



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	Case Number	0551/18
2	Advertiser	Alka Power
3	Product	Food and Beverages
4	Type of Advertisement / media	Internet
5	Date of Determination	06/02/2019
6	DETERMINATION	Upheld - Modified or Discontinued

## ISSUES RAISED

Food and Beverage Code 2.1 (a) - Misleading / deceptive

## DESCRIPTION OF THE ADVERTISEMENT

This website advertisement is for alkaline water products.

## THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*Apparently independent tests have shown that the water was shown to have a pH of 7.75, much lower than claimed. The advertisement claims that drinking this water will remedy acidosis, a serious medical problem. Diet does not cause significant changes to a person's pH, stomach acid is incredibly acidic and breaks the food down into nutrients. Sucrose does not have a pH, and honey can have a pH as low as 3. The site, advertising a line of products, makes a lot of false claims, not just about the product but also about health, and claims to treat a medical condition.*



## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*Yet again we have been targeted by envious people, that have hidden agendas, I have replied to every single person who comes on our social media and website requests about our authenticity. Again, this is the second time that Ad Standards have challenged our product and integrity. I have attached our independent analysis reports as well as some of the posts that some of our competitors are sharing. You will see that there is a trial of trying to bring harm to our brands. Below is sections of the complaint lodged, and our comments addressing each aspect.*

*COMPLAINT: Pete Evans Healthy Everyday Alka Power Ad description: The official web page has images of the bottle, and happy looking people. Each page has a list of reasons why the water is better than other water.*

*RESPONSE: What is the issue of people looking happy? Pete Evans and Alka Power are unique in the sense that we source natural spring water and infuse with marine based minerals. Not like other alkaline waters that are either artesian with high concentrations of limestone forming bicarbonate or electrolysis which raises the alkalinity by putting an electric charge into the water.. These alkaline waters are unstable and a pH of around 8. Our alkaline water has a pH of 9-10. I see no issue of what we list, as consumers see the difference with our products well. Our alkaline water has a clean crisp taste and the high stable pH is our real point of difference. Other alkaline waters have a chalky after taste as the high concentration of bicarbonate gives this taste profile.*

*Attached are a selection of the many Facebook posts that we have clearly replied to substantiate our position in what we promote in alkalinity. They still keep going at us. We independently test our alkaline waters as well as with every bottling production run test every two hours from the source and bottle. We keep batch bottles with every production run as well. The video attached was produced for the Facebook post. We are very reactive to people who claim that our brands are not what they are. This is either by uneducated people or trolls as you will see.*

*COMPLAINT: The product makes claims of improved oxygenation and detoxification, and claims to be ionic and with a pH of at least 9.*

*RESPONSE: Alka Power and Pete Evans has a patent process of infusing marine minerals. Higher pH can improve in oxygenation and absorption. Our minerals are ionic marine based minerals. Ethically farmed coral, seashell and mother of pearl.*



*COMPLAINT: The page claims that many foods today cause "chronic over-acidity", and that drinking their "alkaline" water will remedy this, treating supposed acidosis.*

*RESPONSE: This statement is false. We never make claims. There are foods and drinks that are over acidic, ( fizzy drinks, alcohol, meats, sugars etc)*

*COMPLAINT: The site claims that disease thrives in an acidic environment. It also claims that drinking this water will "clean and nourish the blood" and "neutralise the acid-base of the body". They make claims that drinking this water will deactivate pepsin, detox the pancreas, increase bone density, and claims an unnamed study shows drinking alkaline water changes blood viscosity.*

*RESPONSE: It's clearly documented on the Pub Med website that an alkaline state can help with acidic issues. Something we shared previously with Ad Standards from a previous complaint.*

*COMPLAINT: The site also has a page with tips on how to "alkalise" your body, claims stress causes cells to be acidic, and that sugar is "one of the most acidic foods", but honey should be used instead.*

*RESPONSE: Processed sugars are acidic, the same as processed honey is acid forming. Raw honey is alkaline forming. <https://www.youtube.com/watch?v=u4x6cStZiBg>*

*COMPLAINT: Reason for concern- Apparently independent tests have shown that the water was shown to have a pH of 7.75, much lower than claimed.*

*RESPONSE: What independent test? Please share these tests with us. We have attached several independent testing labourites that have tested both brands of our alkaline waters. These clearly demonstrates our advertised pH ranges*

