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SOUTH AFRICAN O&P GROUPS WIN AD LAWSUIT

June 23, 2009

South African O&P practitioners and patients have triumphed in a legal battle against health-insurance company Discovery Health, achieving a government ruling that permanently bars the insurer from airing an ad that violated truth-in-advertising law. The South African Orthotic and Prosthetic Association (SAOPA) and the Amputee Support Group (ASG), both based near Nelson Mandela Bay, cooperated to sue Discovery Health after its advertisement, aired in May and June 2008, showed an amputee using a C-Leg. The O&P groups contended that of South African insurers, Discovery Health had one of the nation's poorest records for providing prosthetics benefits, paying an average of just \$4,100 (R33,700) annually per claimant family, and its depiction of a C-Leg, which in South Africa can cost more than eight times that amount, constituted "blatantly false advertising."

According to The Herald, a newspaper based in Port Elizabeth, South Africa, the two O&P groups appealed to the nation's Advertising Standards Authority (ASA) in 2008 and saw

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Discovery Health file several appeals before last week's ruling. Discovery Health claimed that the ad was solely intended to be an inspirational message of appreciation to South African physicians. The commercial in question opens with a voiceover that begins, "Of the two million members we serve..." then depicts patients with a variety of conditions, most of them seeming to benefit from treatment. At one point in the video, a man is depicted using a C-Leg to walk on a treadmill.

SAOPA national administrator Stanford Slabbert told The Herald, "It has taken a long time, but it's a huge victory because there are [insurers] exploiting thousands of amputees who need prosthetic limbs, and when they watch such adverts, they think they can get similar prosthetics from belonging to the [insurance plan]."

ASG's Peter Morris stated, "When a person loses a limb, they gain a great interest in prosthetics, and it's just wrong to lead them down the garden path and make them believe something which is untrue.... [Insurers] must be honest when they advertise because many people don't realize how much a limb means to them until they've lost it."

Discovery Health contends that because the ad only ran for the two-month period in 2008, the company was already in compliance with the ASA ruling. Hylton Kallner, chief marketing officer for the company told The Herald, "Our decision to appeal the ruling was a matter of principle and was based on the fact that we did not view the advertisement as misleading."



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