

Review Article

The Weight Management Code of Practice Australia as a framework for the commercial weight management sector

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The Weight Management Code of Practice Australia provides a framework for the diversity of players in the weight management industry. In the current worldwide epidemic of overweight and obesity, the potential for the industry to 'do the right thing', comply with the Weight Management Code of Practice Australia, and assist people with long-term weight loss, is far reaching. *The Weight Management Code of Practice in Australia is managed by the Weight Management Council Australia Limited.* There are many players in the weight management industry, not all will be eligible for membership of Council but there are many who could be eligible. Ideally, all centres, programs and professionals in the industry should have in place business practices and regimens that comply with the Code. The more members of this industry who are willing to modify their business practices and regimens to comply with the Code, the more accountable the industry will be and the better the products and services will be for consumers. The Code has the potential to be implemented in other countries. The Australian Weight Management Code of Practice can be a model for the rest of the world to establish standards by which this huge industry can be governed.

Key Words: Weight Management Code of Practice, Weight Management Council Australia Limited

Introduction

The weight management industry is a multi-million dollar industry both in Australia and abroad. It comprises companies, groups and individuals who offer a variety of products and services promoted as being the solution to weight management.

In the current, worldwide epidemic of overweight and obesity the potential for the industry to 'do the right thing', comply with the Weight Management Code of Practice and assist people with long-term weight loss is far reaching. It is also open to abuse by lesser qualified individuals, groups and companies, to appeal to the emotional, sometimes desperate, state of mind of potential clients and offer quick weight loss of large amounts of weight by implementing a wide variety of restrictive, unusual, radical and sometimes unhealthy behaviours. Such programs can bind clients to contracts with no escape clauses, psychological support or appropriate regimens. The philosophy behind such programs is that there is a magic bullet to solve overweight problems. There are no magic bullets and the undesirable weight that has been gained over a long term needs to be reduced over the long term; and when a goal weight is reached management strategies need to be in place to maintain weight. A well-managed industry should be able to provide this for consumers.

Development of a Code of Practice

During the period 1992-94 a committee was convened to develop a Code of Practice for the weight management industry in Australia. This committee included major players in the weight management industry, experts in the field of health and nutrition, consumer advocates and

state and commonwealth government representatives. This committee was convened as a result of a 1992 report produced by the Consumer Advocacy and Financial Counseling Association (CAFCA), called "Tipping the Scales". The report identified many areas of vulnerability facing consumers of weight management goods and services. The committee broadened its agenda beyond the issues raised by CAFCA to consider the health implications of dieting and weight management. It drew on a wide range of literature in its endeavour to understand the social, ethical and legislative framework within which the industry operates.

The Weight Management Code of Practice

By 1994 the Weight Management Code of Practice (hereinafter called 'the Code') was in place. The Code provides a framework for the industry specifying standards in the following areas: advertising, disclosure, contracts, cooling-off periods, refunds, complaint resolution, sanctions, staff training and qualifications, sales practices, health, data collection and management, guarantees/assurances, food and nutrition, privacy and discrimination. It provides a comprehensive guide for the protection of consumers' rights and the conduct of weight management businesses.

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As well as main-stream players in the industry, the Code also makes provision for businesses that are providers of:

- Home delivered diet meals, and do not provide written contracts
- Very low energy diet products
- Formulated meal replacements
- Registered medicines (prescription)

The framework of the Code has been designed to give consumers the rights to:

- be informed
- choose
- be heard
- redress
- be educated about weight management
- be provided with safe and effective weight management products and services
- receive products and services that are nutritionally sound
- be assured that weight management products available are efficacious

To protect consumers and those in the industry, Annexure 1 of the Code addresses Health Assessment Guidelines that aim to:

‘Encourage members to take greater responsibility for the health and well being of the consumers of their weight management products and services. In addition, to encourage greater discretionary awareness by the consumers of the health implications for the weight management products and services.’

These guidelines include:

1. A range of conditions that would automatically exclude a prospective client.
2. A range of conditions for which independent medical assessment is desirable.

The objectives of these Health Assessment Guidelines are:

1. To protect the health of the consumer of the weight management products and services by:
 - (a) Minimising the chances of the weight reduction program or product exacerbating a pre-existing ailment or medical circumstance;
 - (b) Gaining professional medical input where applicable to enhance the chances of the weight reduction program or product benefiting a pre-existing ailment or medical circumstance.
2. To protect the member offering the weight management products and services from legal action.

Management

The Code is administered by the Weight Management Council Australia Limited, (hereinafter referred to as Council) which has responsibility for managing the compliance of its members with the Code. It was incorporated as a Company Limited by Guarantee under the Corporations Act on 3rd June 1997. A key objective of Council is to promote and encourage a high standard of business ethics within the weight management industry through the management of the Code.

