 10 of the Act in terms of Section 10(2)(a) and (b) of the Act.

VII. IN THE MATTER OF RESPONDENT NO. 7 – AWAMI LABORATORIES

94. The Respondent No. 7, manufacturer of the product SlimSmart, has submitted in its reply that all the ingredients present in the product have been labelled clearly on the product packaging, as listed below:

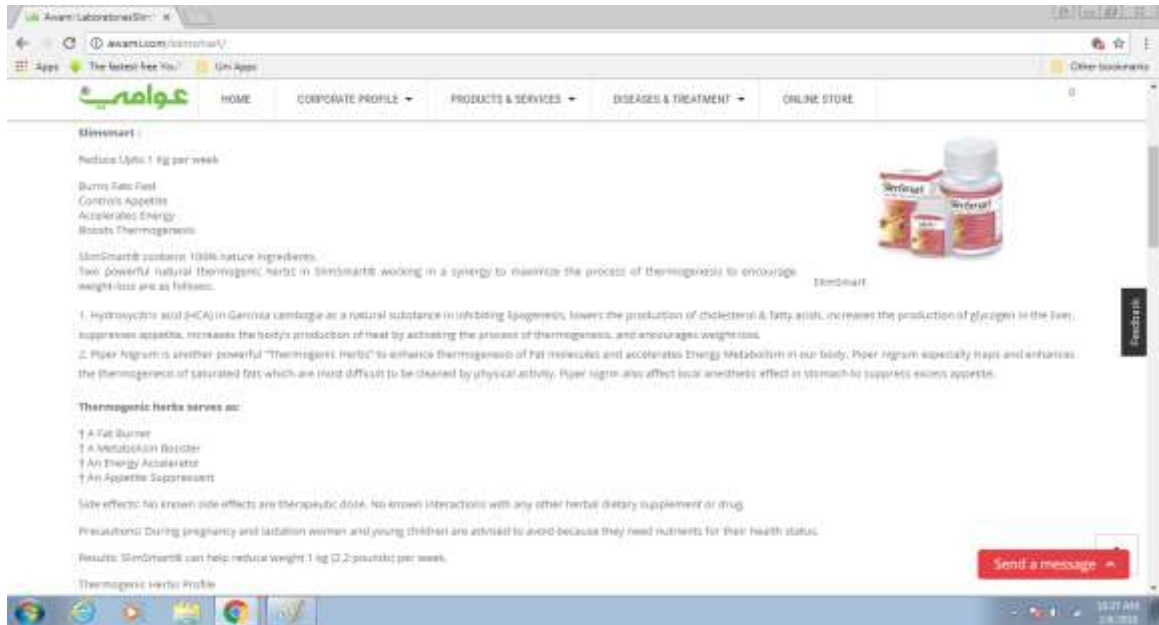
- i. Garcinia Cambogia
- ii. Piper Nigrum
- iii. Saffron
- iv. Carum
- v. Cloves
- vi. White Carum
- vii. Aloe Vera
- viii. Cinnamon
- ix. Fennel
- x. Lac
- xi. Gymnema Sylvestre

95. It has been further submitted that it has attached the license to operate by DRAP in addition to the product enlistment and claim approval for the product, SlimSmart. In this reference, it should be noted that as per the submitted documents, DRAP has enlisted SlimSmart product as a “Supplement for weight loss”, which means that the product has the ability to assist in weight loss. However, the other claims have not been given any specific approvals by DRAP. Some of the images of the marketing material of the Respondent No. 7 are reproduced below:

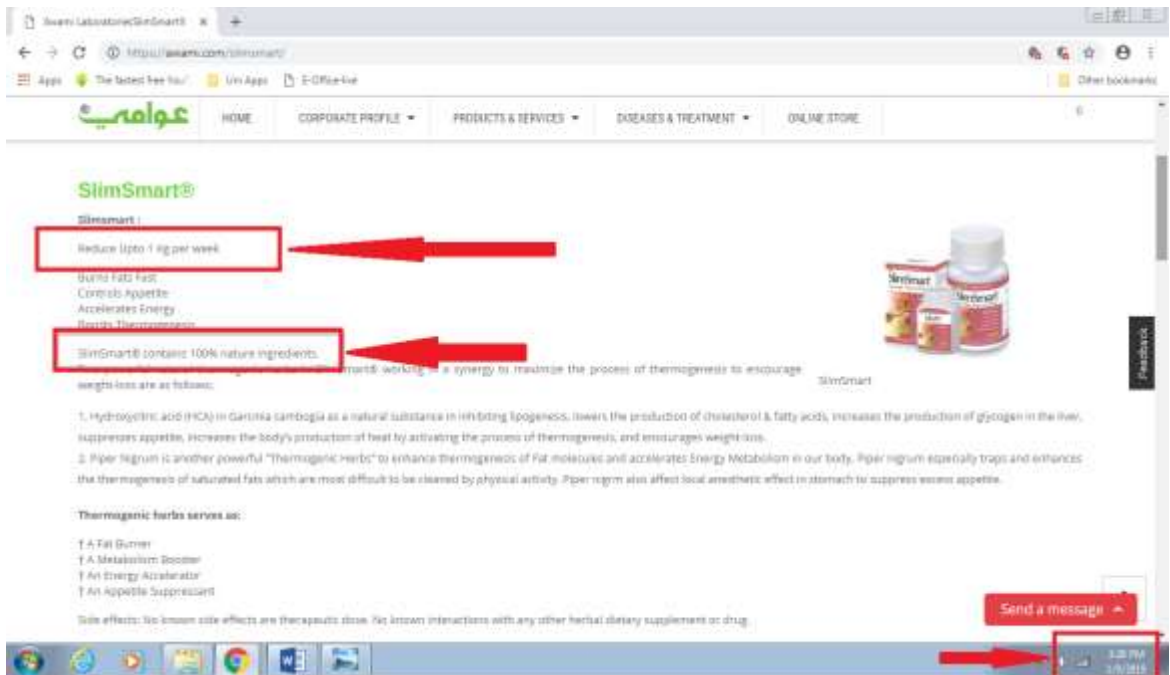


Newspaper Advertisement Dated: March 04, 2018

96. The Respondent No. 7 has also submitted in its reply that it has used the statement “*can reduce weight up to 1 kg per week*” and not “*reduce weight up to 1 kg per week*”. However, it can be seen on the newspaper advertisement above as well as screenshots below of the website of the Respondent No. 7 dated February 04, **2018**, and January 09, **2019**, that the marketing claim in fact says “*reduce weight up to 1 kg per week*”, whereas no proof has been submitted in support of this claim.



Website Screenshot Dated: February 06, 2018



Website Screenshot Dated: January 09, 2019

97. It should, however, be noted that with appropriate diet and exercise, an individual can lose up to 1kg in one week, whereas no such disclaimer has been provided by the Respondent No. 07. Where the overall claim may not be exaggerated, however, in order to avoid deception, clear and conspicuous disclosures must be given. The overall impression of the claim is that one might be able to achieve such results without having to undertake a moderate regime of diet or exercise, which is misleading as it is neither possible, nor any proof has been submitted in this regard.
98. Moreover, according to the Respondent No. 7, the packaging and labeling containing its previous claim, “100% Natural and Pure”, has been replaced with “Nature’s Fat Fighting Ingredients” since 2016. However, it has been observed that both the above screenshots, which are one year apart, have the claim, “SlimSmart® contains 100% nature ingredients”. Therefore, it can be concluded that the Respondent No. 7 has submitted incorrect information to the Enquiry Committee with respect to its online marketing material. On the other hand, the product packaging submitted by the Respondent No. 7 verifies its submissions regarding change of wordings to “Nature’s Fat Fighting Ingredients”.



Product Packaging



99. Furthermore, references for the claims, “Burns fats fast” and “Accelerates energy”, “Boosts thermogenesis” have been annexed, which had been taken from the authoritative books approved by DRAP. Copy of references from one of the books, “Makhzan ul Mufaradat” has been attached along with the list of authoritative books approved by DRAP. Likewise, ingredient-wise weight loss mechanisms were also proven through additional Unani Pharmacopoeial material. As per the submitted book, amongst the eleven ingredients mentioned by the Respondent No. 7, Aloe Vera (anti-oxidants), Fennel (boosts metabolism), Saffron (anti-oxidant), Carum (anti-constipation), Lac, Cloves (Anti-constipation), etc., played a positive role in weight loss with help of body functions aforementioned in the claims.
100. As for Garcinia Cambogia, a factsheet developed for consumers by National Institutes of Health (NIH), U.S. Department of Health & Human Services states:

	Ingredient	Proposed Mechanism of Action	Evidence of Efficacy**	Evidence of Safety**
1.	Garcinia Cambogia (hydroxytric acid)	Inhibits lipogenesis, suppresses food intake.	Several short-term clinical trials of varying methodological quality	Some safety concerns reported

		Hydroxycitric acid is the proposed active constituent.	<u>Research findings:</u> <i>Little to no effect on body weight</i>	Reported adverse effects: Headache, nausea, upper respiratory tract symptoms, gastrointestinal symptoms, mania, and liver damage
--	--	--	---	--

Common Ingredients in Weight-Loss Dietary Supplements¹⁵

***The evidence of efficacy and safety is for the individual ingredients. The efficacy and safety of these ingredients might be different when they are combined with other ingredients in a product.*

101. In view of the above discussion, it appears that the Respondent No. 7 has primarily made generic claims. Additionally, DRAP has also enlisted SlimSmart as a “herbal” “supplement for weight loss” which proves that the product is herbal, hence natural. Moreover, that it also has the ability to help in weight loss. However, use of the claim, “*reduce up to 1kg per week*”, without any disclosures may be deceptive. Therefore, it is proposed that the Respondent No. 7 may be called upon to make relevant disclosures on its marketing material. Without such disclaimers, the Respondent No. 7 appears to be, in *prima facie*, violation of Section 10(1), read with Section 10(2)(a) and (b) of the Act.

VIII. IN THE MATTER OF RESPONDENT NO. 8 – NUTRIFACTOR HEALTHCARE

102. The products manufactured by the Respondent No. 8 include, but are not limited to, 21-Day Weight Loss Program, Lipozin and Green Tea Complex. Below are images of some of the marketing material of the Respondent No. 08. The weight loss products, Lipozin & Green Tea Complex, and their packaging can be seen on them. The Respondent No. 8 claims in its marketing material that it has developed a “*21-Day Weight Loss Program*” including a “*Natural Weight Loss Supplement*” that has “*Clinically Proven Ingredients*” with “*No Preservatives & No Artificial Ingredients*”, which “*Blocks/Burns Fat*”, “*Reduces Appetite*”, and contains “*Metabolism Booster*”. That consequently, all these factors help people “*lose weight naturally*”. The Respondent No. 8 through its reply to a comment on its Facebook page also claims that “*no side effects have been reported yet from using this product*”. Fig. 3 below shows that it further claims that international standards are followed to manufacture these products which “*ensures the effectiveness and safety of the products*”.

¹⁵ National Institutes of Health, U.S. Department of Health & Human Services
<https://ods.od.nih.gov/factsheets/WeightLoss-Health%20Professional/#h3>



