

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates, 31 May to 2 June 2005

Question: Bud 5

Topic: ACCC – Unique Water

Hansard Page: Written

Senator Conroy asked:

1. Is the ACCC familiar with a product called 'unique water'?
2. Has the ACCC investigated any claims made in connection with this product?
3. Did the ACCC take any action? If yes, what action did the ACCC take? When did this occur?

Answer:

1. Yes. Unique Water was marketed by Dr Russell Becket who was a director of Macquarie Veterinary Supplies Pty Ltd, Unique Water Australia Pty Ltd (ACN 100 697 989) and Unique Water Pty Ltd (ACN 100 873 292).

2. Yes. The ACCC undertook an investigation of this matter in 2002. As part of the investigation ACCC sought expert advice which found as follows:

'In summary, there is insufficient proof of any health benefit of a solution containing magnesium bicarbonate [such as Unique Water]. The clinical trials are not up to a standard which would allow reasonable claims about its benefits to health.'

3. Yes. The ACCC wrote to Dr Beckett in April 2002 asking him to demonstrate that he had a reasonable basis for making the representations that Unique Water had the claimed health benefits.

Following concerns being raised by the ACCC, Dr Beckett amended the text on his website to refer to the 'possible benefits' of Unique Water and removed misleading media articles from the website. The following disclaimer was also added to the website:

'In Australia, New Zealand, North America and Europe, patents are granted by National Governments for inventions that are original and innovative. However, a patent is not the same as national therapeutic registration. This means that no therapeutic claims can be made that arise from the granting of a

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patent. No proof of a medical hypothesis can be claimed by the granting of a patent."

In addition, the labelling of Unique Water was altered and it now no longer refers to 'patents for slowing the ageing process' or 'patents for preventing and treating degenerative diseases'.

Having achieved this result, the ACCC determined not to take any additional action as there was no evidence of any significant consumer detriment.

- The ACCC received only 6 consumer enquiries in respect of this issue.
- There was no evidence of any product safety issues arising from the ingestion of water containing magnesium bicarbonate.
- Unique Water is retailed direct from the factory for \$30 per case, i.e. \$1.25 per bottle. This is comparable to, and less expensive than, other brands of water that make no claims.

The ACCC has advised Dr Beckett that if significant additional information or complaints come to its attention it would re-assess this matter. As yet, only one further complaint has been received.