*COMPLAINT: The advertisement claims that drinking this water will remedy acidosis, a serious medical problem. Diet does not cause significant changes to a person's pH, stomach acid is incredibly acidic and breaks the food down into nutrients. Sucrose does not have a pH, and honey can have a pH as low as 3. The site, advertising a line of products, makes a lot of false claims, not just about the product but also about health, and claims to treat a medical condition.*

*RESPONSE: This is false. We have a number of consumers who go onto our social media pages and put forward their appreciation coming across Alka Power. These people have health issues that are of an acidic cause. They share that either their doctor advised to drink our alkaline water or they came across it because of the high pH. In some way they share that they get great results from regularly drinking it. We don't promote this in any way. They just share it on our reviews page as a testimonial*



*on their behalf.*

*In closing, I hope this information and the attached screen shots clear these misleading statements. It's upsetting that we keep having to deal with on a daily basis. Please let me know if the above is sufficient to put my case forward.*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code).

The Panel noted the complainant's concern that the advertisement provides dubious and unsubstantiated facts about alkaline water.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted that the product advertised is a packaged beverage and that therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) apply. In particular the Panel considered section 2.1 of the Food Code which provides:

“Advertising or Marketing Communications for Food or Beverage Products shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene Prevailing Community Standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising or Marketing Communication with an accurate presentation of all information including any references to nutritional values or health benefits.”

The Panel noted that this internet advertisement appears on the advertiser's website and features various statements. The main statements which are the subject of the complaint are:

- Claim that the product has a pH of at least 9.
- Statement that many foods today cause chronic over-acidity and that drinking the product will treat acidosis.
- Claim that use of the product will clean and nourish the blood and neutralize the acid base of the body, and the claim that a study shows drinking alkaline water changes blood viscosity
- Claim that use of the product will clean and nourish the blood and neutralize the acid base of the body.
- Claim that the product will deactivate pepsin.
- Claim that the product will detox the pancreas.



- Claim that the product will increase bone density.
- Claim that sugar is one of the most acidic foods.

In order to provide comprehensive consideration of the complaint, the Panel considered each of the claims identified in the complaint separately. The Panel also sought advice from an independent expert specializing in health sciences.

The Panel considered the claim that the product has a pH of at least 9.

The Panel noted the advertiser's response and supporting evidence that the product does reach the pH level stated when using a laboratory grade pH meter. The Panel noted that there can be a discrepancy when using testing strips purchased commercially.

The Panel considered that this claim is not misleading given the context of how the reading is obtained and the advertiser is able to provide evidence to support this claim.

The Panel considered the statement that many foods today cause chronic over-acidity and that drinking the product will treat acidosis. Independent advice sought by the Panel stated:

"There is evidence that some foods can increase acidity, and that consuming alkalising foods and beverages, such as alkaline water, may neutralise some of this acidity. This was detailed by myself in response to an earlier complaint about Alka Power products (Ad Standards complaint 0332/16), where the relevant literature was cited indicating there is evidence that the consumption of some foods can alter the body's acid-base balance, with relatively large effects on urinary pH (1.02 units), but only small effects on blood pH (0.014 units)[1]. In addition, a recent review indicated that the small effects on blood pH that occur as a result of chronic consumption of an acidogenic diet can reduce blood pH to near the lower physiological range (7.36-7.38), but not beyond the normal physiological range [2]. However, while these reductions in pH remain within the physiological range, this low-grade metabolic acidosis can have negative health effects if the reduction in pH is chronic [3]. It has also been reported that the consumption of alkalising foods and beverages, including alkaline waters, can negate some of these negative health effects [3]."

The Panel noted the independent expert advised that there is evidence that some foods can increase acidity, and that consuming alkalising food and beverages may neutralize some of the acidity. The Panel considered therefore the claim that drinking the product will treat acidosis is not misleading.

The Panel considered the claim that use of the product will clean and nourish the blood and neutralize the acid base of the body, and the statement that a study shows



drinking alkaline water changes blood viscosity. Independent advice sought by the Panel stated:

“The complainant also questioned whether an unnamed study had shown that drinking alkaline water changes blood viscosity. Dehydration results in loss of water from the cardiovascular compartment as it moves into the interstitial space to replace interstitial fluid that has been lost in sweat. The formed elements in the blood (i.e. red cells, white cells, platelets, large proteins) are too large to leave the cardiovascular compartment, so the blood becomes increasingly viscous as more fluid is lost to the interstitial space. Weidman et al [8] recently showed, in a randomised, double-blind, placebo-controlled trial, that following dehydration (2% body weight loss) through exercising in a warm environment, rehydration with equivalent volumes of alkaline water, compared to pure water, over a two-hour post-exercise period resulted in a greater reduction in blood viscosity (6.30% compared to 3.36%). Thus, there is evidence that consuming alkaline water can return fluid to the cardiovascular compartment more rapidly than pure water following dehydration, and that this results in a more rapid improvement in blood viscosity. Thus, the statement on the Alka Power website that drinking alkaline water changes blood viscosity is correct.”