Fig. 1) Facebook Page Screenshot Dated: February 06, 2018

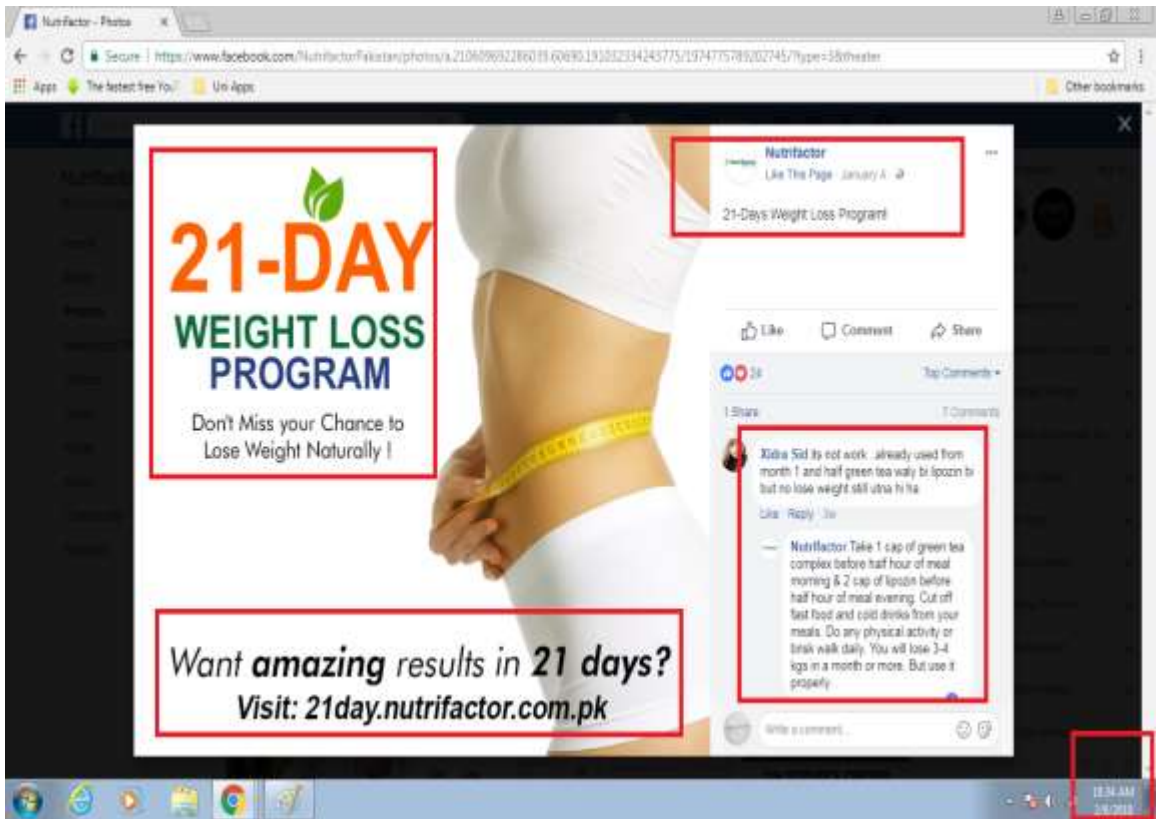


Fig. 2) Facebook Page Screenshot Dated: February 06, 2018

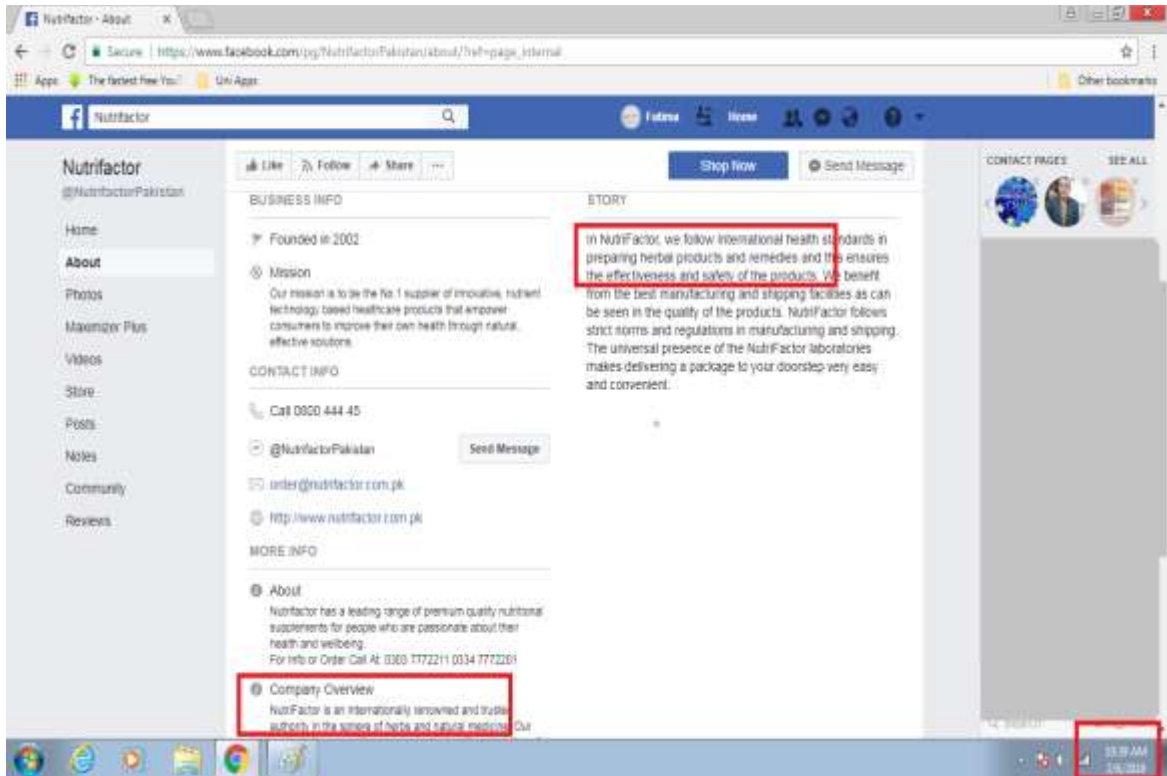


Fig. 3) Facebook Page Screenshot Dated: February 06, 2018

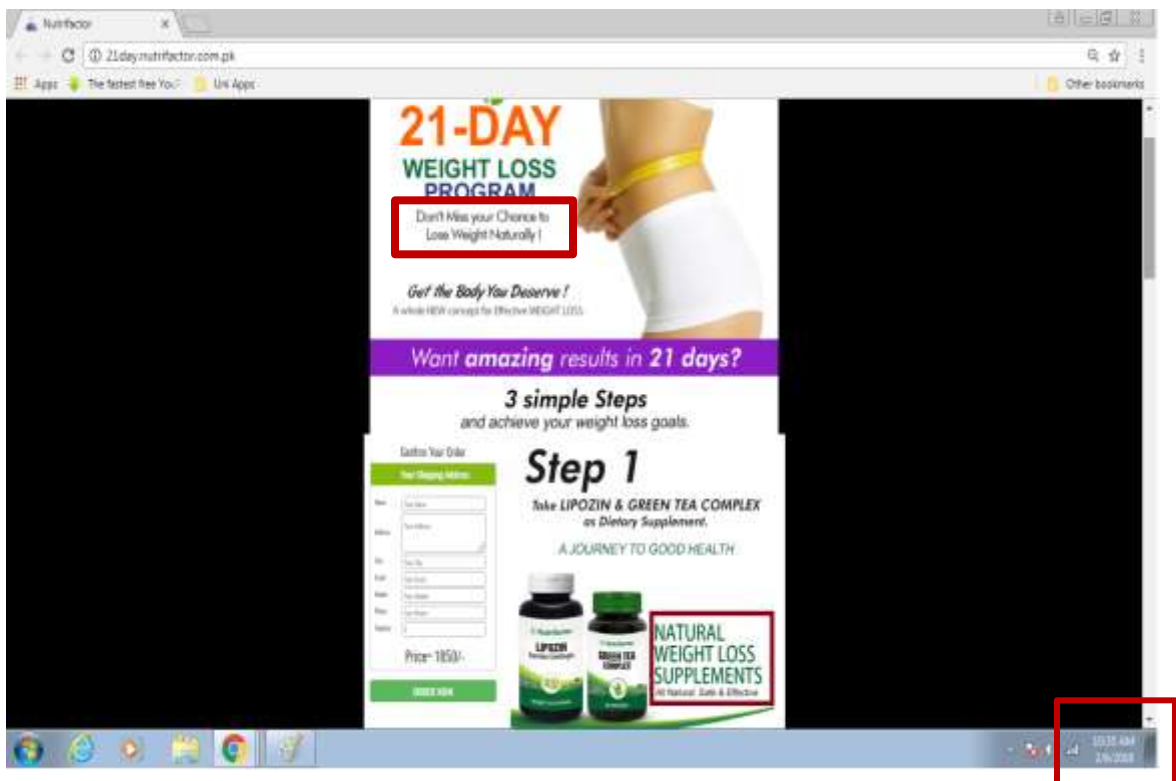


Fig. 4) Website Screenshot Dated: February 06, 2018



Fig. 5) Website Screenshot Dated: February 06, 2018



Fig. 6) Website Screenshot Dated: February 06, 2018

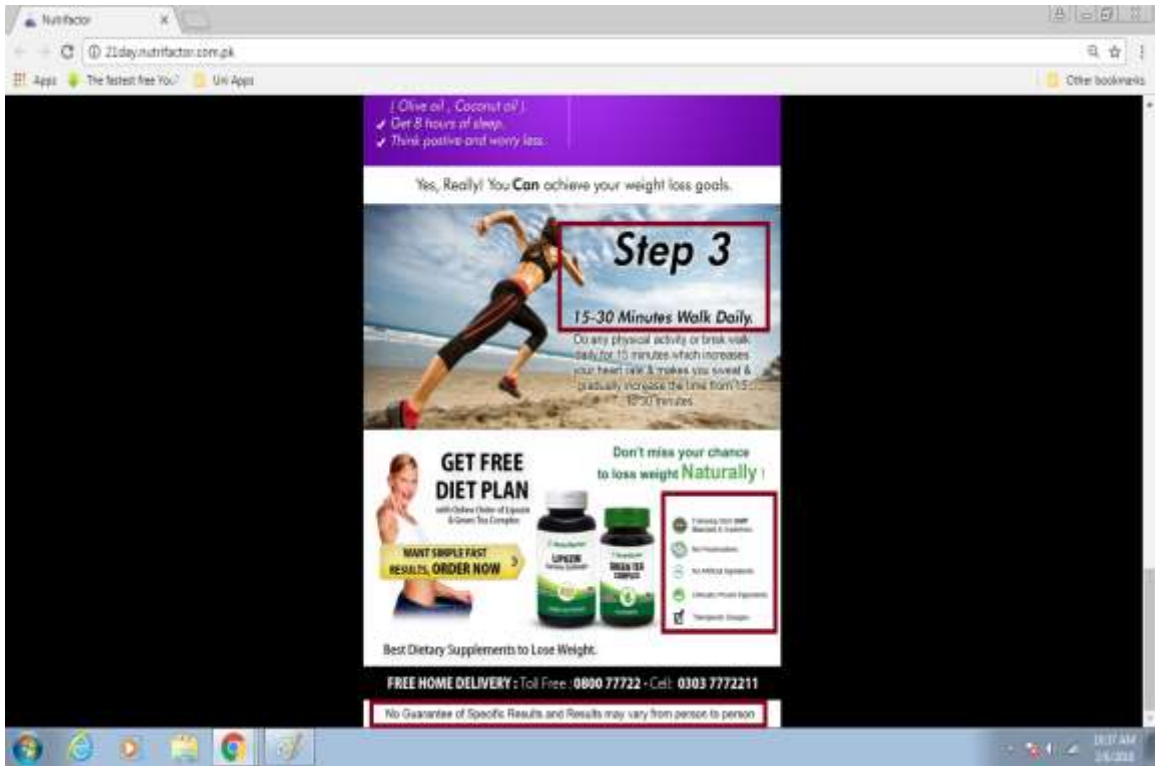


Fig. 7) Website Screenshot Dated: February 06, 2018

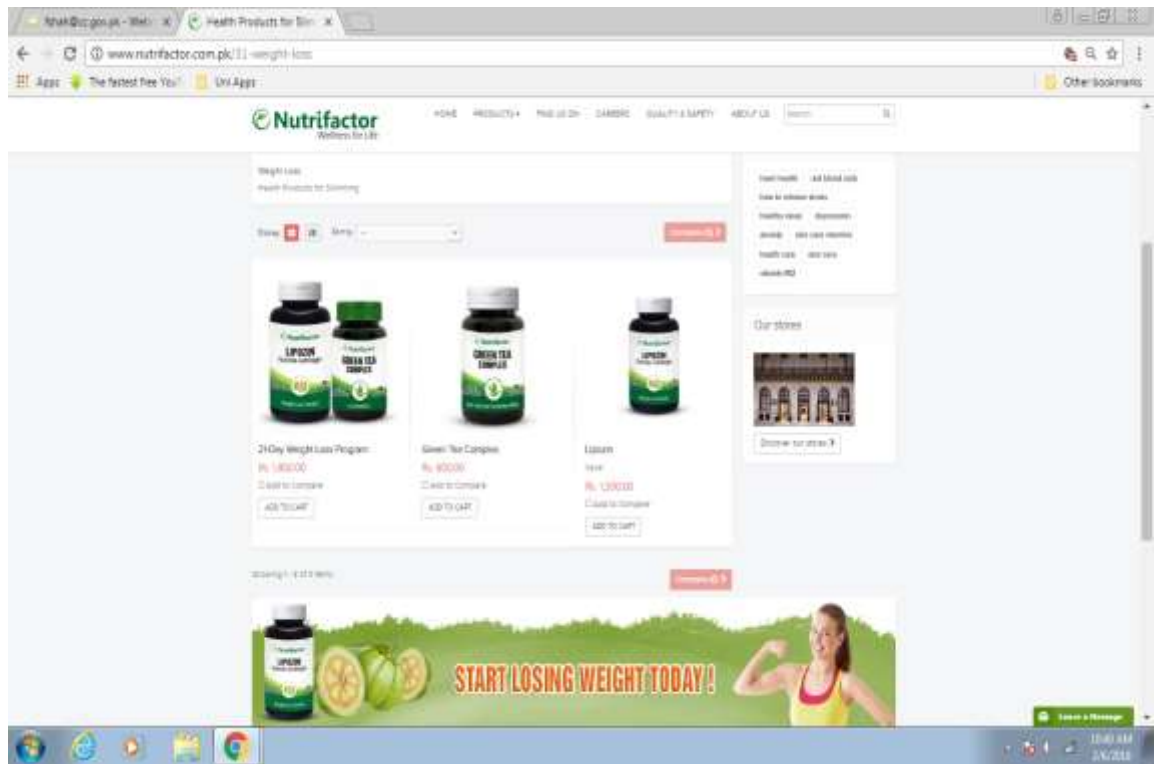


Fig. 8) Website Screenshot Dated: February 06, 2018

- **Natural Weight Loss Supplement/No Preservatives & No Artificial Ingredients/All Natural, Safe & Effective**

103. In support of its claims regarding use of pure and natural ingredients with no preservatives or artificial elements, it has been asserted by the Respondent No. 8 that both the products, Lipozin & Green Tea Complex primarily contain Garcinia Cambogia, Green Tea (Camellia Sinensis) and their extracts, which are natural ingredients and have not been acquired from synthetic sources, nor do they need preservatives. The Respondent No. 8 also submitted Form-6 required for enlistment of OTC products with DRAP. According to this form as well as submissions of the Respondent No. 8, Lipozin is a nutraceutical product which implies that it is a natural product. Moreover, since it is in tablet form, the product does not require preservatives. Hence, this claim of the Respondent No. 8 is accepted as true and there appears to be no *prima facie* violation of Section 10 of the Act.

