Decision of the ADVERTISING REGULATORY BOARD

Complainant	Jozua Loots
Advertiser	Meridian Hygiene t/a Coronafog.co.za
Consumer/Competitor	Consumer
File reference	867 – Coronafog – Jozua Loots
Outcome	Upheld
Date	5 August 2020

The Directorate of the Advertising Regulatory Board has been called on to consider a consumer complaint against Coronafog's radio and online advertising heard on Radio 702 and seen on www.coronafog.co.za during June 2020.

Description of the Advertising

The radio commercial script reads as follows:

> "*It's fogging time. We all went back to chasing the dream, discovering new things and being together. That's why coronafog.co.za, provides disinfectant fogging for buildings, that kills the corona virus.*
>
> *We can either sanitise your building for you or you can do it yourself using our latest rental offering which includes training, protective gear and certification.*
>
> *We're available nationwide, 24/7. Get back to business as usual safe and sanitised with coronafog.co.za.*

We're fogging good".

The online post appeared at https://www.coronafog.co.za/post/removing-the-coronavirus-risk-from-the-work-place, and claimed, *inter alia*, as follows:

- "*Removing the corona virus risk from the work place*",
- "*... Meridian Hygiene, is providing a thermal fogging solution to sanitise buildings as a precaution against Coronavirus / COVID-19 ...*",
- "*... provides broad spectrum disinfection of surfaces against viruses (proven effective against Coronavirus) and bacteria ...*"

Complaint

The Complainant submitted that the advertising creates an impression that this product is guaranteed to kill the virus responsible for the current Covid-19 pandemic. However, there is no proof that this method of disinfectant fogging is effective against this particular strain of the virus, which means the advertising is disingenuous and misleading. The advertiser's claimed ability to remove this virus from the workplace is not backed up by any information.

Response

The Advertiser submitted that "Fogging" is merely a method for applying a disinfectant. While it is efficient in achieving high coverage, its efficacy against a given pathogen is dependent on the sanitising agent used.

In the absence of any local guidance regarding suitable disinfectants for use against Sars-CoV-2, it had to look for guidance in terms of best practice abroad, specifically the United States Environmental Protection Agency (US EPA).

Because the SARS-CoV-2 virus is a new pathogen, there are no readily available samples to test in laboratory settings to determine whether a disinfectant is effective at killing it. However, the US EPA expects any disinfectant to kill SARS-Cov-2 if such a disinfectant is effective against other "hard-to-kill" viruses. The Advertiser explained that SARS-Cov-2 is not a "hard-to-kill" virus, as it is easily neutralised by disrupting its fatty envelope.

In addition, the US EPA expects a disinfectant to be effective against SARS-CoV-2 if such a disinfectant demonstrates efficacy against other human coronaviruses similar to SARS-CoV-2.

It provided a Material Safety Data Sheet (MSDS) for a product called "San-A-Safe Medical / San-A-Med / Sanitary Care / Prof. Microbe - Bathroom Cleaner", which the Directorate understands to be the product used for its "Coronafog" applications. It also provided a reem of studies conducted by "ATS Labs" in Minnesota, USA during 2011.

One such "FINAL STUDY REPORT" was titled "*Virucidal Efficacy of a Disinfectant for Use on Inanimate Environmental Surfaces*". This study appears to have been completed on 4 March 2011 and claims to have tested product "TMXPAE" against "Human Coronavirus". This report was accompanied by a letter signed by the Vice President of Clift Industries Inc, which states:

> "The Beyond Green Cleaning® Multi-Surface Disinfectant and Cleaner has been tested against the Human Coronavirus under the name "TMXPAE" and is sold in consumer retail stores.
>
> It is marketed in South Africa, by an exclusive distributor, as San-A-Med".

The Advertiser added that the Complainant requested information insofar as its efficacy claims were concerned. The above-mentioned reports were shared with the Complainant via a WeTransfer link. However, this link was never accessed, and the Complainant did not bother to consider the relevant evidence before lodging his complaint with the ARB.

Finally, it noted that minor changes had been made to its online post, and that it no longer referred to "removing" the risk, but rather to "reducing" it.

Application of the Code of Advertising Practice

The Directorate considered the following clauses of the Code of Advertising Practice to be relevant:

- Section II, Clause 4.1 (Substantiation)
- Section II, Clause 4.2.1 (Misleading claims)

Decision

Having considered all the material before it, the Directorate of the ARB issues the following finding.

The advertising at issue is premised against the background of people returning to work after South Africa's self-imposed lock-down and state of emergency, sparked by the global Covid-19 pandemic. It explains that, during this time, "... *coronafog.co.za provides disinfectant fogging for buildings, that kills the corona virus* ..."

Similarly, the blog appearing on the Advertiser's website (which appears to have been posted on 6 March 2020) was titled "*Removing the coronavirus risk from the work place*". It claimed, *inter alia*, that this "... *thermal fogging solution [would] sanitise buildings as a precaution against Coronavirus / COVID-19*", and that it was "... *proven effective against Coronavirus*".

While the Advertiser has since changed the title to read "*Reducing the corona virus risk in the work place*", this does not alter the overall communication in any significant manner, particularly as the body copy still claims that its thermal fogging solution has been "*proven effective against corona virus*" in a manner that would likely be interpreted as a reference to Covid-19. This amendment therefore does not have any significant impact on the Directorate's decision.

A reasonable person would interpret the advertised messages to mean that the Advertiser's product has been proven effective in removing or sanitising against the "Novel Coronavirus", commonly referred to as "Covid-19". It is this suggestion that the Complainant disputes.

