

Distributors of “lung vitamins” deceived consumers during the COVID-19 pandemic

The Hungarian Competition Authority has imposed a fine of more than HUF 60 million

2 December 2022, Budapest – The Hungarian Competition Authority has imposed a fine of over HUF 60 million on the distributors of the Air7 vitamin supplements for advertising them to domestic consumers using unfounded claims and unlawful advertising methods in the absence of an official registration. The products in the range advertised as "Air7 lung vitamins" were formerly investigated by the National Food Chain Safety Administration (Nébih) as well and withdrawn from the market in July 2022.

The Air7 vitamin supplements were launched during the active phase of the COVID-19 pandemic. The products available in pharmacies, organic food stores and webshops were promoted through an active advertising campaign involving public figures specifically highlighting the lung health benefits of the range.

The investigation launched by the Hungarian Competition Authority (GVH) found that the domestic distributors of the Air7 vitamin supplements had been misleading consumers by promoting their products using several unfair practices also contrary to the EU sectoral rules.

The investigation revealed that the undertaking had falsely advertised the products as "lung vitamins" or "Air7 lung vitamins" which, along with a number of other health claims, was wholly unsubstantiated. Based on examinations carried out by the relevant authority the products were found to have no ingredients with any lung health benefits. The misleading claims were also in breach of the EU food sectoral rules.

Not only the truthfulness of the claims but also the methods used by the advertisers were found to be unlawful as the adverts referred to recommendations from health practitioners and institutions, a practice also prohibited for the product range under EU law. Furthermore, the companies advertised the products for a short period of time without registration by the relevant authorities necessary for the products to be legally marketed in Hungary.

The National Food Chain Safety Administration (Nébih) also investigated the products of the Air7 range branded as "lung vitamins", and in July 2022 banned the marketing of the vitamin supplements advertised with misleading labelling. [The Nébih experts found](#) that none of the ingredients of the dietary supplements sold as "Air7 lung vitamins" had been proved to have lung health benefits, especially in high-risk conditions affecting the lungs, such as during an epidemic or a pandemic.

As an aggravating factor, the GVH's Competition Council also took into account that the product range was launched during the COVID-19 pandemic when consumers were particularly vulnerable and exposed to messages promising protection for the lungs and the immune system in general. The decision of the GVH also highlights the fact that the undertakings failed to consider the warnings of the National Institute of Pharmacy and Nutrition regarding the

unlawful nature of their advertising practices.

In its decision the Hungarian Competition Authority imposed a total fine of HUF 60.5 million on the four undertakings involved or interested in unfair commercial practices: Siren7 Ltd. (*under liquidation*), Siren7 LLP, GREEN SPLID S.R.L. and Kalibra Innovatív Kft.

Case reference number: **VJ/37/2021.**

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