

Pete Evans' company fined for alleged COVID-19 advertising breaches

24 April 2020

The Therapeutic Goods Administration (TGA) has issued two infringement notices to Peter Evans Chef Pty Ltd (the Company) totalling \$25,200 for alleged breaches of the *Therapeutic Goods Act 1989* (the Act). Mr Evans is the sole Director/Secretary of the Company.

The TGA received a number of complaints about the promotion of a 'BioCharger' device that occurred during a Facebook live stream on 9 April 2020. Mr Evans allegedly live streamed on his Facebook page, which has more than 1.4 million followers, claims that the device could be used in relation to "Wuhan Coronavirus" - a claim which has no apparent foundation, and which the TGA takes extremely seriously.

Any claim that references COVID-19 is a [restricted representation](#) under therapeutic goods legislation, and is of significant concern to the TGA given the heightened public concern about the pandemic. The TGA recently published a [warning to advertisers and consumers](#) about illegal advertising relating to COVID-19.

The TGA has issued the Company with an infringement notice in respect of the representation made in the live stream / video.

A second infringement notice was issued for alleged advertising breaches on the website www.peteevans.com, which is maintained by the Company. The page for the BioCharger included claims such as:

"proven to restore strength, stamina, co-ordination and mental clarity"

"sharpening your mental clarity"

"recovery.....from an injury, stress"

"accelerating muscle recovery and reducing stiffness in joints".

As the BioCharger device has been represented by the Company as being for therapeutic uses, it is a therapeutic good within the meaning of the Act, and is subject to the regulatory framework established under the Act and administered by the TGA.

Unless a specific exemption applies, therapeutic goods must be entered in the Australian Register of Therapeutic Goods (ARTG) before they can be lawfully supplied or advertised in Australia.

The TGA regulates all medicines, medical devices and biologicals under the Act. The regulatory scheme is important to the safety of Australian consumers, and the TGA investigates suspected illegal activity related to therapeutic goods.

The TGA is monitoring non-compliance, particularly in relation to the advertising of products that claim to prevent or cure COVID-19 and will continue to take action in relation to any advertisements that do not meet the requirements, including those that seek to mislead consumers.

Unless otherwise indicated in this document, it is Copyright of the Commonwealth of Australia and the following applies:

Copyright Commonwealth of Australia.

This material does not purport to be the official or authorised version. Reproduction and use of this material is subject to a [Creative Commons Attribution-NonCommercial-ShareAlike 3.0 Australia License](#).

You should make independent inquiries and obtain appropriate advice before relying on the information in any important matter.

This document has been distributed by LexisNexis Australia. All queries regarding the content should be directed to the author of this document.