

## Panadol causes a headache for Nurofen

A recent court case saw the makers of Panadol take on Nurofen in a dispute over the use of claims made during Nurofen's advertising campaigns.

As a result, Nurofen is no longer able to advertise that its products provide faster and more effective pain relief for common headaches than Panadol because of this Federal Court of Australia decision.

### *The advertisements*

In August 2015, Nurofen commenced a marketing campaign that essentially advised that Nurofen, which is an ibuprofen-based product, is more effective than Panadol, which contains paracetamol.

Nurofen's campaign consisted of the following slogans:

1. "Nurofen is better than Paracetamol for common headaches";
2. "Nurofen is superior to Paracetamol for tension-type headaches"; and
3. "Nurofen is superior to Paracetamol for common headaches."

The slogans were printed in a wide variety of media platforms, including print advertisements in magazines and supermarket catalogues, outdoor billboard advertisements and television commercials.

### *The law*

Section 29 of the Australian Consumer Law provides that, in essence, when a business is engaged in trade or commerce, it must not engage in misleading or deceptive conduct which would be likely to inaccurately influence the decisions of a consumer.

Panadol alleged there was no scientific basis for Nurofen's slogans hence the litigation in the Federal Court.

### *The Court's conclusion*

After an extensive review of literature detailing comparative reviews of ibuprofen and paracetamol, Justice Foster found that:

1. only one clinical trial suggested that Nurofen did provide faster and more effective pain relief for common headaches than Panadol;
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2. two other studies did not replicate the results of the one positive clinical trial; and
3. the authors of three meta-analyses concluded that no authoritative comparison could be undertaken to compare the effects of Paracetamol and Ibuprofen with the current scientific knowledge held in this area.

Consequently, Nurofen was found to have advertised without adequate knowledge of the truth, or otherwise, of its statements in breach of the Australian Consumer Law.

### *The message*

Be accurate! If you are about to promote your business to the public, ensure what you say about your products or services is correct. Bending the truth may not only land you in hot water with the Australian Competition and Consumer Commission, but result in headache-causing complaints from members of the public too.

Should you need relief from such pain, please contact our [Litigation + Dispute Resolution team](#).

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For more information contact our Litigation Team.

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