The Panel noted the advice provided that consuming alkalising food and beverages may neutralize some acidity, and additional advice that consuming alkalising food and beverages may result in some effect on blood. The Panel considered that the effect may be small, however that the claim was sufficiently broad as to not to be misleading.

The Panel noted the independent expert’s advice that a recent trial showed that consuming alkaline water can return fluid to the cardiovascular compartment more rapidly than pure water following dehydration, and that this results in a more rapid improvement in blood viscosity. The Panel considered that the statement’s use in the information on the website was not misleading to consumers.

The Panel considered the claim that the product will deactivate pepsin. Independent advice sought by the Panel stated:

“Pepsin is a peptide that is secreted into the stomach in an inactive form (pepsinogen), but is transformed into its active form, pepsin, when it comes into contact with the strong acidic environment and other pepsin molecules within the stomach. The role of pepsin is to break down peptide bonds that hold proteins together, and it is therefore an important digestive enzyme. I could find no direct evidence that alkaline water will deactivate pepsin. However, there are a number of isomers of pepsin, and each has different levels of stability when exposed to alkaline environments. Walker and Taylor [4] showed that while some isomers of pepsin are completely inhibited when exposed to high pH (i.e. pH 7.1-7.3), pepsin-5 is alkali-stable, and retains 100% of its activity. It is therefore unlikely that all isomers of



pepsin would be completely deactivated through the consumption of alkaline water, as this would be unlikely to increase stomach pH to 7.1-7.3, and in any case, even if this were to occur pepsin-5 would remain active. Thus, the statement on the website that Alka Power alkaline water will deactivate pepsin is unlikely to be correct.”

The Panel noted the independent advice provided that this statement is unlikely to be correct, as the expert was unable to locate any direct evidence which supported this claim.

The Panel considered that the advertiser had not provided any evidence to support this statement, and without any evidence to the contrary the Panel relied on the expert advice that the claim was unsubstantiated, and therefore is potentially misleading.

The Panel considered the claim that the product will detox the pancreas. Independent advice sought by the Panel stated:

“Regarding the claim on the Alka Power water website that their product can detoxify the pancreas, there is evidence that consuming alkaline water may protect pancreatic beta-cells in diabetic mice. Beta-cells in the pancreas secrete insulin which is important for blood glucose regulation. In diabetes, the tissues can become resistant to the effects of insulin for promoting tissue glucose uptake, or the beta-cells of the pancreas can be lost, reducing the ability of the pancreas to secrete insulin. Kim et al [7] examined the effect of consuming alkaline water in genetically diabetic mice and healthy control mice. Alkaline water or tap water (control) was provided as drinking water. The alkaline water reduced blood glucose concentrations, increased blood insulin levels, improved glucose tolerance and preserved beta-cell mass in the diabetic mice, but had no effect on these parameters in the healthy control mice. Thus, there is evidence from this animal study that alkaline water may protect pancreatic beta-cells in diabetic mice, but not in healthy mice. It is unclear what is meant on the Alka Power website by “detox” the pancreas, and interpreting that is beyond the scope of my brief and will need to be considered by Ad Standards in the context of the ability of alkaline water to protect beta-cell mass and function in the pancreas of diabetic mice. “

The Panel noted that the definition of detox is to “abstain from or rid the body of toxic or unhealthy substances”. The Panel considered that there is no defined list of unhealthy or toxic substances to refer to, or a clear guideline as to what parameters must be met to reach detox(ing). The Panel considered that most members of the community would consider this statement to be generic puffery and not making a medical claim as to the effectiveness of the product and therefore is unlikely to be misleading.

The Panel considered the claim that the product will increase bone density.



