



October 2011

To Get Brown Tanning Trade/Wholesale Customers:

As a sunbed operator you will be aware of the controversy surrounding our industry, and you may have received communications from the Commerce Commission and/or Consumer NZ recently.

We'd like to take the opportunity now to remind you of your voluntary obligations as a responsible sunbed service operator in New Zealand. Whether indoor tanning forms a large or small part of your operation, there are several reasons for you to ensure you and your team are doing things correctly.

1. The Commerce Commission letter of August 2011 (a copy can be obtained from us if you did not receive one) marked a new era for regulatory enforcement of sunbed operators in New Zealand. While the sunbed industry is still not legislated for (meaning there is no way you might break the law in the provision of your service) the Commerce Commission is a regulatory body with the power to impose fines if breaches of the Fair Trading Act are found. You or your company may be in breach of the Act if you are found to be making misleading claims about sunbed use.
2. Consumer NZ has taken a "strong advocacy position" on the issue of sunbed tanning, and is involved with ongoing coverage of the industry. This may involve 'mystery shop' surveys of your premises. Not only will you show interested individuals (and potential clients) that your operation is compliant, you will also be greatly helping the reputation of the indoor tanning industry by performing well in these tests.
3. As the indoor tanning industry continues to decline, maintaining a good 'industry best practice' level of provision of your sunbed services will increasingly be under the spotlight. Don't risk the negative association likely to attach to your business if you fail to comply. Equally, you will be set to enjoy the benefits that industry-leading compliance will bring to your operation as sunbed consumers become increasingly savvy about their choice of tanning venue.

Following you will find a comprehensive outline of the points included in the recent Commerce Commission letter, as well as a copy of the INTANZ document reviewing the last Consumer survey (2010) and the criteria that were included.

You should have a copy of Standard 2635:2008 Solaria for Cosmetic Purposes on file at your premises. Please note copies of the Standard 2635:2008 Solaria for Cosmetic Purposes are licensed and unable to be shared. Purchase your salon's copy online here: [http://www.standards.co.nz/web-shop/?action=touchstoneRef&mod=catalog&pid=2635:2008\(AS|NZS\)](http://www.standards.co.nz/web-shop/?action=touchstoneRef&mod=catalog&pid=2635:2008(AS|NZS))

You can review a more workable version of the Standard's requirements by downloading a copy of the National Radiation Lab (NRL) Guidelines for tanning operators:

<http://www.nrl.moh.govt.nz/publications/guidelinesforoperatorsofultaviolettanninglampsfebo9.pdf>

If you have not already joined INTANZ (Indoor Tanning Association NZ Inc), we urge you to give this serious consideration. This organization is small, but struggling to make a difference for NZ indoor tanning operators, and committed to helping you run your service in the best way to ensure its survival. Please let us know if you'd like more information, or keep an eye on our Facebook page-

<http://www.facebook.com/pages/INTANZ-Indoor-Tanning-Association-New-Zealand/107527929325858>

Should you require any further information to ensure your own compliance- please contact us.

Kind regards,
Tiffany Brown, René Fowler and Gabrielle Brown
Get Brown Tanning

12 September 2011

Advice to Sunbed Operators Regarding the Commerce Commission's letter 16.8.11

Earlier this year a complaint was laid with the NZ Commerce Commission against a number of sunbed operators (including Get Brown Tanning) by Consumer NZ and the Cancer Society, who alleged the operators were in breach of the Fair Trading Act 1986. The complainants felt the NZ indoor tanning industry was guilty of making false and misleading claims about the risks and benefits of sunbed use.

On 16th August 2011, the Commerce Commission decided that no individual operator was in breach of the Act at this time. However, the Commission sent a letter to some 280 sunbed operators, containing warnings about possible breaches of the Fair Trading Act, and what these might look like.

Get Brown Tanning takes this issue very seriously, and would like to take this opportunity to provide you with some further details to ensure your sunbed operation stays within the limits bound by the Fair Trading Act.

The Commerce Commission explained the following points in terms of potential breaches of the Fair Trading Act:

1. The Fair Trading Act prohibits both conduct that is misleading and deceptive, and conduct that is likely to mislead or deceive as to the characteristics or suitability for a purpose of goods and services.

2. If you display material created by someone else which breaches the Fair Trading Act, you may be liable in relation to it.
3. You may be at risk of breaching the Act if you inaccurately or selectively report scientific studies or data. Information must be up to date, reliable and accurate.
4. A statement which is expressed as an opinion may also breach the Act.
5. Sunbed operators are at risk of breaching the Act if they understate the risks and overstate the benefits of sunbed use.

Further, the Commission provided some information on benefits and risks of sunbed use, furnished by an 'independent expert'. The following points apply about this information:

Please Note: We have obtained the identity of this expert, and both GBT and the NZ indoor tanning industry disagrees with their suitability as a candidate to provide the information given by the Commission, on various grounds. This is currently being taken up with the Commission directly, and for more information you can contact us.

