

Xiao Shi Guang Day Workshop

1543rd Commissioners' Meeting (2021)

Case: Xiao Shi Guang Workshop violated the Fair Trade Law by posting false advertisements to market its “sculpture miracle—magnetic slimming” product

Keyword(s): False advertisement, fat reduction

Reference: Fair Trade Commission Decision of May 12, 2021 (the 1543rd Commissioners' Meeting); Disposition Kung Ch'u Tzu No.110030

Industry: Other Beauty Treatment (9622)

Relevant Law(s): Article 21 of the Fair Trade Law

Summary:

1. Xiao Shi Guang Day Workshop posted on its website, FB and IG an advertisement for a “sculpture miracle—magnetic slimming” product and claimed that the product could reduce 19% fat. False advertising was therefore involved.

2. Findings of the FTC after investigation:

(1) The advertisement in question carried the wordings of “sculpture miracle—magnetic slimming...reducing 19% fat... increasing 16% muscles...noninvasive treatment to fight the bingo wings, buttocks and abdomen that you hate the most...each HI-ERT therapy equivalent to 20,000 muscle contractions; this is a high-performance muscle-building and fat-reducing technology” and “sculpture miracle, noninvasive, increasing 16% muscles and reducing 19% fat.” The overall content gave people the impression that using the product could reduce 19% fat, increase 16% muscles and get rid of the fat in the buttocks and abdomen as claimed in the advertisement.

(2) According to Xiao Shi Gaung Day Workshop, the claim of 19% fat reduction and other effects had been quoted from the product instructions for the “Slim Beauty Magnetic Slimming” apparatus. However, it was unable to provide any certificate from a notary public unit or proof from a lab. Without such evidences, Xiao Shi Gaung still posted the claim of 19% fat reduction and other effects between August 31, 2020 and October 12, 2020 despite that it was inconsistent with the fact.

3, Grounds for disposition:

(1) From August 31, 2020 to October 12, 2020, Xiao Shi Guang Day

Workshop posted the “sculpture miracle—magnetic slimming” product advertisement on its website, FB and IG claiming that the product could reduce 19% fat and also had other effects without any certificate from a notary public unit or proof from a lab. It was a false and misleading representation with regard to content of service and also could affect transaction decisions in violation of Article 21(4) of the Fair Trade Law and Paragraph 1 of the same article was applicable *mutatis mutandis*.

- (2) After assessing the motivation and purpose behind the unlawful act of Xiao Shi Guang Day Workshop as well as the inappropriate benefit expected, the FTC cited the first section of Article 42 of the Fair Trade Law and imposed an administrative fine of NT\$50,000 on the workshop.

Appendix:

Xiao Shi Guang Workshop’s Uniform Invoice Number: 76426126

Summarized by: Lin, Jia-Ta; Supervised by: Chen, Jen-Ying