- **Reduces Appetite**

104. Studies and other sources were quoted stating that Garcinia Cambogia contains hydroxycitric acid (HCA) which has the ability to reduce appetite. The sources, though, suggested that the results were not conclusive as;

“actual weight loss results aren't impressive. A review published in the Journal of Obesity found that people who took garcinia cambogia in studies lost about 2 pounds more than people who didn't take it. The reviewers couldn't say for sure that the weight loss was because of the supplement. It could have been from the lower-calorie diet and exercise programs the people in the studies typically followed. Better studies are needed to find out if HCA really helps people lose a lot of weight and keep it off.”

- **Metabolism Booster**

105. Studies were quoted which concluded that green tea has thermogenic properties and as a result, boosts metabolism.

- **Blocks Fat**

106. Studies were quoted which concluded that green tea has caffeine and EGCG components which enhances the process of thermogenesis and therefore, has the ability to burn fat.

107. In view of the foregoing, following information has been found from a credible source, i.e., National Institutes of Health (NIH), U.S. Department of Health & Human Services.

	Ingredient	Proposed Mechanism of Action	Evidence of Efficacy**	Evidence of Safety**
1	Garcinia Cambogia (hydroxycitric acid)	Inhibits lipogenesis, suppresses food intake. Hydroxycitric acid is the proposed	Several short-term clinical trials of varying methodological quality <u>Research findings:</u> <i>Little to no effect on body weight</i>	Some safety concerns reported <u>Reported adverse effects:</u> Headache, nausea, upper respiratory tract symptoms,

		active constituent.		gastrointestinal symptoms, mania, and liver damage
2	Green tea (Camellia sinensis) and green tea extract	Increases energy expenditure and fat oxidation, reduces lipogenesis and fat absorption	Several clinical trials of good methodological quality on green tea catechins with and without caffeine <u>Research findings:</u> <i>Possible modest effect on body weight</i>	No safety concerns reported for use as a beverage, contains caffeine; some safety concerns reported for green tea extract <u>Reported adverse effects (for green tea extract):</u> Constipation, abdominal discomfort, nausea, increased blood pressure, and liver damage

Common Ingredients in Weight-Loss Dietary Supplements¹⁶

***The evidence of efficacy and safety is for the individual ingredients. The efficacy and safety of these ingredients might be different when they are combined with other ingredients in a product.*

108. According to this source, Garcinia Cambogia has little to no positive effect on weight loss, whereas green tea and its extracts has modest positive effect on weight loss. Although, in contrast to its claim, there are a few negative side effects of these ingredients.
109. As the scientific evidence on efficacy of these ingredients, primarily Garcinia Cambogia with respect to weight loss is not very strong, it is appreciated that the Respondent No. 8 has given disclaimers in its marketing material that good diet and moderate exercise supplemented with its products would enhance the results of the program. The Respondent No. 8 has further declared that the results may vary person to person. Moreover, another major active ingredient in its product, Green tea (and its extracts) does have a positive impact on weight loss.

- Clinically Proven Ingredients

110. Certain scientific evidence was submitted to prove that the main ingredients of its products, Garcinia Cambogia, Green Tea (Camellia Sinensis) and their extracts (rich in caffeine and EGCG which enhances the process of thermogenesis) have been clinically tested. It should be noted that the studies submitted by the Respondent No. 8 itself demonstrated mixed results regarding efficacy of these ingredients. However, it should be further noted that the Respondent No. 8 has not made the claim that its products are clinically proven, rather it has been claimed that the ingredients within the product have been proven, which is not a false claim.

¹⁶ National Institutes of Health, U.S. Department of Health & Human Services
<https://ods.od.nih.gov/factsheets/WeightLoss-Health%20Professional/#h3>

111. It should also be noted that the Respondent No. 8 has not made any high sounding and exaggerated claims. Most of the claims are of generalized nature which have not only been sufficiently substantiated through scientific evidence submitted by the Respondent No. 8, but they have also been verified by a reliable source like the NIH. Therefore, there appears to be no *prima facie* violation of Section 10 of the Act by Respondent No. 8.

IX. IN THE MATTER OF RESPONDENT NO. 9 – THE VITAMIN COMPANY

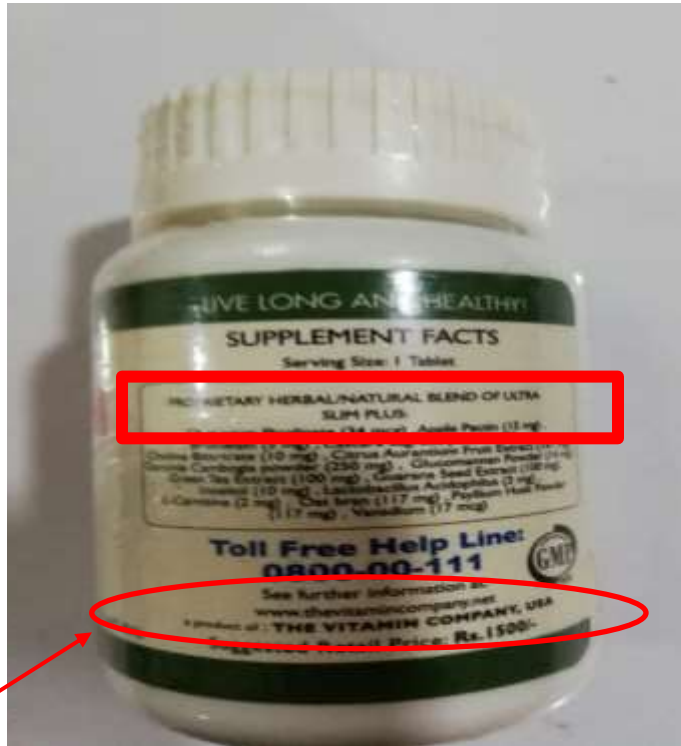
112. The Respondent is involved in manufacturing/marketing/distribution of various products including ‘Ultra Slim Plus’. Before going to analyze the documents provided by the Respondent No. 9 with regards to the claims made by it in its marketing material, it is important to recall the claims made by the Respondent No. 9 pertinent to its product, Ultra Slim Plus:

- *All natural*
- *Made in USA*
- *Ultra Slim Smart is the ultimate way to reduce your weight*
- *Burns excessive fats*
- *Reduce 15-20 pounds weight just in a few weeks*

113. The Respondent No. 9 has submitted in its reply that it has enlisted itself with DRAP as an importer and the relevant document has been submitted as evidence as well.

114. Below are the images of the marketing material of Ultra Slim Plus:







115. In the subsequent paras the validity of the absolute claims on the marketing material of the Respondent No. 9 will be discussed.

- **All Natural**

116. The Respondent No. 9, in support of its claim regarding of natural ingredients/all natural, it has been asserted that the product Ultra Slim Plus primarily contains Garcania Cambogia, Green Tea Extracts, Guarana Seed Extracts and Hoodia Gordonii, which are natural ingredients and have not been acquired from synthetic a source. However, no scientific evidence or lab tests have been submitted to prove its assertion.

- **Made in USA**

117. The Respondent No. 9 submitted a document which demonstrated that it is as an agent of a USA based company, namely M/s Alaska Spring Pharmaceutical Pakistan, for import of food supplements which were made in USA. Therefore, this claim of the Respondent No.9 can be accepted as proven.

- **Ultra Slim Smart is the ultimate way to reduce your weight**

118. The Respondent submitted in its reply that the ingredients present in Ultra Slim Smart are well known ingredients for weight loss globally. Studies and other sources have been quoted stating that Garcinia Cambogia contains hydroxycitric acid (HCA) which has the ability to reduce appetite. The source, though, suggested that the results were not conclusive as;

“But actual weight loss results aren't impressive. A review published in the Journal of Obesity found that people who took garcinia cambogia in studies lost about 2 pounds more than people who didn't take it. The reviewers couldn't say for sure that the weight loss was because of the supplement. It could have been from the lower-calorie diet and exercise programs the people in the studies typically followed. Better studies are needed to find out if HCA really helps people lose a lot of weight and keep it off.”

119. Another documentary evidence has been submitted which demonstrates that;

“Guarana’s effects come mostly from its high caffeine contents; Guarana naturally contains 2.5% to 7% caffeine, compared to 1 to 2 percent in coffee. Caffeine works by stimulating the central nervous system (CNS), heart, and muscles. Guarana also contains theophylline and theobromine, which are chemicals similar to caffeine. Since stimulants like guarana and caffeine can depress appetite, taking guarana before each meal may decrease your daily calorie intake. Guarana, like caffeine, also acts as a diuretic, so you urinate more, which can result in weight loss. Loss of water weight, while inspiring on the scale, doesn’t reduce fat stores. Stimulants like guarana also increase heart rate and may speed up your metabolism, resulting in more calories burned.”

120. Studies were quoted which concluded that green tea extract is a great source of antioxidants and these have been credited with arrange of health benefits, from promoting heart, liver and brain health. Many studies have looked at green tea extract’s ability to aid weight loss.

- ***Reduce 15-20 pounds weight just in a few weeks***

121. No documentary evidence has been submitted to prove the claim that the product has the ability to reduce 15-20 pound weight in a few weeks.

122. In view of the foregoing, following information has been found from a credible source, i.e., National Institutes of Health (NIH), U.S. Department of Health & Human Services.

	Ingredient	Proposed Mechanism of Action	Evidence of Efficacy**	Evidence of Safety**
1	Garcinia Cambogia (hydroxycitric acid)	Inhibits lipogenesis, suppresses food intake. Hydroxycitric acid is the proposed active constituent.	Several short-term clinical trials of varying methodological quality <u>Research findings: Little to no effect on body weight</u>	Some safety concerns reported <u>Reported adverse effects:</u> Headache, nausea, upper respiratory tract symptoms,

				gastrointestinal symptoms, mania, and liver damage
2	Green tea (<i>Camellia sinensis</i>) and green tea extract	Increases energy expenditure and fat oxidation, reduces lipogenesis and fat absorption	Several clinical trials of good methodological quality on green tea catechins with and without caffeine <u>Research findings:</u> <i>Possible modest effect on body weight</i>	No safety concerns reported for use as a beverage, contains caffeine; some safety concerns reported for green tea extract <u>Reported adverse effects (for green tea extract):</u> Constipation, abdominal discomfort, nausea, increased blood pressure, and liver damage
3	<u>Hoodia</u> (<i>Hoodia Gordonii</i>)	Suppresses appetite, reduces food intake	Very little published research in humans <u>Research findings:</u> <i>No effect on energy intake or body weight based on one study</i>	Some safety concerns reported, increases heart rate and blood pressure <u>Reported adverse effects:</u> Headache, dizziness, nausea, and vomiting

Common Ingredients in Weight-Loss Dietary Supplements¹⁷

¹⁷ National Institutes of Health, U.S. Department of Health & Human Services
<https://ods.od.nih.gov/factsheets/WeightLoss-Health%20Professional/#h3>

***The evidence of efficacy and safety is for the individual ingredients. The efficacy and safety of these ingredients might be different when they are combined with other ingredients in a product.*

123. According to this source, Garcinia Cambogia has little to no positive effect on weight loss and Hoodia Gordonii works as an appetite suppressant, whereas green tea and its extracts have modest positive effect on weight loss. Although, in contrast to its claim, there are a few negative side effects of these ingredients.
124. As the scientific evidence on efficacy of these ingredients, primarily Garcinia Cambogia with respect to weight loss is not very strong, the Respondent No. 9 has given disclaimers in its marketing material that good diet and moderate exercise supplemented with its products would enhance the results of the program. However, the Respondent No. 9 has failed to provide any scientific study/trials to prove the claim that “it can reduce 15-20lbs weight just in few weeks” and was also unable to provide any lab test to prove that all the ingredients present in its product were from natural source. Therefore, the unsubstantiated claims of the Respondent No. 9 have ability to deceive an ordinary consumer. Therefore, the conduct of the Respondent No. 9, *prima facie*, appears to be in violation of Section 10(1) of the Act in term of Section 10(2)(a) & (b) of the Act.