Independent advice sought by the Panel stated:

“In relation to the ability of Alka Power water to increase bone density, there is evidence that consuming alkaline-forming foods and alkaline water can be beneficial for reducing bone resorption and maintaining bone mineral density (BMD) [3]. Wynn et al [5] had 30 young healthy females (18-45 years) consume 1.5 litres/day of either alkaline water or acidic water for four weeks while consuming identical diets. Markers of bone metabolism (parathyroid hormone [PTH] and C-telopeptides [CTX]) were measured after two and four weeks. PTH and CTX both decreased with consumption of alkaline water, but not acidic water, indicating a reduction in bone resorption over the four week study period. Similarly, using data from the Framingham Osteoporosis study, Tucker et al [6] evaluated BMD changes using dual photon and dual x-ray absorptiometry over four years of follow-up in 69-97 year old adults (n=615). Dietary intake was assessed at baseline using a food frequency questionnaire. Over the four year evaluation period, BMD was better maintained in participants consuming an alkalinizing diet, after controlling for potential confounders. Thus, there is evidence that consuming alkaline foods, and alkaline water, can reduce bone resorption and assist with maintaining BMD. It is beyond the scope of my role to consider whether reducing bone resorption which can assist with maintaining BMD might be considered as “increasing” bone density as indicated on the Alka Power website. “

The Panel considered the independent expert’s advice that while consuming alkaline-forming foods and beverages can assist in reducing bone resorption and maintaining bone density, there is no evidence that it can increase bone density. The Panel considered the statement “increase” and considered that maintaining bone density is not the same as increasing bone density, and therefore determined that the statement “increase” is untruthful and misleading to consumers.

The Panel considered the statement that sugar is one of the most acidic foods. Independent advice sought by the Panel stated: “In the final part of the complaint, the complainant did not agree with the statement that sugar is “one of the most acidic foods”, and therefore honey should be used instead. The complainant proposed that sucrose does not have a pH, and honey can have a pH as low as 3. The complainant seems to have misunderstood the concept of acidifying and alkalinizing foods. It is not necessarily the pH of the food itself that is consumed that results in changes in the body’s acid-base balance, but the acidifying or alkalinizing by-products of those foods that form when they are digested and absorbed. The potential renal acid load (PRAL) of a food indicates the extent to which it will act to alter the body’s acid-base balance to become more acidic or more alkaline. Remer and Manz published the PRALs for a range of foods in 1995, including for sugar and honey [9]. The PRAL for sugar was -0.1 and -0.3 for honey. Foods with negative PRALs reduce the renal acid load, and increase urinary pH [9], and therefore the PRALs of -0.1 and -0.3 for sugar and honey indicate that they are weakly alkalinizing. Therefore, neither sugar nor honey are acidic foods as stated on the Alka Power website. While the argument posed by the



complainant is incorrect in so far as it is based on the pH of the foods themselves, the statement on the Alka Power water website that sugar is one of the most acidic foods is not correct.”

The Panel noted the independent advice provided that while there is evidence that sugar and honey are weakly alkalinizing, neither are acidic foods. The Panel therefore considered that this statement is not true.

Based on the above the Panel considered that the advertisement did depict material which was not truthful and was misleading with regards to the advertised product’s effect on the body.

The Panel determined that the advertisement did breach Section 2.1 of the Food Code.

Finding that the advertisement did breach Section 2.1 of the Food Code, the Panel upheld the complaint.

#### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

I have contacted our website designer and advised him of the urgency to delete and amend specific wording on our website. This has now been completed.

The following has been actioned, as per the requirements outlined in the Case Report, as advised by your Independent Expert.

1. The Panel considered the claim that the product will deactivate pepsin. The Panel noted the independent advice provided that this statement is unlikely to be correct, as the expert was unable to locate any direct evidence which supported this claim.

ACTION: this claim has been removed

2. The Panel considered the claim that the product will increase bone density. The Panel considered the independent expert’s advice that while consuming alkaline-forming foods and beverages can assist in reducing bone resorption and maintaining bone density, there is no evidence that it can increase bone density. The Panel considered the statement “increase” and considered that maintaining bone density is not the same as increasing bone density, and therefore determined that the statement “increase” is untruthful and misleading to consumers.

ACTION: the statement has been changed to “may assist in maintaining bone density”.

3. The Panel considered the statement that sugar is one of the most acidic foods. The Panel noted the independent advice provided that while there is evidence that



sugar and honey are weakly alkalizing, neither are acidic foods. The Panel therefore considered that this statement is not true.

**ACTION:** this statement has been removed.