



5 August 2020

Australian Competition & Consumer Commission

Via email: infocentre@accc.gov.au

cc: rami.greiss@accc.gov.au

cc: timothy.grimwade@accc.gov.au

Dear ACCC,

RE: Complaint about non-alcoholic hand sanitisers

CHOICE writes to ask the Australian Competition & Consumer Commission (**the ACCC**) to investigate the advertising claims of companies selling non-alcoholic hand sanitisers.

We ask the ACCC to investigate potentially misleading advertising claims made by companies about the protection offered by quaternary ammonium compound (QAC) based hand sanitisers. In particular, we ask the ACCC to investigate SIQURA, a prominent QAC-based hand sanitiser manufacturer. The Australian Government and public health experts have doubted the effectiveness of QAC-based hand sanitisers in mitigating the risk of COVID-19.¹

During a time of global pandemic, the public health implications of businesses selling ineffective hand sanitiser can not be understated. Consumers expect that hand sanitisers they buy will offer them protection advertised by companies.

While this complaint focuses on the conduct of SIQURA, we ask the ACCC to be vigilant in monitoring and enforcing potentially misleading and deceptive advertising by other non-alcohol based hand sanitiser providers.

Complaint about SIQURA hand sanitiser products

CHOICE asks that the ACCC investigate SIQURA for potentially breaching misleading and deceptive provisions of the *Competition and Consumer Act 2010* (**the Act**).

¹ Australian Commission on Safety and Quality in Health Care, 2020, COVID-19
<https://www.safetyandquality.gov.au/covid-19/#%3Cstrong%3E%3Fnon-healthcare-settings:-use-of-non-alcohol-based-hand-rub-%3C/strong%3E>

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The regulation of SIQURA hand sanitiser products straddles the opaque boundary between cosmetic and therapeutic hand sanitiser regulation. SIQURA's hand sanitisers are not registered with the Australian Register of Therapeutic Goods (**ARTG**). By failing to register with the ARTG, SIQURA is positioning itself as a cosmetic hand sanitiser, excluding itself from regulation by the Therapeutic Goods Administration (**TGA**). However, the company makes healthcare claims that may mean they are regulated as therapeutic goods (**See Appendix 1**). To ensure the conduct of SIQURA does not slip through the cracks, we have also written a complaint to the TGA.

CHOICE is concerned about the veracity of SIQURA's advertising claims on their hand sanitiser products. SIQURA advertises that their product's, "ongoing protection makes it more effective than disinfection alone, by protecting surfaces from bacteria & germs for 24 hours or up to 30 days" (**Appendix 2**). Online advertising claims that, "one application in the morning helps to protect you for 24 hours" (**Appendix 3**).

This issue was brought to CHOICE's attention by a concerned member of community, who happens to be a doctor:

"I purchased this brand of hand sanitiser at my local Amcal chemist. I am concerned that their claims about 24 hour protection against germs is extraordinary, and potentially misleading."

SIQURA is an alcohol-free hand sanitiser. It uses antimicrobial agents, such as quaternary ammonium compounds (QAC), including benzalkonium chloride. The Australian government does not recommend QAC-based hand sanitisers for use against COVID-19, saying that current evidence indicates that these compounds have limited activity against viruses such as COVID-19.² The advice aligns with the official WHO recommendation which states that if you don't have access to soap and water, alcohol-based hand rubs are "the only known means for rapidly and effectively inactivating a wide array of potentially harmful microorganisms on hands" – including COVID-19.³ Professor Andrew McLachlan, Dean of Pharmacy at Sydney University's School of Pharmacy states that,

*"There is limited evidence to suggest benzalkonium chloride is effective to inactive viruses and it's probably not effective against coronaviruses such as COVID-19."*⁴

It is concerning that the Australian Government and leading public health experts suggest that the research into the effectiveness of QAC hand sanitisers in preventing COVID-19 is unproven at best, and ineffective at worst. We urge the ACCC to investigate the advertising claims of SIQURA hand sanitiser products. In particular, we hold concerns about advertising that suggests "one application in the morning helps to protect you for 24 hours." There is an implication from this advertising that a

² Australian Commission on Safety and Quality in Health Care, 2020, COVID-19

<https://www.safetyandquality.gov.au/covid-19/#%3Cstrong%3Fnon-healthcare-settings:-use-of-non-alcohol-based-hand-rub-%3C/strong%3E>

³ World Health Organization, WHO Guidelines on Hand Hygiene in Health Care,

https://apps.who.int/iris/bitstream/handle/10665/44102/9789241597906_eng.pdf;jsessionid=A8D8B125A210C31036999654F904CF06?sequence=1

⁴ CHOICE 2020, 'Are alcohol-free hand sanitisers effective against COVID-19?'

<https://www.choice.com.au/health-and-body/beauty-and-personal-care/skin-care-and-cosmetics/articles/alcohol-free-hand-sanitiser>

person who applies from this sanitiser, will be protected from any new viral loads in the next 24 hours. This may lead people to believe they are protected from COVID-19, when may not be.

Given the limited research behind QAC hand sanitisers, the ACCC should investigate whether there has been a breach of misleading and deceptive provisions of the Act.

Concerns about non-alcohol based hand sanitisers

There has been a concerning proliferation in the advertising and sale of cosmetic non-alcohol based hand sanitisers. While the science of these products remains disputed, we urge the ACCC to be vigilant in prosecuting unscrupulous traders who rely on misleading advertising to prey on people's insecurities about COVID-19. Now more than ever, we need strong enforcement and compliance to ensure that companies do not illegally market hand sanitiser products.

For further information please contact Patrick Veyret at pveyret@choice.com.au.

Yours sincerely,



Erin Turner
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CHOICE

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Appendix 1: SIQURA healthcare setting claims⁵



PROTECT YOUR HANDS FOR 24 HOURS

THE BEST PLACES TO USE SIQURA

- Kitchens
- Bathrooms
- Cafes & restaurant counters
- Store fronts
- Workplaces & offices
- Gyms & fitness centres
- Aged & child care
- Hospitals
- While travelling

SHOP HAND SANITISER

Appendix 2: SIQURA's advertising claims⁶

LONG LASTING

SIQURA'S ongoing protection makes it more effective than disinfection alone, by protecting surfaces from bacteria & germs for 24 hours or up to 30 days.

Appendix 3: SIQURA's advertising claims⁷

KEEP IT WITH YOU AT ALL TIMES

Keep our Hand Sanitiser & Protectant with you at all times. One application in the morning helps to protect you for 24 hours. You can also foam and wipe clean surfaces including cars, door handles, office equipment, airplane seats & gym equipment. Our 50ml bottle is perfect for travelling - lasting up to 100 applications.

⁵ SIQUARA 2020, "Your Skin", <https://siqura.com.au/pages/your-skin>, viewed 29 July 2020

⁶ SIQURA 2020, <https://siqura.com.au/>, viewed 29 July 2020

⁷ SIQUARA 2020, "Your Skin", <https://siqura.com.au/pages/your-skin>, viewed 29 July 2020

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