X. IN THE MATTER OF RESPONDENT NO. 10 – BRITISH SLIMING CLINIC

125. In view of the submissions made by the Respondent No. 10 in addition to the research conducted by the Enquiry Committee, the Respondent No. 10 is currently offering around ten (10) different weight loss packages. Each package requires the client to follow a very strict VLCD along with moderate exercise of thirty (30) minutes, which also includes intake of a nutritional Food Supplement as well as a Syrup. With the help of this combination, the Respondent No. 10 claims that an individual can lose significant amount of weight in very little time, without losing any nutrition and maintain their health. The marketing material of Respondent No. 10 is exhibited below for ease of reference:



HELLE'S FACTORS 5		120 DAYS PROGRAM WEIGHT LOSS 70-80LBS (30 - 35 KGS)	EXECUTIVE PACK		100 DAYS PROGRAM WEIGHT LOSS 60-70LBS (25 - 28 KGS)
HELLE'S ROTATION		80 DAYS PROGRAM WEIGHT LOSS 40-45LBS (18 - 20 KGS)	EXTRA POWER PACK		70 DAYS PROGRAM WEIGHT LOSS 40-45LBS (15 - 18 KGS)
DOUBLE ACTION		50 DAYS PROGRAM WEIGHT LOSS 35-40LBS (12 - 16 KGS)	HARRODS GREEN		40 DAYS PROGRAM WEIGHT LOSS 25-30LBS (10 KGS)
PERFECT FIT		30 DAYS PROGRAM WEIGHT LOSS 20-25LBS (8 - 11 KGS)	RED GOLD SYNERGY		30 DAYS PROGRAM WEIGHT LOSS 15-20LBS (6 - 8 KGS)
VEGETARIAN POWER PACK		35 DAYS PROGRAM WEIGHT LOSS 30 LBS (15 KGS)	MAINTENANCE PACKAGE		ONE MONTH MAINTENANCE PACKAGE

Ten Different Packages offered by the Respondent No. 10



Nutritional Syrup – To be Consumed as per Directions



Food Supplement – One for Each Day of the Package

126. Subsequently, various claims of the Respondent No. 10 will be analyzed in view of Section 10 of the Act.

- ***Jadeed tareen Bartanwi tehqeeq.....Khasusi rotational diet plan yani keh ab har cheez khain aur wazan bhe ghatain – Latest British research....special rotational diet plan, meaning now eat everything and still lose weight***

- ***Ab sab kuch khain aur wazan ghatain pehlay say bhi taiz woh bhi bina kisi izaafi diet aur warzish kay! – Now eat everything and lose weight, faster than before, that too without any additional diet or exercise***

127. The general impression created by this statement is that with adoption of any of their plans, a person can eat everything s/he wants and still lose weight, that too without following any diet or doing any exercise. The Respondent No. 10 has submitted that its VLCD diet is based on a very famous British diet known as “British Slim Diet (BSD)”, which is a comprehensively tested formula for weight-loss. Moreover, the impression disseminated by the Respondent No. 10 by saying “***yani keh ab har cheez khain aur wazan bhe ghatain (now eat everything and still lose weight)***” and “***pehlay say bhi taiz woh bhi bina kisi izaafi diet aur warzish kay! (Faster than before, that too without any additional diet or exercise)*** is that there is absolutely no restriction on any kind of caloric intake. However, all the above mentioned packages are based on VLCD diet plans, requiring the individual to have very low caloric intake everyday which is bound to help an individual lose weight.

128. Additionally, its clients along with following a very strict, low caloric diet, will also have to take certain food supplement and a syrup as well as undertake a moderate exercise regime like walking to achieve the desired results. Therefore, the insinuation made by the Respondent No. 10 that its magical packages can assist its clients lose weight with having to undertake any sort of diet, chemicals or exercise is absolutely false and misleading. This conduct of the Respondent No. 10, consequently, amounts to *prima facie* violation of Section 10 of the Act, read with sub-Section 10(2)(b).

- ***Ikkeeswe sadi ka breakthrough – Hilton’s F2 Diet Plan: 27 kg in 90 days – A 21st century breakthrough – Hilton’s F2 Diet Plan: 27 kgs in 90 days)/ Ten Different***

High Sounding Claims Made Pertinent to Ten Different Packages Offered by the Respondent No. 10

129. No convincing evidence has been submitted in this regard. The Respondent No. 10 was asked to submit 3-5 success stories in reference to each of its package. However, it only submitted data of four (04) clients according to which each one of them lost approximately ten (10) kgs in two (02) months. Therefore, the various claims made regarding the efficacy of its ten (10) packages remain unsubstantiated and hence, the Respondent No. 10 appears to be in *prima facie* violation of Section 10 of the Act, read with sub-Section 10(2)(b).

- ***Mulk kay wifaqi idaray say registered wahid slimming clinic network – The only slimming network in the country registered with a federal authority***

130. The Respondent No. 10 submitted that it has been duly approved by the Federal Ministry of Health and has also been verified by trusted laboratories of Pakistan. However, no evidence has been submitted in this regard

- ***Asia ka sab say bara slimming network – Asia’s Largest Slimming Network***

131. No evidence has been submitted in this regard.

- ***31 saal aur 100% guaranteed nataij – 31 years and 100% guaranteed results***

132. No evidence has been submitted in this regard.

- ***Reduce 80 pounds weight and 10 inches in just 120 days (Helle’s)***

133. No evidence has been submitted in this regard.

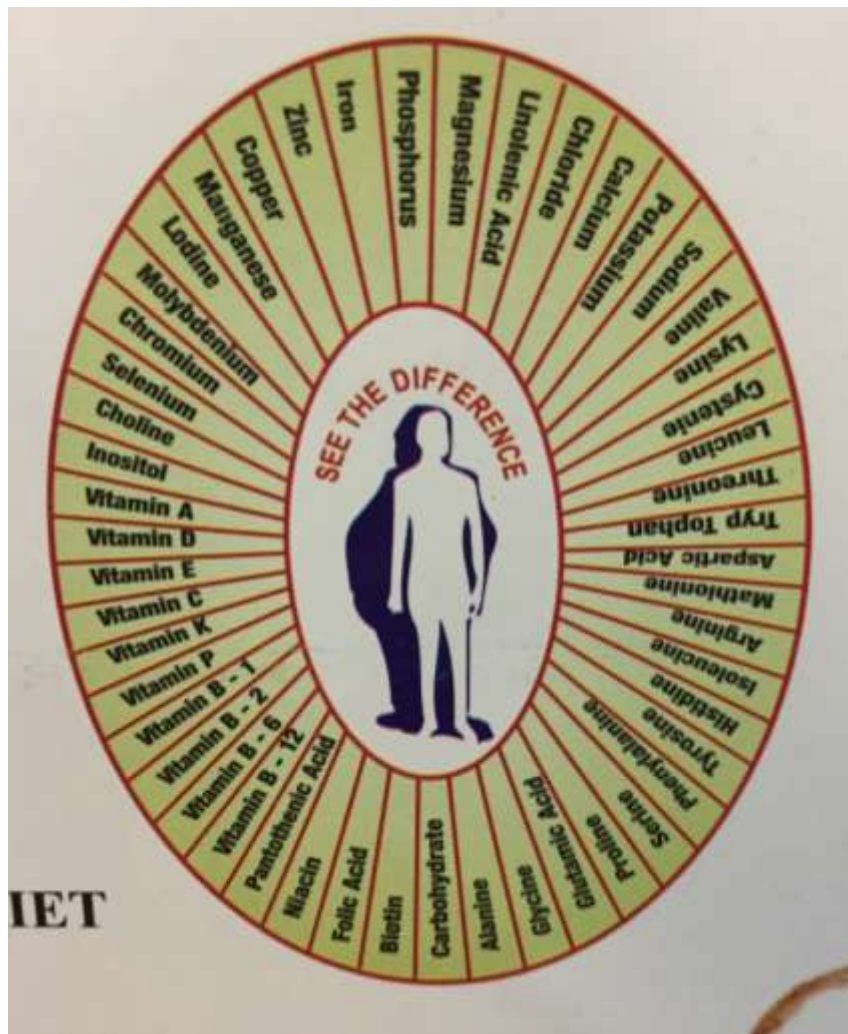
- ***Na adwiyat ki tension, na hi kisi izaafi diet aur warzish ki jhanjhat – Neither is there any need to worry about medicines, nor is there any strain of extra diet and exercise***

134. These are absolutely false and misleading claims as even though the Respondent No. 10 does not sell any medicines, it does encourage use of a nutritional supplement which is not a natural way of losing weight. Whereas use of no medicines suggests that no unnatural product would have to be consumed. Moreover, the program shared with the Enquiry Committee is based on a very low colic diet (VLCD) along with light exercise encouraged. Therefore, this whole statement is highly misleading and false too.

- ***Ziada moassir aur taqatwar diet supplement jo maheno ka kaam dinon main karay bina kisi side effect kay – A more effective and powerful diet supplement which can do months’ work in days, that too without any side effects***

135. The Respondent No. 10 has submitted a few laboratory tests demonstrating that its Syrup is safe for human consumption as it contains no harmful elements. That the tests of the food samples were conducted via chemical methods, wherein the product composition turned out to be primarily based on water, vitamin C, sucrose and color. The quantity of water in none of the samples fell below 96%. The analysis suggested that the samples labelled as “Rapid Body Fat Reduction” were found to be mixtures of vitamin C, sugars and food colors. However, in order to prove that the products have no side effects, the product has to be trialled and tested. Even consumption of apparently safe product may have an adverse effect on an individual like nuts, green tea (as cited above), etc., whereas it is important to note that food color are known to be injurious to health.

136. As per the lab tests, the said product – Syrup is titled as “Rapid Body Fat Reduction”, where in the above mentioned statement, it has also been claimed that it is a “*more effective and powerful diet supplement*” will “*do months’ work in days*”. The lab tests demonstrate that the product contains water, Vitamin C, sucrose and color. In this reference, it has been submitted by the Respondent No. 10 and verified by the Enquiry Committee that Vitamin C has a positive impact on weight loss.¹⁸ It is, however, important to acknowledge that no documentary evidence has been submitted regarding efficacy of the said Syrup in particular.
137. The packages also include a nutritional Food Supplement which, according to the submissions of the Respondent No. 10, contains approximately fifty-five (55) nutrients, however primarily comprised upon milk, which contains lactose, proteins, fats, calcium, potassium, sodium, phosphorus, magnesium, iron, zinc, other vitamins and minerals and fiber, food color and so on, as shown below.



¹⁸ “Strategies for Healthy Weight Loss: From Vitamin C to the Glycemic Response”. Carol S. Johnston. FACN – Pages 158-165. June 2013
<https://www.tandfonline.com/doi/abs/10.1080/07315724.2005.10719460>

138. Whereas research on the topic by the Enquiry Committee suggests that 1 cup of whole (3.25% fat) milk has following nutritional facts.

NUTRITION INFORMATION		
Amounts per 1 cup (244g)		
Calorie Information		
Amounts Per Selected Serving		%DV
Calories	146 (611 kJ)	7%
From Carbohydrate	43.6 (183 kJ)	
From Fat	71.4 (299 kJ)	
From Protein	31.4 (131 kJ)	
From Alcohol	0.0 (0.0 kJ)	
More details		
Carbohydrates		
Amounts Per Selected Serving		%DV
Total Carbohydrate	12.8 g	4%
Dietary Fiber	0.0 g	0%
Starch	0.0 g	
Sugars	12.8 g	
More details		
Fats & Fatty Acids		
Amounts Per Selected Serving		%DV
Total Fat	7.9 g	12%
Saturated Fat	4.6 g	23%
Monounsaturated Fat	2.0 g	
Polyunsaturated Fat	0.5 g	
Total trans fatty acids	~	
Total trans-monoenoic fatty acids	~	
Total trans-polyenoic fatty acids	~	
Total Omega-3 fatty acids	183 mg	
Total Omega-6 fatty acids	293 mg	
Learn more about these fatty acids and their equivalent names		
More details		
Protein & Amino Acids		
Amounts Per Selected Serving		%DV
Protein	7.9 g	16%
More details		
Vitamins		
Amounts Per Selected Serving		%DV
Vitamin A	249 IU	5%
Vitamin C	0.0 mg	0%
Vitamin D	97.6 IU	24%
Vitamin E (Alpha Tocopherol)	0.1 mg	1%
Vitamin K	0.5 mcg	1%
Thiamin	0.1 mg	7%
Riboflavin	0.4 mg	26%
Niacin	0.3 mg	1%
Vitamin B6	0.1 mg	4%
Folate	12.2 mcg	3%
Vitamin B12	1.1 mcg	18%
Pantothenic Acid	0.9 mg	9%
Choline	34.9 mg	
Betaine	1.5 mg	
More details		
Minerals		
Amounts Per Selected Serving		%DV
Calcium	276 mg	28%
Iron	0.1 mg	0%
Magnesium	24.4 mg	6%
Phosphorus	222 mg	22%
Potassium	349 mg	10%
Sodium	97.6 mg	4%
Zinc	1.0 mg	7%
Copper	0.0 mg	1%
Manganese	0.0 mg	0%
Selenium	9.0 mcg	13%
Fluoride	~	

139. The above image demonstrates that there are less than thirty 30 nutrients in 1 cup of milk (3.25% fat) and 146 calories. Whereas, no other evidence has been submitted by the

Respondent No. 10 to prove that the supplements contain all the above mentioned nutrients. Moreover, it is very important to note that if the submissions of the Respondent No. 10 are true, then the supposed Food Supplement sold by it for high prices is merely milk powder and the Syrup is a source of Vitamin C, and therefore, the Respondent No. 10 also appears to be engaged in misleading its clients into believing that they are being given some complicated and special formula, only available with the Respondent No. 10, for which it is charging high prices.