Clause 4.1 of Section II of the Code expects advertisers to hold independent verification for all direct or implied claims made in advertising, and specifies that all evidence relied on must be up to date and current, and have market relevance. It specifies that documentary evidence should either emanate from, or be evaluated by an independent credible expert in the field to which the claims relate. This allows the ARB to defer to the informed opinion and verification of an independent expert, and reach a justifiable decision, based on such independent and credible verification.

The Advertiser has, as per the response recorded above, followed a line of logical inference to come to the conclusion that its product is effective against the virus

responsible for Covid-19. This relies on 2011 testing against previous coronaviruses, and various links to why this would be effective in the current situation.

The Advertiser has not, however, submitted unequivocal verification from an independent and credible expert to support its arguments and assumptions.

This complicated the Directorate's decision-making process, because a number of unanswered issues remain. For instance, nearly all of the studies submitted were conducted against other pathogens such as "*Mycobacterium bovis*", "*Pseudomonas aeruginosa*", "*Staphylococcus aureus*", "*Salmonella enterica*", "*Escherichia coli*", "*Enterococcus faecalis*", "*Listeria monocytogenes*", "*klebsiella pneumoniae*", "*Streptococcus suis*", "*Trichophyton mentagrophytes*", "*Candida albicans*", "*Swine Influenza A (H1N1) virus*", and "*Human Immunodeficiency virus type 1*". No explanation was provided as to the relevance of these studies in relation to Covid-19.

It is also unclear why studies conducted in 2011, which involved soaking the relevant pathogens by spraying them repeatedly until "thoroughly wet" would support the Advertiser's current "thermal fogging" technique, which disperses the disinfectant as a "dry fog".

Finally, the certificate of analysis from M and L Laboratory Services (Pty) Ltd appears to relate to testing done against four bacterial cultures and two fungi cultures. The Covid-19 virus is neither a bacterium nor a fungus.

In the absence of any verification from an independent, credible expert, the Directorate is unable to accept these submissions as suitable evidence.

The only study that appears to have been conducted against the "Human Coronavirus" was titled "*Virucidal Efficacy of a Disinfectant for Use on Inanimate Environmental Surfaces*". Here too, the Directorate noted the following:

1) There is no unequivocal confirmation from an independent and credible expert to verify that the conclusions drawn from the Advertiser's 2011 study can automatically be applied to the Novel Coronavirus / Covid-19 strain recently identified. For instance, this study was done against the "229E Strain" of the Human Coronavirus which, according to various online sources is only one of seven different strains, and is not the strain responsible for Covid-19 (see https://www.webmd.com/lung/coronavirus-strains#1, as well as https://www.cdc.gov/coronavirus/types.html).

2) There is no unequivocal confirmation from an independent and credible expert that the Advertiser's methodology of "thermal fogging" would deliver the same kind of efficacy as the methodology outlined in the 2011 study (which required the virus samples to be "... *sprayed until thoroughly wet (3 sprays at a distance of 6 to 8 inches)* ..."

In addition to these concerns, the Directorate notes the Advertiser appears to have relied on the US EPA guidelines. At https://www.epa.gov/coronavirus/how-does-epa-know-products-list-n-work-sars-cov-2, the US EPA explains that it maintains a document called "*List N*" which contains a comprehensive list of disinfectants recommended for use against Covid-19 (SARS-CoV-2). This list (accessible via https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19) categorises a host of different disinfectants by their respective EPA Registration Numbers, Active Ingredients, Product Name, Formulation Type and a handful of other criteria. Here too, the Directorate has reservations about blindly accepting the Advertiser's submissions as substantiation in terms of Clause 4.1 of Section II. In particular, the following concerns arise:

1) There is no unequivocal verification from and independent and credible expert to support the Advertiser's submissions that its reliance on US EPA guidelines is appropriate or optimal.
2) There is no unequivocal verification from an independent and credible expert to confirm that the Advertiser's product / disinfectant appears on the relevant "*List N*" as maintained by the US EPA. The Directorate was unable to locate any references to "*Coronafog*", "*Meridian Hygiene*", "*San-A-Safe / San-A-Med / Sanitary Care / Prof. Microbe - Bathroom Cleaner*", or even Beyond Green (the local distributor).

In fact, when considering the Advertiser's submissions, the Directorate scrutinised the information available on http://www.beyondgreen.co.za/products/beyond-green/. This page provides comprehensive information about a number of Beyond Green Cleaning products, including the "*San-A-Safe*" product. According to this page, the "*San-A-Safe*" product is registered with the US EPA under number "81857-1". However, this number does not appear on the US EPA "*List N*".

Considering these discrepancies and given that the Advertiser has not submitted any verification from an independent and credible entity to verify that its approach and justification for using this product is scientifically sound, the Directorate is not in a position to accept that these claims are substantiated within the meaning of Clause 4.1 of Section II of the Code.

As a consequence, the Advertiser's claim to be able to kill the Covid-19 Coronavirus or that its product and process is effective against the Covid-19 Coronavirus are currently unsubstantiated and in breach of Clause 4.1 of Section II of the Code.

Given the above finding, there is currently no need for the Directorate to issue a ruling on whether the advertising is also in contravention of Clause 4.2.1 of Section II of the Code (Misleading claims).

Sanction

The advertiser is required to:

1. Withdraw all advertising claims implying proven efficacy against Covid-19 / Novel Coronavirus.
2. Ensure that these claims are withdrawn within the deadlines stipulated in Clause 15.3 of the Procedural Guide.
3. Ensure that these claims are not used again in their current format until and unless adequate substantiation has been submitted, evaluated and accepted by the Directorate in a new ruling.

The Advertiser is reminded that in terms of Clause 15.5 of the Procedural Guide, offending claims / advertisements are to be withdrawn from every medium in which they appear.