

The GVH imposed a fine because of 'bio solarium'

The Hungarian Competition Authority (GVH) found that FOX CONSULTING Kft., which operates the bio solarium franchise 'KiwiSun', had breached the prohibition of unfair commercial practices against consumers with its advertisements. The GVH imposed a fine of HUF 7 million (approx. EUR 21200) on the undertaking and at the same time prohibited it from continuing the unlawful practice.

In its decision, the GVH established that FOX CONSULTING Kft.

- had made unsubstantiated health claims with statements such as 'it increases endorphin production', 'it helps with calcium absorption', 'joints move better', 'immune system booster';
- had not explained the meaning of its statements 'green bio', 'bio' and 'with the power of nature', which in themselves, but especially when taken together with the above mentioned statements, constituted unsubstantiated health claims;
- had unjustifiably claimed to have the leading market position with its statements 'special light', 'unique technology in the world' and 'market leading novelty across Europe'.

The GVH imposed a fine of HUF 7 million (~EUR 21 200) on the undertaking in a competition supervision proceeding and at the same time prohibited it from continuing the unlawful practice. When imposing the prohibition, the GVH referred to the concerns arising from the making of unsubstantiated health claims in relation to a service that is, according to current scientific knowledge, potentially harmful to health.

Furthermore, the GVH emphasised the fact that it is prohibited to provide solarium services to minors under the age of 18 years in 14 European countries¹. According to the European Commission's Scientific Committee on Health, Environmental and Emerging risks (SCHEER) in 2016, ultraviolet radiation is classified as carcinogen – including the radiation emitted by sun-tanning beds. The SCHEER concluded that

- *'there is strong evidence that exposure to UVR can cause different types of melanoma (squamous cell carcinoma, basal cell carcinoma) and also ocular melanoma;*
- *'there is no safe limit for exposure to UV radiation from sunbeds. The users shall fully be aware of the risks of using sunbeds for cosmetic purposes and if they decide to use them despite the fact they understood them, they have to take protective measures. Those who take seriously the health protection are recommended to avoid the use of sunbeds – particularly if they are under the age of 18 years, have relatives with melanoma in their family history and/or they are blond or have freckles.'*

¹ Austria, Belgium, Finland, France, United Kingdom, Germany, Norway, Ireland, Iceland, Latvia, Lithuania, Italy and Spain.

The official registration number of the case: Vj/4/2019.

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Hungarian Competition Authority

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