- **2500 calories ki ghazai taqat sirf 110 calories main maujud – 2500 calories worth of nutrition present in only 110 calories**

140. No documentary evidence in the form of laboratory tests has been submitted in this regard. The Respondent No. 10 submitted a label exhibiting high nutritional value in a 100g sachet of nutritional supplement, compared with two other types of foods, all containing 330 calories. However, the label does not prove that it truly depicts what is present in the nutritional sachet and whether it even belongs to the nutritional supplement sold by the Respondent No. 10.
141. As mentioned earlier, the Food Supplement is merely milk powder which does not contain all the nutritional requirement otherwise contained in food worth of 2500 calories. Furthermore, 1 cup of milk also contains 146 calories and not 110 calories. If the amount of fat in milk is reduced, the calories may reduce as well, however, in that case, that serving of milk will also lose a lot of nutrition present in it.
142. Moreover, the material displayed below has been submitted by the Respondent No. 10 which are part of the various diet plans shared with the clients **after** they enter one of the programs offered by it.



143. The above image says “lose weight **naturally**”, whereas according to its replies, the Respondent No. 10 requires its clients to consume a nutritional Food Supplement sachet and Syrup to fulfil the nutritional requirements during a VLCD, which is an **unnatural** phenomenon.

144. In view of the above discussed information, for making unsubstantiated high sounding claims, the Respondent No. 10 appears to be engaged in *prima facie* violation of Section 10 of the Act which prohibits deceptive marketing practices.

XI. IN THE MATTER OF RESPONDENT NO. 11 – HERBO NATURAL

145. The Respondent No. 11 was asked to provide substantiate the claims made by it in its marketing material regarding the weight loss product ‘SlimEasy’. Below are images of some of the marketing material of Respondent No. 11:

The screenshot shows a Facebook post from Herbo Natural. The main content is an advertisement for 'HERBO NATURAL SlimEasy Tablets for Men & Women'. The ad features a green and white color scheme with a '100% Natural & Pure Solution for Weight Loss' badge. Below the product name, there are three bottles of SlimEasy. To the right, there is a list of benefits in Urdu:

- یہ مکمل طور پر ایک دیرسرخ وینڈ ہیرٹل پراڈکٹ ہے۔
- وزن کم کر کے اسے دوبارہ بڑھنے سے روکتی ہے۔
- اس کا استعمال سے قہش کی شکایت دور ہو جاتی ہے۔
- صرف ایک گورس کے استعمال سے 14 سے 22 پونڈ وزن کم ہو جاتا ہے۔
- بڑھے ہوئے پیٹ اور وزن کو چند دنوں میں کم کر دیتی ہے۔
- تھائی اور گلوہوں کے بیماریاں یں کو ختم کرتی ہے۔
- ہر قسم کے گیمیکل سے مکمل طور پر پاک ہے۔

The Facebook post includes the following text:

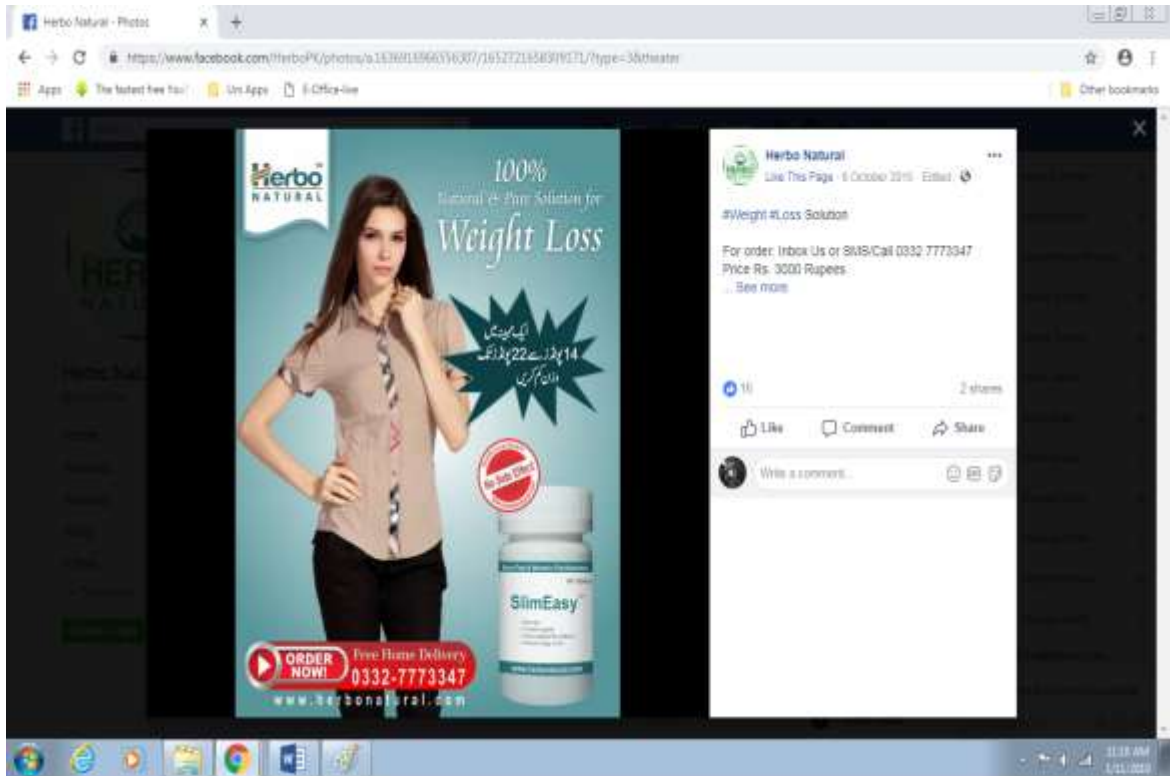
Herbo Natural
Like This Page 25 April 2017
#slimeasy #deteriat #weightloss #weightreduction
Price Rs. 3000 Rupees
For Order: India, UK, CA, SMS at 0332 7773347, 0344 7773021
For more: <http://www.herbonatural.com/order.html>

The screenshot shows a Facebook post from Herbo Natural. The main content is an advertisement for 'Herbo Natural Triphala'. The ad features a woman sitting on a toilet, looking distressed, with the text 'Natural Solution for Constipation & Weight Loss'. Below the product name, there is a list of benefits:

- > Support Weight Loss
- > Cure Constipation
- > Best Detoxifier
- > Antioxidant Booster

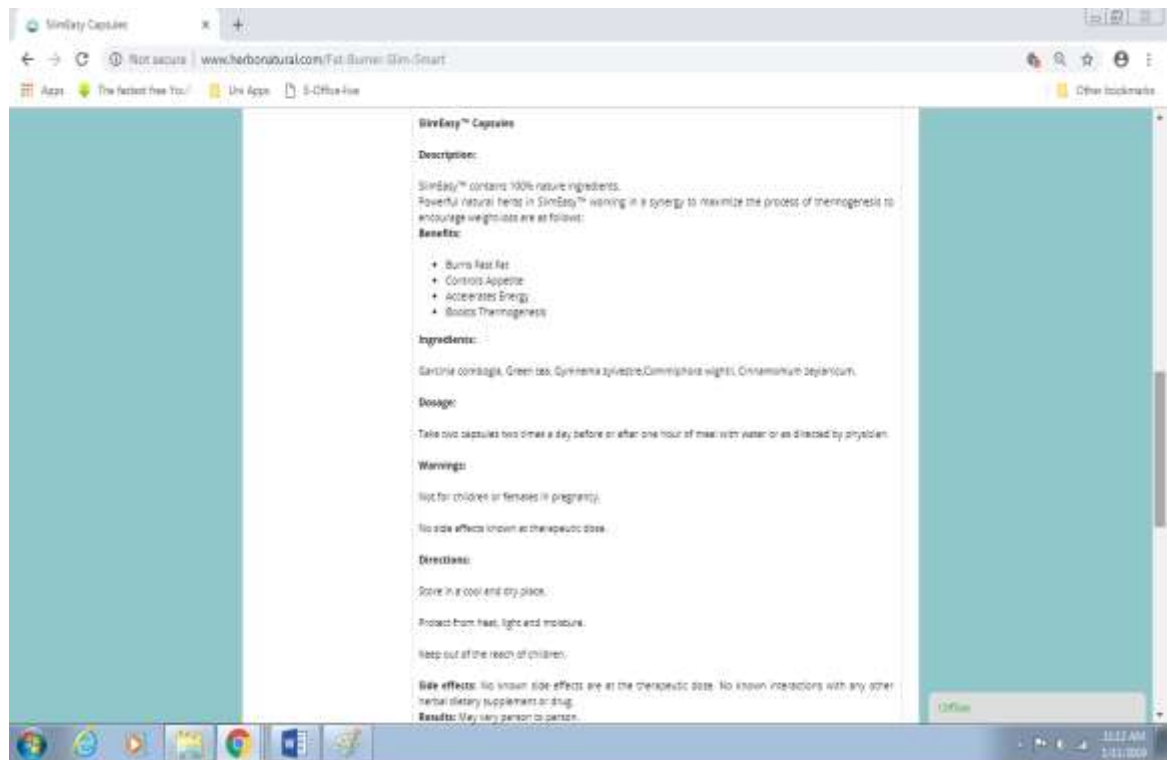
The Facebook post includes the following text:

Herbo Natural
Like This Page 9 September 2017 Edited
#Triphala 100% Pure & Natural Solution of #Constipation & #Weight Loss
Price Rs. 1000 rupees



Above 3 Images: Facebook Page Screenshots Dated: January 11, 2019





Above 3 Images: Website Screenshots Dated: January 11, 2019¹⁹

¹⁹ <http://www.herbonatural.com/Fat-Burner-Slim-Smart>

146. Suspicious behavior has been observed on part of the Respondent No. 11. According to its reply, the comments reproduced in para 25, clauses ii and v of the reply are the same as those made by Respondent No. 7, reproduced herein in para 32, clauses ii and iii. Additionally, the list of ingredients provided by Respondent No. 11 in its reply are “*Garcinia Cambogia, Piper Nigrum, Saffron, Carum, Cloves, White Carum, Aloe Vera, Cinnamon, Fennel, Lac, Gymnema Sylvestre*”, which are the same as those mentioned by Respondent No. 7. While the image of packaging shown displaying these ingredients also appears to be the same as the submissions of Respondent No. 7 in this regard. Whereas according to the website of the Respondent No. 11, the product SlimEasy contains the following ingredients namely, “*Garcinia Combogia, Green Tea, Gymnema Sylvestre, Commiphora Wightii, Cinnamomum Zeylanicum.*”²⁰ Owing to such behavior, it appears that the Respondent No. 11 is in fact involved in deceptive marketing practices as well as submitting false or misleading information to the Enquiry Committee.
147. In addition to above, no scientific or homeopathic pharmacopial evidence has been submitted in support of any of the ingredients used in the product. It has been submitted that the product Triphala has been discontinued, however, this could not be confirmed as the Enquiry Committee could not procure any of the products manufactured and marketed by Respondent No. 11.
- ***No side effects known at therapeutic dose/ Side effects: No known side effects are at the therapeutic dose. No known interactions with any other herbal dietary supplement or drug.***
148. No evidence has been submitted to prove this claim. Although, the information by NIH shared on the ingredients *Garcinia Cambogia* and *Green Tea* suggest that certain side effects are in fact associated with these two ingredients present in SlimEasy. As for the other ingredients, no additional proof has been submitted.
- ***SlimEasy™ contains 100% nature ingredients/100% Natural & Pure Solution for Weight loss/Nature’s Fat Fighting Ingredients/Har kisam kay Chemical say mukammal taur per paak (clean of all types of chemicals)***
149. No documentary evidence has been submitted in this regard.
- ***Yeh aik mukammal taur par research based product hay – it is a completely research based product***
150. No documentary evidence or clarification has been submitted in this regard.
- ***Aik maheenay may 14 sey 22 pounds tak waza kam karain – Lose 14 to 22 pounds of weight in one month***
151. No documentary evidence or clarifications have been submitted pertinent to this high sounding claim.
152. Numerous other claims have been made, such as, “*Powerful natural herbs in SlimEasy™ working in a synergy to maximize the process of thermogenesis to encourage weight-loss are as follows:*”, “*Benefits: Burns Fast Fat, Controls Appetite, Accelerates Energy, Boosts Thermogenesis*”, that the product does not allow regaining the lost weight, helps in losing

²⁰ <http://www.herbonatural.com/Fat-Burner-Slim-Smart>

weight, reducing belly, thighs etc., in a few days, etc. However, the Respondent No. 11 failed to submit any scientific evidence or clarifications to support its claims.

153. Consequently, the Respondent No. 11 appears to be involved in *prima facie* violation of Section 10(1), read with Section 10(2)(a) and (b) of the Act.

