

MOOT PROBLEM NO. 2

Mrs. Geeta Shah, aged 57 years, is a housewife residing in Panaji. She lives with her Husband, Jignesh who is a businessman and their only son, Janak, a government servant. She is fond of watching television particularly the television serials and programmes relating to spirituality and yoga. The marriage of Janak was scheduled to take place ten months later.

One day, as she was surfing through the Television channels, she spotted a Teleshopping advertisement exhibiting a product for reducing excessive weight from the body. She was attracted to the product through the demonstration and attractive discount on price. The market price of similar product offered by other Companies was ranging between Rs. 25000/ to Rs. 30,000 She felt that she could reduce the excessive weight instantly before Janak's wedding. She was weighing 96 kgs at that time. The name of the product was *Slim Hauna Belt* manufactured by Turbo Healthcare Pvt. Ltd.. The demonstrator in the advertisement stated the following:-

“The SLIM HAUNA BELT, is one of the prominent highly technical progressions made with the specialization to reduce excessive weight from the body. Over weighted peoples have so many problems and diseases in their life. Since it is very important to maintain weight with good fitness, Hauna belt is the perfect solution that helps you to maintain unwanted fat without following any exercises and diet routine. It is very easy to use and used by thousands of people to maintain their everyday fitness. Hauna belt is now part of our daily life, just wrap it at least 15 minutes on a day and get healthy body. Hauna belt by producing heat removes the cellulite fat layer from the body which reduces weight and improves the personality.”

The advantages of using this belt inter alia were reduction of fat from the body particularly on the waist, hips and abdomen and to get relief from muscle pain. The easy

directions depicted in the televised advertisement was to wrap the belt on the problematic part of the body which would steadily reduce the excess weight from the body making the user healthier. An Olympic medal winning Indian Wrestler by name Virender Singh was the brand ambassador for the product who endorsed the Product by saying that he too used it and experienced instant result.

Watching and hearing the benefits and instant result, Mrs. Geeta Shah decided to order by calling the number flashing on the screen. The Product kit (containing the Belt, a multi-level remote control, instructional guide, and Diet Plan, and measuring tape) was delivered to her within ten days time and cash amounting to Rs. 15000/- was paid on delivery. A Bill was also made available to her on payment. Mrs. Shah was excited and started using it as per the directions. However, three months later, she realized that it was not having any effect on the body. When she checked her weight it was 110 kgs. She continued using it for two months and developed a skin injury on the hip and abdomen.

Mrs. Geeta Shah, wrote a letter to the Company, informing them of how their advertisement was a false representation and misleading for customers especially through brand ambassadors endorsing the product. The Company replied to her letter and assured to send a representative to enquire. Upon enquiry, it was noticed that she was not using the *Slim Hauna belt* for minimum 40 to 50 mins a day, and further she did not use it consistently as directed. It was also noticed that she is not using it at room temperature. Many times she is using when the air condition is on, which was against the directions.

Mrs. Shah has now instituted a Complaint before the District Consumer Forum, Panaji, against the Company for misleading advertisement and unfair trade practices. She requested the forum to impose exemplary damages for misleading the general public.

Argue the matter for both parties.

