



4 October 2016

Dear Australian Competition and Consumer Commission

Outcome of the CHOICE Shonky Awards 2016 – suggested case for investigation and enforcement

On 5 October 2016, CHOICE will announce the 'winners' of its annual Shonky awards. These awards are developed based on CHOICE members' complaints and CHOICE staff investigations conducted throughout the year. Awards are given to businesses that have caused significant consumer detriment or outrage due to factors such as faulty products, misleading advertising or poor customer service.

This year, one award winner appears likely to have breached provisions of the Australian Consumer Law (ACL). We have provided a summary of our concerns below. We encourage the ACCC to consider investigation with a view towards enforcement action in relation to this product.

Camel Milk Victoria

The Camel Milk Victoria website (see Attachment A) appears to breach the Food Standards Code and the ACL.

Food Standards Code

Standard 1.2.7 Nutrition Health and Related Claims was introduced to protect consumers from misleading health claims on food.

The claims made by Camel Milk Victoria are not compliant with this standard. For example:

a) It makes the following **high level health claim**:

- "It is known to ... aid those who have autism, diabetes, tuberculosis, cancer, stomach ulcers and more."

This clearly breaches Clause 7 – Claims not to be therapeutic in nature. Specifically, 'A claim must not refer to the prevention, diagnosis, cure or alleviation of a disease, disorder or condition'.

High level health claims must be based on a food-health relationship pre-approved by FSANZ. There are currently 13 pre-approved food-health relationships for high level health claims listed in the Standard. Camel milk being beneficial for those diseases is not one of these.

b) It makes the following **general level health claim**:

- "It is known to help improve the immune system by fighting off bacteria's and infections".

General level health claims must be based on one of the more than 200 pre-approved food-health relationships in the Standard or self-substantiate a food-health relationship in accordance with detailed requirements set out in the Standard, including notifying FSANZ.

Unlocking the power of consumers

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All health claims are required to be supported by scientific evidence to the same degree of certainty, whether they are pre-approved by FSANZ or self-substantiated by food businesses.

CHOICE has written to the relevant agency responsible for enforcement of the Code detailing our concerns.

Australian Consumer Law

Foods that carry unsubstantiated marketing claims of a health benefit can mislead or deceive consumers. CHOICE is of the view that the following statement made by Camel Milk Victoria is misleading and deceptive in breach of s18 of the ACL, and is also a false or misleading representation that the goods have particular performance characteristics, uses or benefits in breach of s29(1)(g) of the ACL.

- "Camel Milk holds promise! It is known to help improve the immune system by fighting off bacteria's and infections and aid those who have autism, diabetes, tuberculosis, cancer, stomach ulcers and more."

This claim is particularly insidious as people suffering from these serious and sometimes terminal illnesses are extremely susceptible and vulnerable, and might be influenced to purchase this product based on these claims. CHOICE has been unable to find research that supports these claims.

I hope that you will consider investigating this matter. CHOICE is of the view that it's irresponsible to potentially mislead consumers in this way. It is of significant concern to vulnerable consumers in particular and generally demonstrates a disregard for the Australian Consumer Law. Please contact me if you require further information.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Matt Levey'.

Matt Levey
Director, Campaigns, Content and Communications

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Attachment A: Camel Milk Victoria website detail



About Camel Milk



Camel Milk contains 30% less fat and 40% less lactose than cow's milk! The natural antibiotics in Camel Milk help keep the milk fresher for a longer amount of time. Camel milk is a healthy natural super food, extremely nutritious and easy to digest! It contains only 2% fat!

Camel Milk holds promise! It is known to help improve the immune system by fighting off bacteria's and infections and aid those who have autism, diabetes, tuberculosis, cancer, stomach ulcers and more.

The milk protein in Camel Milk is substantially higher than other milk. It is known as lactoferrin. It is also known to have more antibacterial properties than cow milk. It tastes similar to other milk, only a little saltier!

Can't drink cow milk?

Then maybe Camel Milk is right for you!

Children with allergies to cow milk have been known to have a positive reaction to Camel Milk.



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