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**Submission to
Commonwealth Parliamentary Inquiry into Obesity in Australia
House of Representatives Standing Committee on Health & Aging**

Investment in anti-obesity public messages, drug and surgery treatments and the education of children risks being undermined unless the Federal Government also moves to establish greater regulation of the "weight loss industry" to (I) correct market failure, (II) ensure consumers are protected from substandard products and (III) to establish better weight loss industry training that contributes to the broad solution.

"Many products that are heavily advertised are at best unproven and at worst unsafe. Companies that promote unrealistic expectations and false hopes doom current weight loss efforts to failure, and make future attempts less likely to succeed. Consumers are being diverted from products, programs, counseling, and therapies that are effective thereby worsening the public health impact." [1, 2]

Mechanisms by which substandard products can have a negative impact include; Reduced metabolic rate, muscle mass, self-esteem and confidence. Increased risk of gall stones, weight regain, weight cycling and repeat failure.[3]

(I) Regulate to correct weight loss industry market failure

Despite the existence of a national Weight Management Code of Practice, established in 1994 to address failure of the weight loss industry marketplace, there are still only five company members (Fernwood, Jenny Craig, Nestle Nutrition, Trim-a-Weigh and Weight Watchers), and no individual members.[4] This leaves the vast numbers of weight loss businesses outside voluntary regulation.

The Final Report of the National Consultative Committee on the Weight Loss Industry in May 1994 stated, "That in the event that the weight loss industry cannot demonstrate wide spread adoption and compliance with the Code, the Committee will recommend legislation to regulate the industry." [5]

This regulation is now required, especially since consumers are unable to distinguish the quality and individual appropriateness of weight loss products. See Case Studies next page for current examples of marketplace failure.

(II) Protect consumers from substandard products

In the finance industry Australians are routinely presented with disclosure statements and relative tight regulation of business practices to ensure that individuals can make informed choices about the relative returns they will receive for their investment. This same level of disclosure and protection is unavailable in the weight loss industry, even though more than money is at stake.

Case Study 1 – Lemon Detox Diet

What is it? – Six or ten-day liquid only ‘detox’ diet program of palm and maple syrup, lemon juice, cayenne pepper and optional bee pollen.[6]

How is it promoted? – Radio and television advertorials.

Nutritional assessment – Provides ~2500 kJ (600 Cal) per day, which around half the 5000 kJ generally regarded as healthy for a weight loss diet. Provides only 8g protein per day.

Potential impact – Nutrient deficiencies, depressed metabolic rate, loss of muscle mass, constipation, rapid regain of lost weight.

Case Study 2 – Bodytrim

What is it? – High-protein, low-carbohydrate diet (~15g/day during weight loss phase).[7]

How is it promoted? – Metro newspaper and TV magazine advertorials.

Nutritional assessment – Provides less than 3000 kJ (800 Cal) per day for women and 4000 kJ (950 Cal) for men.

Potential impact – Nutrient deficiencies, depressed metabolic rate, loss of muscle mass, rapid regain of lost weight.

Both products clearly offer seriously deficient energy, nutrients and balance to be healthy and sustainable for effective weight management. Both products also feature major advertising campaigns direct to the public, Lemon Detox with celebrity endorsement and Bodytrim with medical endorsement.

Such advertising practices, especially in the absence of disclosure of energy and nutrient content of the diet leave consumers ill-equipped to make informed choices regarding these weight management options.

(III) Establish better weight loss industry staff training

The Weight Management Code of Practice outlines minimum training requirements for staff delivering weight loss products and services. But only five weight loss businesses have adopted these standards and their training programs are not required to be independently evaluated.

Other weight loss businesses are being promoted as having *Trained, Qualified or Professional Consultants*, however no uniform minimum staff training standards exist to give consumers confidence of adequate and appropriate information.

Given the serious level of obesity in Australia, the complexity of influencing factors and the need for efficacious advice, workforce training should be a prime target for development.

Recommendations

- Make the Weight Management Code of Practice mandatory for weight loss businesses.
- Review the Slimming Advertising Code for adequacy of protection and compliance, especially for major media outlets.
- Establish national training standards for staff delivering weight loss products.
- Allocate funds for the development and promotion of a new weight loss industry regulatory system.
- Establish a website and information service for Australians to learn about businesses that comply with the Code.

About Matt O'Neill & the SmartShape Centre for Weight Management

Matt O'Neill is an Accredited Practising Dietitian, qualified Exercise Physiologist and founder of the SmartShape Centre for Weight Management. He has trained over 50,000 health professionals in eight countries in best-practice weight management techniques. Matt was a member of the NHMRC's Overweight and Obesity Working Party (2003), a Board Member of the Weight Management Code Council of Australia (1997) and was the Nutritionist and Senior Food Policy Officer for the Australian Consumers' Association (1996-2000). He regularly appears in the media as an expert on weight management.

Sincerely,



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- [7] Bodytrim Reference Guide. March 2008.

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