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Avon fined for misleading ads

The Hungarian Competition Authority (the GVH) has imposed a fine of HUF 40 million (approx. EUR 134 thousand) on AVON Cosmetics Hungary Kft. for the unfair manipulation of consumer choice and unfair commercial practices.

The GVH has investigated in the case of several AVON products whether the information provided in ads (catalogues) between 24 December 2007 and 28 September 2008 are true, and whether the undertaking can prove them.

The GVH established that the statement of AVON that with the help of SuperShock mascara one can achieve up to 12X more volume of lashes in one single step was eligible for the deception of consumers. During the tests aiming at proving this statement the product was applied differently from the every-day use of a mascara (the mascara was applied 2X14 times), however consumers received no information on that fact. Thus, the ads were eligible for creating a false impression in consumers relating to a main characteristic of the product, its ability to create high volume lashes.

The GVH also established an infringement in connection with the statement relating to Anew Ultimate age repair night cream, promising to decrease fine wrinkles by 63% in only two weeks. It was not mentioned in the ads that this statement was not based on an objective test, as this was indicated by the ads referring to clinical tests, but rather on the subjective opinion of the consumers questioned. Besides, the subjective tests did not confirm the categorical promise made to all consumers either.

Another infringement was found by the GVH in relation to the Stretch mark and cellulitesmoother body lotion, because the research documentation did not support the statement of AVON that after using the product permanently for four weeks 67% of 65 women taking part in a 12-week-long clinical test made in the USA showed improvement in the skin tone of their stretch marks.

In connection with the Firming body spray AVON claimed that it helps to lose up to 1 cm from the thighs, waist and hips in only one week. AVON could not prove this statement to be true (eg. on the contrary in the case of some consumers after using the product for one week the perimeter actually grew), while the documents submitted to the GVH indicated that after using the product for eight weeks no significant change in perimeter could be established. In

the opinion of the GVH this suggests that even if the product is effective, its effects cannot be measured after using it for eight weeks.

According to AVON, its Vitalizing day cream SPF 20 smooths and clarifies the skin in only three days, improves the skin tone. AVON also claimed that by using its Vitalizing moisture night cream for three days the skin will be young-looking, visibly clean and fine wrinkles will disappear. The English documentation of the survey referred to in the ads however did not contain any exact data in connection with these statements. The GVH also examined the content of the documentation relating to the expressions with similar meaning, and it found that even according to the subjective opinion of the consumers the promises of the ads are not expected to become real.

In the case of Intensive curving and lengthening mascara AVON claimed that after using the product for one single day the lashes get visibly longer by 75%. The GVH did not accept the proof submitted by AVON because the research subjects put the product 28 times on each of the lashes, thus the product was tested differently from every-day use and consumers did not receive any information on that fact.

Also it was stated by AVON in connection with the Intensive curving and lengthening mascara that by using it 100% curlier lashes can be achieved. The GVH considered the relating evidence submitted by AVON insufficient.

AVON also promised consumers that by using Anew Clinical filling serum wrinkles on the forehead will be reduced by up to 40%, crow's feet by up to 50% and expression lines up to 50%, basing these statements on a 8-week-long survey among 145 consumers in the USA. However, the documentation of this survey was not submitted by AVON to the GVH in the course of the proceeding. The other research material available did not prove these statements to be true either.

In the case of Anew Clinical filling serum AVON also claimed that deep expression lines will be visibly reduced already by the first treatment. The GVH did not find the evidence submitted by AVON appropriate to prove this statement. According to the GVH, if during the tests a product is applied differently from every-day use, results of the every-day use of this product may not reach the level of results achieved during the tests, thus the consumer has not received appropriate information on the product.

Besides establishing the infringement, the GVH also imposed a fine on AVON. By calculating the amount of the fine it was considered as a significant mitigating circumstance that AVON admitted the problems of its communication practice, and it expressed its willingness to undertake changes in order to comply with the requirements set out in the decisions of the GVH relating to the market of cosmetics.