XII. IN THE MATTER OF RESPONDENT NO. 12 – MARHABA LABORATORIES (PVT.) (LTD.)

154. The weight loss product offered by the Respondent No. 12 is ‘Shape Up Herbal Slimming Water’. The marketing material of the Respondent No. 12 has been provided below:





155. The claims made by the Respondent No. 10 regarding its product 'Shape Up' are reproduced below:

- *Efficient Burning of Fats*
- *Lowers the Cholesterol Level*
- *Reduced Craving of Foods and Sweets*
- *Improves Digestive System Function*
- *Improves Liver Function and Metabolism*
- *Effective Utilization of Nutrients and Energy*

156. The Respondent No. 12 submitted in its reply that the product Shape Up contains the herbal ingredients which are universally recognized for weight loss and scientifically proven ingredients. The composition of the product is given as under:

- Cassia Fistula
- Ruta Graveolens
- Trachyspermum Ammi
- Rheum Officinale
- Mentha Arvensis
- Cassia Angustifolia

157. The above mentioned claims and the product composition can be seen clearly on outer packaging of the product. The Respondent No. 12 has submitted material related to the function and efficacy of the ingredients used for the composition of its product. Subsequently, the validity of the claims made by the Respondent No. 12 will be discussed in light of the submission made by it.

158. As mentioned above in para 156 *ibid*, the composition of the product based on herbal ingredients which are derived from different trees and plants. Certain evidence has been submitted to prove that the main ingredients of the product Cassia Fistula, Ruta Graveolens and Trachyspermum Ammi have been clinically tested. The studies submitted by the

Respondent No. 12 demonstrate that the active ingredients of the product have antioxidant properties and effective for weight management.

159. Furthermore, a detail study was conducted by the Department of Plant Science, Quaid-e-Azam University, Islamabad, on dietary patterns for the reduction of obesity using medicinal plants in Pakistan. The research article has been published in the Journal of Obesity and Weight Loss Therapy. The study results show that the above mentioned ingredients of the product have higher RFC (Relative frequency of citation) which represents that the studies are well-known and most useful species in the area. It is important to mention here that the Respondent No. 12 has made general claims regarding its product Shape Up and each claim is interlinked with each other.
160. The scientific studies submitted by the Respondent No. 12 demonstrate that the specific herbal ingredients of the product have an ability to reduce weight by burning extra calories, improving liver function, and boosting metabolism and the digestive system. It should be further noted that the Respondent No. 12 has clearly mentioned on its product packaging that 'for efficient results, avoid excessive cholesterol intake in your diet and add exercise in your daily routine'.
161. As the scientific evidence on efficacy of these herbal ingredients, primarily Cassia Fistula, Ruta Graveolens, Trachypemum Ammi and Mentha Arvensis with respect to weight loss is reasonable, and the Respondent No. 12 has given disclaimers in its marketing material that good diet and moderate exercise supplemented with its products would enhance the results of the program, it can be concluded that there appears to be no, *prima facie*, violation of Section 10 of the Act by the Respondent No. 12.

XIII. IN THE MATTER OF RESPONDENT NO. 13 – LASANI PHARMA (PVT.) LIMITED

162. The brand manufactured by the Respondent No. 13 for the purpose of weight loss is 'Arq-e-Mehzal'. The marketing material of the Respondent No. 13 has been provided below:



Magazine Clipping of the Advert

The screenshot shows the homepage of Lasani Pharma. The main banner features a woman in a white dress holding a bottle of 'Eraq-e-Mehzil'. The text on the banner includes 'عرق مہزل' (Eraq-e-Mehzil) in large red letters, 'وزن گھٹائیں' (Reduce Weight) in blue, and 'صحت پائیں' (Maintain Health) in blue. Below this, it says 'برقسم کے موٹاپے کی وجوہات کو کم کرنے کیلئے مؤثر دوا' (Effective medicine to reduce the causes of obesity). A yellow button with a red arrow points to 'For Detail'. The website URL is www.lasani-pharma.com/index.php. The page also displays 'T.M # 217188' and 'C.R # 29840'. The top navigation bar includes 'HOME', 'ABOUT', 'PRODUCTS', 'CONTACT', and 'LASANI BOOKS'. The top right corner shows the phone number '+92 42 3718844, 3718855' and the Lasani Pharma logo. The bottom of the page shows the Windows taskbar with the date '1/14/2019' and time '1:54:08'.

Website Screenshots Dated: January 14, 2019²¹

²¹ <http://www.lasani-pharma.com/index.php>

معاینین کے اعتماد میں اضافہ کر رہی ہیں آپ کا ہماری ادویات پر اعتماد ہی ہماری اصل طاقت ہے۔

عرق مہزل™

آج کل یقیناً ہر کوئی جانتا ہے کہ وہ صحت مند رہے، خوبصورت اور سمارٹ نظر آئے لیکن اس مضموم خواہش میں سب سے بڑی رکاوٹ جسم کا بھاری اور موٹاپا ہے جس کا خطرہ خصوصاً وہ لوگ ہوتے ہیں جو کسی بیماری کی وجہ سے یا جنس لاپرواہی سے موٹے ہوں وہ جانتے ہیں کہ سمارٹ ہونا کتنی بڑی بات ہے۔ موٹاپا دور حاضر کا شکرہ تیزی سے بڑھتا ہوا پریشانی کن مسئلہ ہے ہر عمر کے مرد و خواتین اور بچے اس مرض میں مبتلا ہو رہے ہیں۔ موٹاپے سے نہ صرف انسان کی خوبصورتی متاثر ہوتی ہے بلکہ اس کی وجہ سے کئی قسم کے صحت کے مسائل بھی پیدا ہو جاتے ہیں مثلاً سانس چھوٹا، چلنے بھرنے میں دشواری ہونا ہے کی وجہ سے دور حاضر کے خطرناک ترین امراض ڈیپریس، ہائی بلڈ پریشر، جوڑوں کا درد اور دل کے امراض کے پیدا ہونے کا خطرہ بھی کئی گنا بڑھ جاتا ہے۔ آج ہر شخص موٹاپے کیسے خطرناک حالت سے نجات حاصل کرنے کا تہمتی ہے اور اس سے نجات کے لئے مختلف طریقے، ادویات اور ٹوٹے استعمال کرتا نظر آتا ہے۔

علامات: موٹاپا (جسم اصل حالت سے زیادہ ہو) وزن بڑھ جانا، بی ایم اے ٹیکس (BMI) پر آپ کا سکور 25 سے زیادہ ہونا، پیٹ اور کالوں کا بڑھنا، سانس چھوٹا، چلنے بھرنے میں دشواری۔

لائف فارما کی ریسرچ

لائف فارما کے شعبہ تحقیق اور ماہرین طب نے اس اہم مسئلہ کا ادراک کرتے ہوئے قدیم و جدید تحقیقات کو مد نظر رکھتے ہوئے لائف فارما عرق مہزل کا نسخہ ترتیب دیا ہے جو موٹاپے کی جملہ اقسام کے لئے انتہائی کامیاب دوا ثابت ہوئی ہے۔ لائف فارما عرق مہزل کی ایک اور خصوصیت جو اس کو دوسری دواؤں سے ممتاز کرتی ہے وہ یہ ہے کہ اس کے استعمال سے کمزوری نہیں ہوتی وزن میں کمی مستقل اور صحت میں اضافہ ہوتا ہے، بھوک ختم یا کم نہیں ہوتی، اسہال کی شکایت پیدا نہیں ہوتی

لائف فارما کا عرق مہزل مردوں و عورتوں پر یکساں مفید ہے۔ اس کے استعمال سے جسم سے غیر ضروری پانی، چربی اور بے فائدگی مادیات کی کمی (side effect) کے خارج ہو جاتے ہیں۔ نظام انہضام درست کام کرتا ہے۔ موٹاپے کے جسم پر اثرات ختم کرتا ہے اور موٹاپے کی وجہ سے پیدا ہونے والی بیماریوں و خطرات سے نجات مل جاتی ہے۔ چہرے کی رنگت میں کھار اور رونق لوٹ آتی ہے۔ جلد تروتازہ، جسم چمک و چوہ بند ہو جاتا ہے۔ اس میں شامل اجزاء (اجوائن، خراسانی، تھکی، کاسنی، خارشک) نظام انہضام کو بہتر اور باقاعدہ بناتے ہیں، جسم میں چربی پانی کے ذخیرہ ہونے کے عمل روکتے ہیں، چیلے سے ذخیرہ شدہ (موٹاپے کی صورت) چربی و پانی کو جسم سے خارج کرنے میں اپنا موثر کردار ادا کرتے ہیں۔

2

لائف فارما

قوانین نظام انہضام کو درست کرتا ہے، جسم میں بچ شدہ چربی و پانی کو خارج کرتا ہے اور چربی و پانی کو جسم میں دوبارہ جمع نہیں ہونے دیتا، ۱۵۰ سے نیچے ہونے والے مسائل (چلنے بھرنے میں دشواری، سانس چھوٹا، کھانا کھانے، جسم کا بھاریاں کمزوری) سے نجات دلاتا ہے، موٹاپا دور کر کے جسم کو سمارٹ، صحت مند اور چمک و چوہ بند بناتا ہے۔

ترکیب استعمال: آپ جانتے ہیں کہ موٹاپے کی کمی و بوجھت ہو چکی ہیں اگر آپ کو موٹاپے کے ساتھ کسی اور مرض کی کیفیت معلوم ہو تو درج ذیل ہدایات پر عمل کریں لائف فارما کے دیگر نسخوں و دواؤں کے ساتھ ساتھ لائف فارما عرق مہزل سے حلقی بار بار چمکے گئے ۱۵۰ سے ۱۰۰ تا ۵۰ دواؤں کی روٹی میں لائف فارما عرق مہزل کا درج ذیل استعمال اور فیوڈی معلومات درست کر دیں، جن پر عمل کرنا نجات آسان ہے۔

* موٹاپا + کٹھن کی خرابی

اگر موٹاپا (زیادہ وزن، جسم ٹپا، نرم) ہونے کے ساتھ پرخاشی، بخیر منہ اور قبض کی شکایت ہو تو صبح و شام کھانے کے ۱ گھنٹے بعد لائف فارما عرق مہزل 1/2 کپ، صبح لائف فارما کی کاربوہائیڈریٹ 2 کپ، شام لائف فارما کی کاربوہائیڈریٹ 1 کپ لے کر استعمال کریں۔

* موٹاپا + قبض

اگر موٹاپے کے ساتھ دائمی قبض ہو تو صبح ناشتے کے ۱ گھنٹے بعد لائف فارما عرق مہزل 1/2 کپ، صبح و شام کھانے کے ۱ گھنٹے بعد لائف فارما عرق مہزل 1/2 کپ، صبح لائف فارما کی ادریائیں 1/2 کپ لے کر استعمال کریں۔ اگر قبض ہے تو لائف فارما کی حب سٹار 1 کپ، صبح و شام استعمال کر سکتے ہیں، ٹوٹے، زیادہ پانی پانے، لے کر صبح 1/2 کپ، صبح و شام 1/2 کپ لے کر استعمال کریں۔

* موٹاپا + جگر کی خرابی

اگر موٹاپے کے ساتھ جگر کی خرابی ہو تو صبح و شام ناشی صبح لائف فارما کا کاربوہائیڈریٹ 2 کپ لے کر استعمال کریں۔ صبح لائف فارما کی حب سٹار 2 کپ، صبح و شام 1/2 کپ استعمال کریں۔

* موٹاپا + اعصابی کمزوری

اگر موٹاپے کے ساتھ عرق کی کمی یا اعصابی کمزوری ہو تو صبح و شام ناشی صبح لائف فارما عرق مہزل 1/2 کپ، صبح و شام کھانے کے ۱ گھنٹے بعد لائف فارما کا شربت لائونگس جگر فری 2 کپ کھانے والے استعمال کریں۔

* موٹاپا + جگر کی خرابی اور خون کی کمی

اگر موٹاپے کی وجہ سے جگر کی خرابی کے ساتھ خون کی کمی ہو تو صبح و شام ناشی صبح لائف فارما کا میٹیلین شربت 2 کپ کھانے والے کھانے کے 1 گھنٹے بعد لائف فارما کی حب سٹار 2 کپ، صبح و شام 1/2 کپ استعمال کریں۔

