

31. The advert infringes appendix H to the Code which specifically prohibits advertising that contains “improper, alarming or misleading claims of a recovery”. Further, appendix H states that in respect of comparisons

“22. All descriptions, claims and comparisons to be used, must be based on fact and have been approved by the MCC”.²

²The appendices are determined by the various member organisations or negotiated with governmental institutions. All such codes conform to the general principles laid down by the ASA Code and differ only in detail where individual needs are to be met. The provisions of the Code are mostly broadly framed, but special rules covered by the appendices apply to particular audiences and to certain categories of products and services. Appendix H deals with the advertising of over the counter medicines and was determined by the Self Medication Manufacturers Association of South Africa.