The Code is voluntary and as such Council is limited to power only over those companies, groups or individual traders who apply for membership and are approved as eligible members of the Council. Industry members who become members of Council have agreed to comply with the Code and to have any complaints about their way of conducting business brought before Council. Because members have to show that their business practices and programs comply with the Code before they are accepted as members, complaints are infrequent. The complaints procedures are detailed in Annexure 4 of the Code.

Consumers protected by the Code will be those who deal with members of Council. These are listed on the website. The Council does, from time to time receive complaints relating to weight management businesses that are not members of Council. These are discussed and either notified directly or the case is referred to the ACCC. Ideally all centres, programs and professionals in the industry will follow the Code. The Code can be viewed and downloaded from: www.weightcouncil.org. Council conducts periodic reviews of the effectiveness of the Code. Amendments may be made based on these reviews.

Membership

The constitution of the Council specifies that: ‘Any individual sole trader, partnership, trust or company that believes that there is a reasonable expectation that there will be a genuine fat loss as the result of using his or its services or products and which supports the objectives and meets business practices and regimens as set out in the Code shall be eligible for membership of the Council.’ With regard to membership the constitution of the Council reads as follows:

- There shall be a class of subscriber member which shall be open to independent contractors whose principal is a member and who wishes to receive copies of general information that is distributed to members. A subscriber member shall be entitled to attend general meetings but shall not be eligible to vote at general meetings.
- The Council may at any time determine other categories of persons who are eligible to be members
- Application for membership shall be made on the approved application form and accompanied by the membership entrance fees prescribed by the Council.
- Applications for membership shall be submitted to Council for its consideration. Council will in its absolute discretion accept or reject any application for membership.
- If Council rejects the application for membership, any moneys tendered with it will be repaid to the applicant without interest.
- The Secretary shall be responsible for advising the applicant whether or not the application has been successful.
- All applicants for membership shall agree in writing to be bound by the Constitution and therefore the Weight Management Code of Practice.
- The Council shall not be bound to assign any reason for rejection of an application for membership.

- Any member may resign its membership on giving one month's notice in writing to the Secretary and paying all dues owing to the Council at the date of such notice.
- Membership may not be transferred to another person.
- An applicant will not become a member until the Council has received any applicable fee and the name and address of the applicant are entered in the Register.

The status offered by membership of Council gives industry members a voice in all business conducted by Council. Therefore the framework on which the Code is built is a framework for the industry. At Council meetings members who would be seen as competitors in the business world, sit side by side making a real contribution to the industry as a whole. Those who apply for membership of Council need to familiarize themselves with the Code and determine whether or not their business practices and programs are in line with, or 'fit' the framework of the Code.

- Will they be eligible for membership?
- Is their regimen appropriate?
- Do contracts for clients meet all requirements of the Code and the consumer laws within all the states that they conduct business?
- Are they willing/able to participate in data collection as per clause 14 of the Code?
- By checking the training matrix provided as Annexure 3 of the Code, might they say that their staff are qualified?
- If membership is approved can their business practices cope with criticism if any complaints are lodged to Council, and will they be willing to modify practices if required?

There are many players in the weight management industry, not all will be eligible for membership of Council but there are many who could be eligible. Potential members should check the requirements of the Code and, when satisfied that they are eligible, make application to Council. The more members of this industry willing to modify their business practices and regimens (if necessary) to comply with the Code, the more accountable the industry will be and the better the products and services will be for consumers.

The Code provides the framework for a more effective industry that can make a real contribution to addressing the current overweight and obesity issues in Australia. The details regarding the lodgement of membership applications can be found on the website. The Code also has the potential to be implemented in other countries. The Australian Weight Management Code of Practice can be a model for the rest of the world to establish standards by which this huge industry can be governed.

References

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澳洲體重管理業務規範作為商業體重管理部門之架構

「澳洲體重管理業務規範」提供體重管理產業中不同業者一個架構。在目前全球體重過重及肥胖的疫情中，產業遵守「澳洲體重管理業務規範」「做對的事」，並且協助人們長期的減重的潛力還有很長的路要走。「澳洲體重管理業務規範」是由澳洲體重管理規範協會所管理。體重管理產業有很多業者，但不是所有的都是協會合格的會員，儘管有很多是可以合格的。理想的狀況是這個產業的所有中心，計畫跟專業人員都應該遵守規範來從事業務。若這個產業有更多的會員樂於遵守規範來改變他們的業務及工作方式，則將會有更多的業者可以提供消費者更好的產品及服務。這個規範有潛力在其他的國家執行。「澳洲體重管理業務規範」可以作為世界上其他國家的模式，制訂可以管理這個龐大產業的標準。

關鍵詞：體重管理業務規範，澳洲體重管理規範協會