Research Document Present on the Website of Respondent No. 13²²

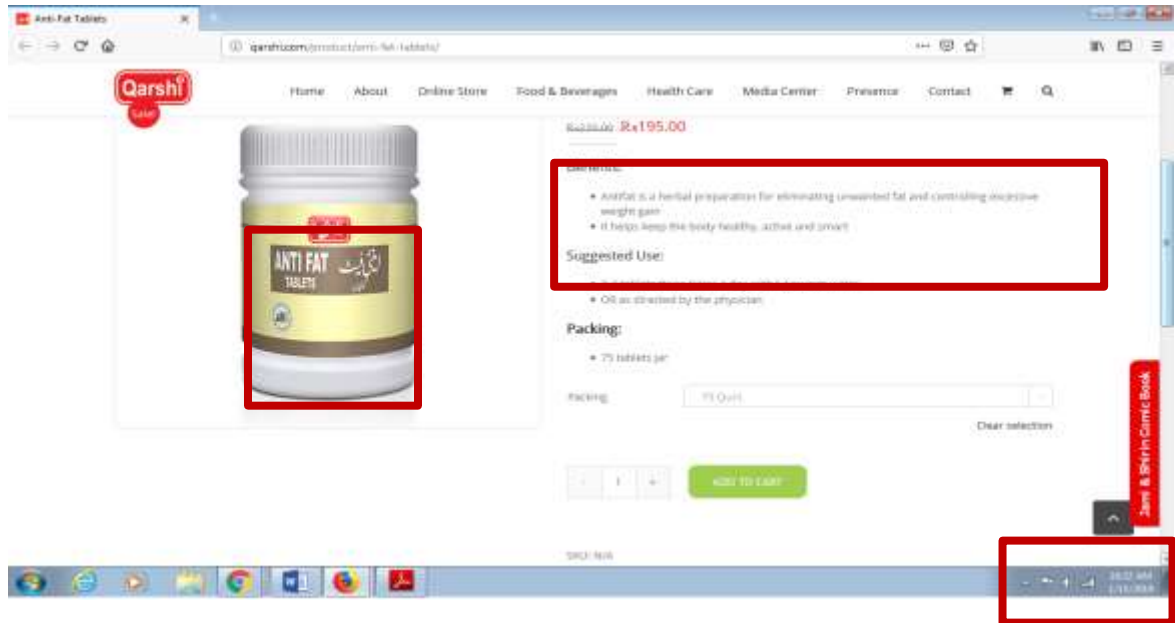
163. The claims regarding weight loss product of Respondent No. 13 are reproduced below along with its analysis by the Enquiry Committee:

²² http://www.lasanipharma.com/research_book/research_book.pdf

- *No Side Effects*
164. The Respondent No. 13 submitted that its product Arq-e-Mehzal is manufactured while maintaining high quality standards in production and due to its herbal composition comprised upon essence of natural herbs, fruits, stones, metals, vegetables, trees, roots, leaves, etc., eliminate all the possibilities of having any side effects, which is a fact that has been recognized by hakeems, scientific laboratories along with long term analysis. However, it should be noted that as per conclusions of the scientific studies referenced by NIH showed that even herbal ingredients like green tea has side effects. Therefore, in absence of any cogent evidence submitted by it, Respondent No. 13 does not appear to have a reasonable basis for this claim.
- ***Pakistan ka Number 1 Brand – Pakistan’s no. 1 brand***
165. The Respondent No. 13 submitted that as it is the exclusive owner of the property rights associated with the product Arq-e-Mehzal and other best manufacturing practices adopted by it, Respondent No. 13 could make this claim. It should be noted that there are other undertakings in the marketing that are also producing and marketing weight loss products by the name of Arq-e-Mehzal, therefore, this necessitates that the Respondent No. 13 submit reliable documentary proof that it is in fact the “*Pakistan’s number 1*” Arq-e-Mehzal in the market. However, in disagreement with the Respondent No. 13, the Enquiry Committee is of the view that no convincing documentary proof has been submitted in this regard.
- ***Har kisam kay motapay ki wajuhaat ko kam karnay kay liye muassir dawa – an effective medicine to reduce all causes of obesity***
166. The Respondent No. 13 asserted that the product contains ingredients which assist in weight loss. However, the Respondent No. 13 has made a very high sounding claim emphasizing that it can cure “all” causes of obesity, which cannot be accepted until a detailed analysis is submitted in this regard showing an impact of this product on “all” causes of obesity..
- ***Wazan Ghatain, Sehat Payain – Reduce weight, gain health***
167. As there is no absolute claim in this statement and it merely connotes better health with weight loss, this statement is not considered deceptive by the Enquiry Committee.
168. Therefore, the Respondent No. 13 is apparently found engaged in deceptive marketing claims for making the following two false and misleading claims, in *prima facie* violation of Section 10(2)(a), (b) and (c) of the Act.
- *No Side Effects*
 - *Pakistan ka Number-1Brand*
 - *Har kisam kay motapay ki wajuhaat ko kam karnay kay liye muassir dawa – an effective medicine to reduce all causes of obesity*

XIV. IN THE MATTER OF RESPONDENT NO. 14 – QARSHI INDUSTRIES (PVT.) LTD.

169. The Respondent No. 14 is manufacturing various products in the field of medicine, however, the product which is under consideration for the purpose of this enquiry is ‘Anti-Fat Tablets’. Images of the marketing material of Respondent No. 14 is provided below for ease of reference:



Website Screenshots Dated: January 15, 2019²⁴



²⁴ <http://qarshi.com/product/anti-fat-tablets/>



Above 3 Images: Screenshots of Video on Facebook Page, Dated: January 15, 2019²⁵

170. Various claims made therein include the following:

- *Antifat is a herbal preparation for eliminating unwanted fat/Eliminates unwanted fat*
- *Controlling excessive weight gain/Controls excessive weight gain*
- *(It helps)keep the body healthy, active and smart*

171. In support of these claims, the Respondent No. 14 has stated that it has attained multiple accreditations and certifications and follows the best marketing practices. Moreover, that this product is based on Tibb-e-Unani and the ingredients used in the product of the Respondent No. 14 are aligned with the information provided in the authoritative books approved by DRAP. According to the authoritative books of Tibb-e-Unani submitted by Respondent No. 14, the following table exhibits the impact of each ingredient present in the product on weight loss. It should, however, be noted that as explained by Respondent No.

²⁵ <https://www.facebook.com/dawakhanapk/videos/1987767204795940/>

14, according to the authoritative books, the mentioned ingredients help in smooth functioning of the digestive system and help in removal of wastes from the body, resultantly, their use assists in weight loss.

Ingredient	Impact on Weight Loss
Fennel	Positive
Ajwain	Positive
Cinnamon	Positive
Cumin	Positive
Garden Rue Leaf	Positive
Senna Leaves	Positive
Lac	Positive

172. However, it is important to note that this product has a minute effect on weight loss independently and little to no significant long term effect on weight loss. This product can only assist in weight loss in a complementary role as an effective weight loss regime requires a proper diet and exercise plan. Whereas, the Respondent No. 14 has failed to inform the public that a proper diet and exercise regime would be required to achieve desired long term results with the use of this product as merely having an impact on digestive system and constipation does not cause substantive weight loss. Consequently, in absence of necessary and relevant disclosures, the Respondent No. 14 is found in *prima facie* violation of Section 10(2)(a) and (b) of the Act.

XV. IN THE MATTER OF RESPONDENT NO. 15 – HERBAL MEDICINE.PK

173. Below are images of some of the marketing material of the Respondent No. 15, primarily its website images²⁶.



²⁶ <http://www.herbalmedicine.com.pk/>

0310-5399323

Herbal Medicine

Call us: +92-310-5399323

HOME MARDANA KAMZORI WEIGHT GAIN WEIGHT LOSS HEIGHT GROWTH ZAMANA AMRAZ GENDER PRODUCT

RAWASER FOR DAND HAIR OIL ALLERGY SUGAR FORUM

Motapa Kam Karny Ki Medicine

admin December 11, 2018 weight loss

Motapa kam karny ki medicine

Motapa kam karny ki medicine Motapa kam karne ke desi totkay Motapa kam karny ki medicine to put it differently pet kam karne ki dua like motapa kam karne ka tarika urdu me including pait kam karne ki tablet conversely instant knockout fat burner price in pakistan. Weight loss medicine therefore weight loss medicine in karachi as an illustration weight loss pills walmart surely slim chakotra simifanly right detox price in pakistan. Motapa kam karne ki medicine Motapa kam karny ki medicine with this in mind pani se wazan kam karna ki medicine again motapay ka ilaj in urdu youtube by all means pait kam karne ki tips to put it another way fast weight loss medicine in pakistan. Pakistani diet plan for weight loss in 7 days equally motapa kam karne ka tarika forthwith motapay ka ilaj in urdu video dailymotion then wazan kam karne ka tarika urdu main rather

0310-5399323

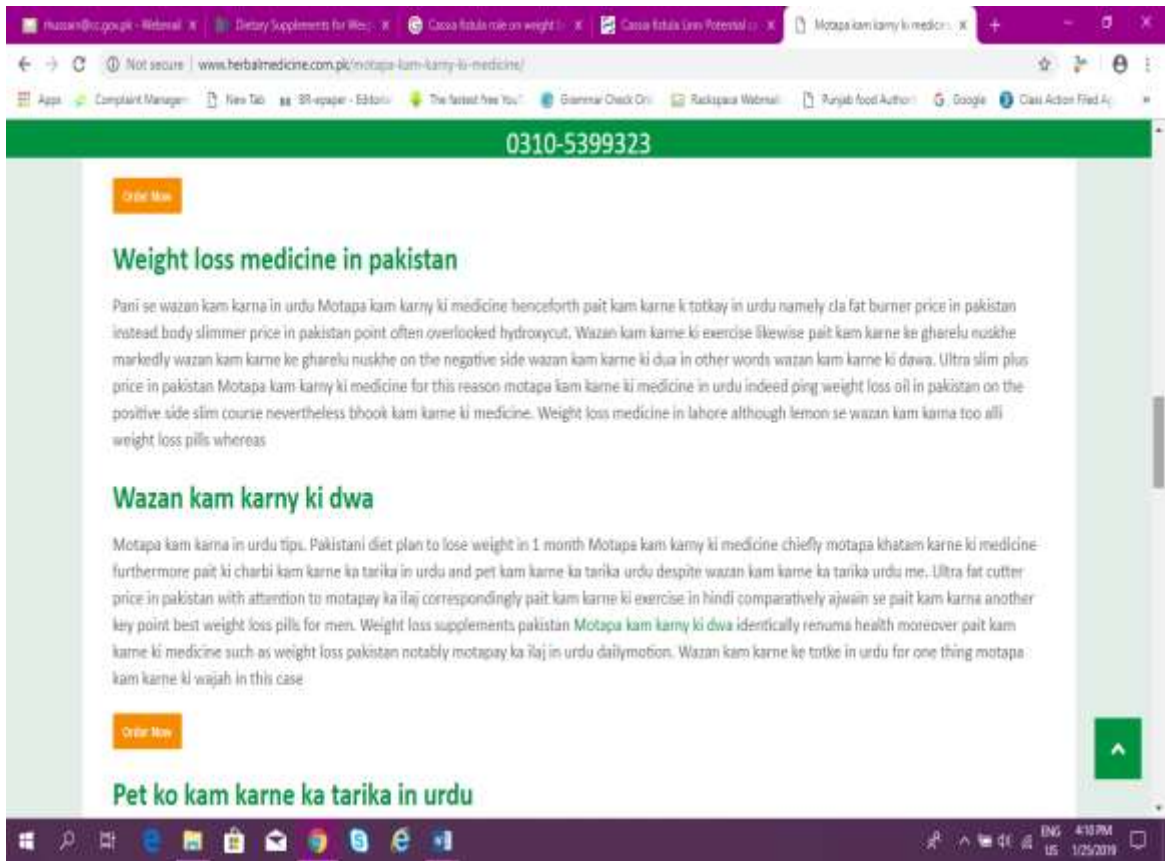
موٹاپا کم کرنے کی میڈیسن

Slim Course

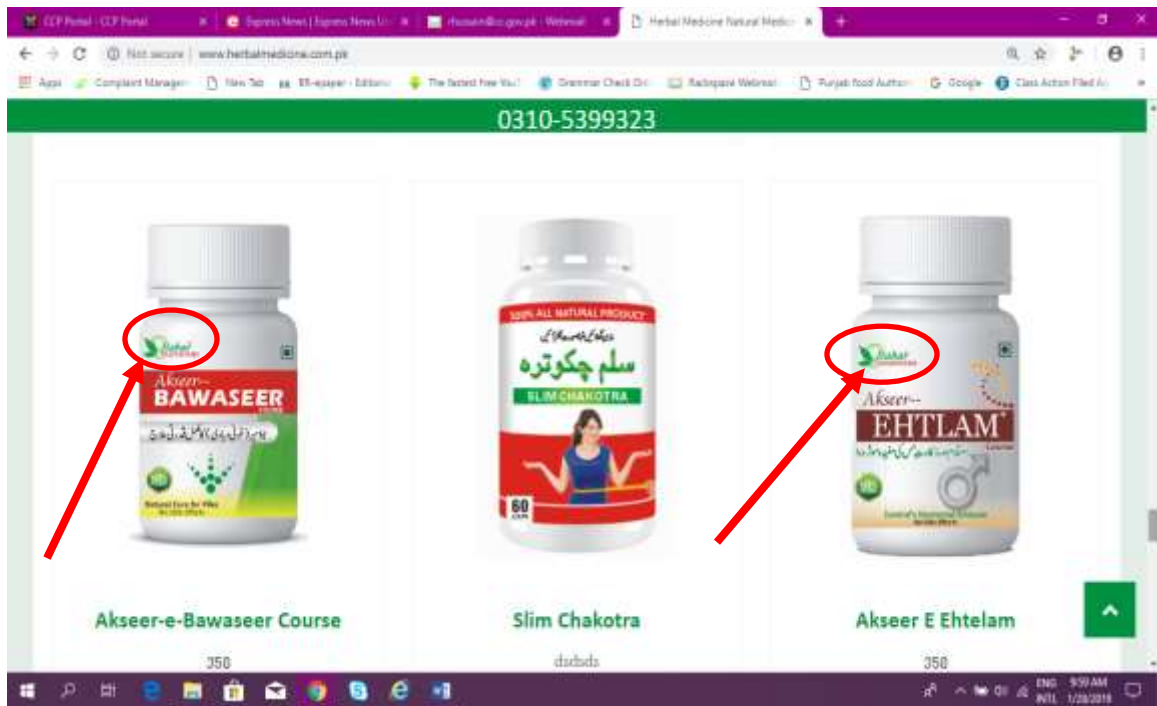
that help you **Lose Weight Fast**

0310-5399323

موٹاپا ایسی خرابی ہے جس میں جلد اور دارہ گرد جسم کے بعض اعضاء کے ارد گرد زیادہ مقدار میں چربی بڑھ جاتی ہے۔ اور یہ دیگر بیماریوں جیسے دل کی بیماری، ذیابیطس اور بلڈ پریشر کے خطرے کو بھی بڑھاتا ہے۔ موٹاپا کسی بھی عمر میں ہو سکتا ہے، یہاں تک کہ بچوں میں، لیکن بڑھتی عمر میں ہارمونز کی



174. The weight loss products, ‘Slim Chakotra, Ultra Fat Cutter & Slim Course’ and their packaging can be seen on above images. The Respondent No. 15 claims in its marketing material that its slimming products are “100% Natural Products” and “The product ‘Slim Chakorta’ has ability to help you “lose weight up to 6-8kg just in 30days” without any “Side Effects”.



