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# ASA Ruling on Le-Vel Brands LLC

## Le-Vel Brands LLC

201 Warren Pkwy Suite 200  
Frisco  
Texas 75035  
USA

### Date:

15 July 2015

### Media:

Internet (social networking)

### Sector:

Health and beauty

### Number of complaints:

1

### Complaint Ref:

A15-292751

### Ad

An ad posted on a social network for 'Thrive Plus Boost' health supplement stated: "Thrive BOOST is the only Nutraceutical Beverage of its kind ... Our ph balancing blend of botanical herbs, probiotics, enzymes, fruits, vegetables, and super green grasses makes for a phytonutrient dense beverage. BOOST is designed to alkalize and energize your system with each serving, the result is enhanced energy levels, enhanced weight management through detox & cleansing support, immune support, free radical support and ph level support". An image of the product was shown, which included the word "BOOST" on the packaging. The text "THRIVE +" was also printed on top of the image.

## Issue

The complainant challenged the claims, which were subject to Regulation (EC) No. 1924/2006 on nutrition and health claims made on foods (the Regulation), as reflected in the CAP Code.

## CAP Code (Edition 12)

### [15.115.1.115.2](#)

## Response

Le-Vel Brands LLC did not respond to the substance of the complaint, but said they did not believe the ad had been placed by one of their promoters. They said they had closed the affiliate's account in response to the ASA's enquiries.

Annemarie Huigen said she was a promoter for Le-Vel, and that the ad had been created by them.

## Assessment

### Upheld

The ASA noted Le-Vel's belief that the ad had not been placed by one of their promoters. However, we understood that the person who had posted it had an established relationship with Le-Vel, and considered that they were acting as an affiliate. As the beneficiaries of the marketing material, we considered Le-Vel were responsible for the ad and for ensuring it complied with the Code.

Ads for foods were subject to specific rules in the CAP Code, which reflected the requirements of EC Regulation 1924/2006 on Nutrition and Health Claims made on Foods (the Regulation).

The CAP Code required that only health claims which appeared on the list of authorised claims (the EU Register) could be made in ads promoting foods. Health claims were defined as any claim that stated, suggested or implied that a relationship existed between a food category, a food or one of its constituents, and health.

We considered that the following claims suggested a health benefit, and were therefore health claims for the purposes of the Regulation: "probiotics"; "enhanced weight management"; "immune support"; and "free radical support". We also considered that, in the context of the ad, the claims "ph level support", "ph balancing blend", and "designed to alkalize" were intended to suggest a health benefit, and therefore were also health claims for the purposes of the Regulation.

Le-Vel had not provided any evidence that any of the health claims in its advertising were authorised on the EU Register, and we therefore concluded that the health claims were in breach of the Code.

The ad also included references to general, non-specific health benefits of the products such as: "designed to ... energize your system with each serving"; "detox & cleansing support"; and that the product provided "enhanced energy levels". We considered that, in the context of the ad, the claims "Neutraceutical" and "phytonutrient dense beverage" implied that the product could have some health benefit on the body by being nutritious or otherwise beneficial, and as such were also general health claims. We also considered that the claims "Thrive" and "Boost", particularly when used in conjunction with "Plus" and "+" within the product name, implied that a relationship existed

between the food and health, and again were therefore general health claims.

The Code stated that general health claims could be made in relation to a food only if they were accompanied by a relevant specific, authorised health claim. Because we understood that none of the health claims in the ad were authorised, and could therefore not be used in support of a general health claim, we concluded the general health claims were also in breach of the Code.

The ad breached CAP Code (Edition 12) rules 15.1, 15.1.1, and 15.2 (Food, food supplements and associated health or nutritional claims).

## **Action**

The ad must not appear again in its current form. We told Le-Vel Brands LLC not to use unauthorised health claims in relation to their foods, and that they should not refer to general, non-specific health benefits of their food products unless those claims were accompanied by a relevant authorised health claim.

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