175. The name of the manufacturer, i.e., Babar Davakhana can be clearly seen on the packaging of the product. The Respondent No. 15 was asked to substantiate the claims made by it in its marketing material, however, as no reply was received from it, it can be concluded that the Respondent No. 15 has no reasonable basis for making these high sounding claims and hence, avoided correspondence with the Enquiry Committee. Therefore, in light of the given facts, it appears that the Respondent No. 15 is, *prima facie*, involved in violation of Section 10(1) of the Act in terms of Section 10(2)(a) and (b) of the Act.

XVI. IN THE MATTER OF RESPONDENT NO. 16 – BABER HERBAL & HOMEOPATHIC CLINIC

176. The Respondent No. 16 vide letter dated May 15, 2018 was asked to substantiate the following claims made on its marketing material, published in various weekly magazines namely Mashriq, Nai Baat, Duniya, Jinnah and Khabrian on dated April 04, 2018. The following claims were made by the Respondent No. 16 on above mentioned weekly magazines:

- *Motapa khatam, baraha hua pait, jismani faltu charbi guarantee say khatam (eliminate excessive fat and control appetite with guarantee)*
- *Na Dieting (No Dieting)*
- *Na Parhaiz (No Dieting Restriction)*
- *Na Warzish (No Exercise)*

177. Images of the marketing material are given below:

0302-7776660, 0336-7776660
0347-7776660, 0311-7776660

051-5154283 (KFC) ماہانہ پیڑی

باسر ہریل اینڈ ہومیو پیتھنک

حضرتی شہ زین العابدین

0303-7869595, 0303-7869595

051-5154283 (KFC) ماہانہ پیڑی

باسر ہریل اینڈ ہومیو پیتھنک

Nar Baat - Haridwar

0303-7869595, 0303-7869595

051-5154283 (KFC) ماہانہ پیڑی

باسر ہریل اینڈ ہومیو پیتھنک

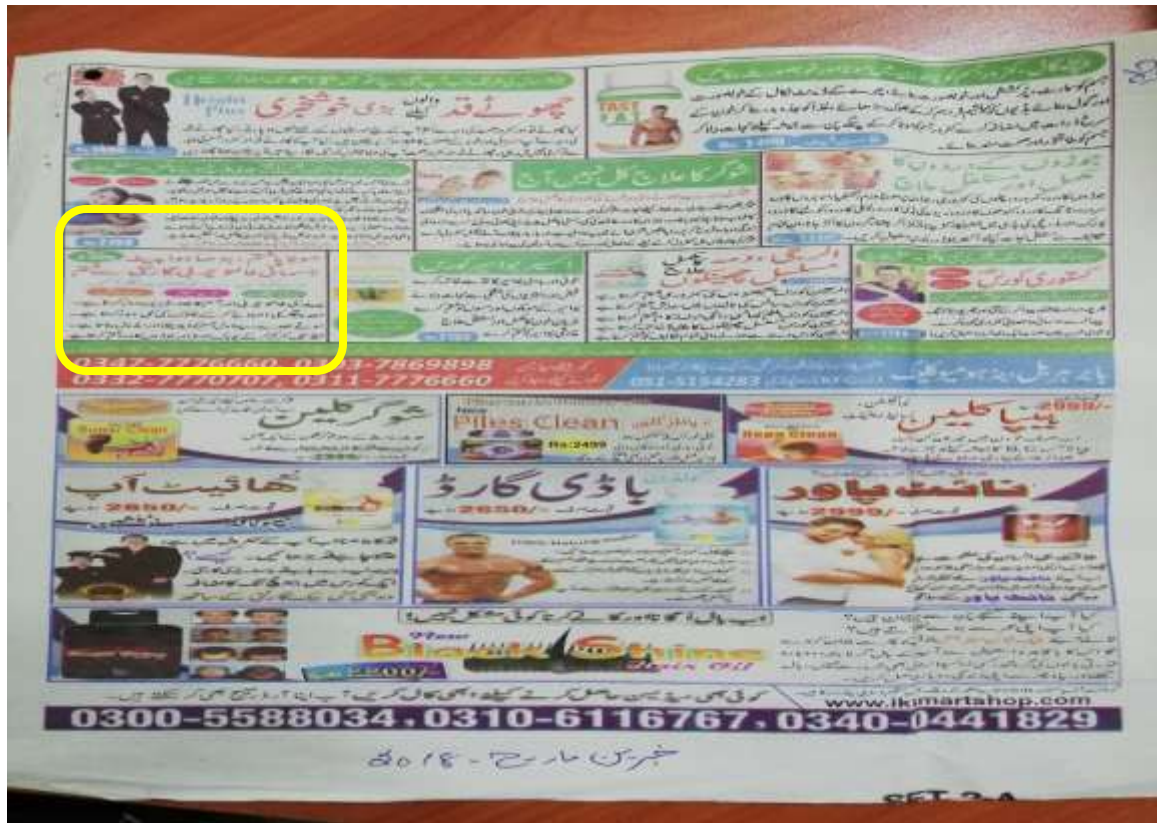
0303-7869494, 0303-7869787, 0331-7770707

0303-7869787

051-5154283 (KFC) ماہانہ پیڑی

باسر ہریل اینڈ ہومیو پیتھنک

Durga - Haridwar



178. The Respondent No. 16 submitted in its reply that it has closed its business since January 2018 and the products/herbal medicine are not being manufactured or promoted/marketed by the Respondent No. 16. It has been mentioned by the Respondent No. 16 that the new business is being carried out by Mr. Asad Iqbal (CEO) with the name of BD Marketing on the address mentioned on our letter dated May 15, 2018 and on further reminder letters dated May 31, 2018 and June 28, 2018.
179. It is important to mention here that the Respondent No. 16 submitted its reply in reference to the letters no. 244/OFT/WEIGHT LOSS/CCP/2018 dated May 15, 18 and 31, 2018 and further letters dated June 05 and 26, 2018. However, the enquiry letter dated May 15, 2018 and further reminders on May 31, 2018 and June 28, 2018 were written to the Respondent No. 16. It is also important to mention here that the letters reference no. 244/OFT/WEIGHT LOSS/CCP/2018 dated May 18, 2018 and further reminder letters dated June 05, 2018 and June 26, 2018 were written to the Respondent No. 15.
180. In view of the above, it can be concluded that the products manufactured and advertised on Herbal Medicine.pk (**Respondent No. 15**) and the products advertised on weekly magazines belong to the same manufacturer, i.e., M/s Babar Davakhana, located on Railway Workshop Road, Rawalpindi.
181. Furthermore, the Respondent No. 16 submitted that it has suspended its practices of manufacturing and marketing since January 2018, however, the above mentioned weekly magazine's extracts were dated March 04, 2018. Therefore, the assertion made by the Respondent No. 16 is not true that they have wound-up their manufacturing/marketing practices since January 2018.

182. In light of the above, it can be concluded that products manufactured and marketed by M/s Babar Herbal and Homeo Clinic and the products of M/s Herbal Medicine.pk own by one entity namely M/s Babar Davakhana. In conclusion, as the relevant Respondents failed to substantiate their claims, they (Respondent No. 15 and Respondent No. 16) are, *prima facie*, involved in violation of Section 10(1) of the Act in terms of Section 10(2)(a) and (b) of the Act.

E. CONCLUSION AND RECOMMENDATION:

183. Overweight and obesity together are becoming one of the prominent causes of death, especially in some of the developed countries around the world. However, the good news is that it is also preventable. Being overweight refers to a state where an individual may have extra body weight. Obesity entails having a high level of extra body fat. Being in either of the states may lead to an increase in various health problems, including type 2 diabetes, high cholesterol, high blood pressure, coronary heart disease, asthma, osteoarthritis, sleep apnea, and certain types of cancer.
184. Patients suffering from these diseases often turn toward desperate measures and fall for numerous weight loss related scams which promise “miracle” solution for their problems. However, the claims made by such undertakings are often either highly misleading or simply outright false. Therefore, in order to warn the consumers against turning towards such unnatural and nearly impossible cure to their disease, the NIH has provided an overview of the problem in its note “Prescription Medications to Treat Overweight and Obesity”, which, *inter alia*, discusses the following;

Can medications replace physical activity and healthy eating habits as a way to lose weight?

Medications don't replace physical activity or healthy eating habits as a way to lose weight. Studies show that weight-loss medications work best when combined with a lifestyle program. Ask your doctor or other health care professional about lifestyle treatment programs for weight management that will work for you.

What are the benefits of using prescription medications to lose weight?

When combined with changes to behavior, including eating and physical activity habits, prescription medications may help some people lose weight. On average, people who take prescription medications as part of a lifestyle program lose between 3 and 9 percent more of their starting body weight than people in a lifestyle program who do not take medication. Research shows that some people taking prescription weight-loss medications lose 10 percent or more of their starting weight. Results vary by medication and by person.²⁷

185. In light of the above discussion, it has been established that weight loss is a long term process which demands a complete and sustained alteration in an individual's overall lifestyle.

²⁷ <https://www.niddk.nih.gov/health-information/weight-management/prescription-medications-treat-overweight-obesity>

Looking for short term fad diets and miracle weight loss programs which revolve around high sounding unsubstantiated claims hardly ever work. Notwithstanding these facts, some weight loss medication, formulae and ingredients have received recognition and endorsements from the relevant departments. However, it is important to note that they are only able to complement the weight loss progress. One cannot rely on them to help in weight loss entirely as a healthy lifestyle comprised upon a controlled diet and exercise regime are necessary to achieve any long term and sustained results.

186. Therefore, the Enquiry Committee has come to the conclusion that some weight loss products may assist in a more effective and faster weight loss progress, however, it is necessary the firstly, none of the undertakings selling such products make any high sounding claims that their products can help an individual make abnormal progress in just a few days as weight loss is a long term process. Secondly, it is absolutely necessary that the undertakings also make clear and conspicuous disclaimers stating that the same would require a healthy regime of diet and exercise to achieve desired results. The undertakings must never give the net general impression that their products will ensure success even without adoption of a proper diet plan and exercise regime. Furthermore, the enforcement of such practices would not only reduce the probability of consumer injury, but it would also assist in protecting competing undertakings from anti-competitive behavior of the violating undertakings as it can be seen from above discussion that there are various genuine weight loss products available in the market which do not have any high sounding false or misleading claims on their marketing material.
187. Consequently, in view of the above, it has been established that Respondent No. 1, Respondent No. 2, Respondent No. 3, Respondent No. 4, Respondent No. 5, Respondent No. 6, Respondent No. 7, Respondent No. 9, Respondent No. 10, Respondent No. 11, Respondent No. 12, Respondent No. 13, Respondent No. 14, Respondent No. 15, and Respondent No. 16 have been found, *prima facie*, in violation of Section 10(2)(a) and (b) of the Act, whereas Respondent No. 13 also appears to be in, *prima facie*, violation of Section 10(2)(c) of the Act
188. Therefore, it is recommended that in the interest of the public at large, proceedings may be initiated against M/s MPC Health & Food, M/s Herb Health Club (Pvt.) Ltd, M/s Hemani Herbal, M/s Al-Mughni Herb, M/s Herbs Man Laboratories, M/s Royal Leaf International, M/s Awami Laboratories, M/s The Vitamin Company, M/s British Sliming Clinic, M/s Herbo Natural, M/s Lasani Pharma (Pvt.) Limited, M/s Qarshi Industries (Pvt.) Ltd, M/s Herbal Medicine.pk and M/s Baber Herbal & Homeo Clinic, under provisions of Section 30 of the Act, in accordance with law, for *prima facie*, violation of Section 10 of the Act and all the other relevant undertakings in the market are warned against such actions.

(Riaz Hussain)
Assistant Director
Enquiry Officer

(Fatima Shah)
Assistant Director
Enquiry Officer