1. It is important your clients are made aware that sunbed equipment emits ultraviolet radiation (UVR), and that over-exposure to UVR may contribute to skin cancer and skin ageing. By following voluntary Standard 2635 guidelines, you will already be displaying a warning notice on your equipment and on your client consent form.
2. The 'expert' claims there is "no evidence that suggests that UV exposure from any type of sunbed is less harmful than UV exposure from the sun." Unfortunately this statement has been over-simplified and misleads as to the complex nature of the characteristics of UVR exposure by indoor or outdoor means. However the real concern of the Commerce Commission is that sunbed operators must not promote their service as being somehow 'better' than tanning outside. So it is important you stick to the guidelines about advising clients of the risks associated with excessive exposure to UVR. In particular, you must not claim that indoor UVR is beneficial as compared with outdoor UVR.
3. Our industry guidelines suggest clients be warned about the increased likelihood of skin ageing via UVR. GBT recommends you warn about this in relation to promoting the use of good quality specialist indoor tanning lotion products to combat the drying effects of UVR and provide good antioxidant support to the skin. We disagree, however, that this point is relevant to the betterment of public health outcomes for skin cancer, as ageing of the skin via UVR has not been shown to be a causative factor for skin cancer.
4. The Commerce Commission was advised by their chosen expert that "UV light on a sunbed does not replicate that from the sun." This statement is both

true and untrue, and it is a misleading over-simplification made simply to discourage sunbed operators from making wild claims about indoor tanning. The fact is that UV light is a measurement of light. The characteristics of the UV emission of your sunbed is the same as the UV emission characteristics making up the sunlight that reaches the earth (being UVA and UVB in the spectrum 280 – 400nm). Therefore, by definition, the above statement is incorrect, because a sunbed's light does mimic the sun's light. The proof of this is that UVB light stimulates the production of vitamin D in the skin whether from the sun or a sunbed. But the statement is also true by comparison, because the emission of outdoor sunlight is subject to myriad confounding variables (e.g where are you located when measuring sunlight? What is the time of year or time of day? What is the cloud cover? etc), while the emission of your sunbed is much more steady. However- to stay compliant- you must not claim that UVR from your sunbed is somehow "healthier" than natural sunlight.

5. There has long been a school of thought that UV light exposure improves one's mood. The Commission's expert argued this effect is due to white light instead of UV light, quoting a psychiatric study from 1983 as the relevant science. As this contravenes the principle set down by the Commission (information should be "up to date, reliable and accurate") we feel it is not acceptable.

If you choose to talk about UVR lifting the mood with your clients, we advise you refer to the many instances of this "reported benefit" from those who have used your sunbed and experienced a mood-lifting reaction (including yourself!) But remember, you are also obligated to remind clients of the risks of excessive UVR. You should ensure clients do not to over-expose to UV light (by advising them to restrict indoor AND outdoor UVR sessions to not more than once every second day, and by limiting their session times where necessary). Also, clients should be advised to maintain a good skin monitoring regime including regular skin checks if they are in a high risk group (more than 20 moles, a previous or family history of skin cancer, or skin types II).

6. 7. 8. Vitamin D

You must not promote, per se, that there are "health benefits from sunbed use", and you must be careful with your wording when clients enquire about these benefits. While it is important not to make wild claims linking sunbed use to health benefits, there are proven health benefits from vitamin D, and vitamin D is made in the skin in response to UVB light from a sunbed. According to the Commission and other cautious international groups, at this stage the only true claim about vitamin D is that it is essential for healthy bones. It is recognised by the Commission, however, that "more information is becoming available" and even the Cancer Society tells us that "possible benefits [of vitamin D] include protective effects against various cancers, heart disease, and some auto-immune disorders."

The vitamin D debate has our detractors extremely concerned, and you can understand why. They want people to gradually fall out of love with indoor tanning because they mistakenly believe our services to be a cause of greater concern to the national skin cancer problem than other similarly correlated factors (like outdoor UVR exposure, for instance). If people start to believe indoor tanning is a good way to get healthy levels of vitamin D- particularly in the winter when it is hard to get vitamin D naturally outdoors- then concerned groups feel people will be putting themselves at a greatly elevated risk of getting skin cancer. This is also why they feel it is preferable for people to get their vitamin D through supplements.

In Canada, sunbed operators are allowed to advertise that vitamin D can be made through UVB exposure on a sunbed- the outcome of an investigation which mirrored that of our Commerce Commission. Many people tan for this reason in Canada- where the long winters make vitamin D production outdoors impossible for much of the year.

The NZ indoor tanning industry knows the sunbed issue to be complex, but we also know that risks can be greatly reduced by teaching sensible tanning behaviours- indoors and out. The indoor tanning industry is uniquely placed to raise awareness of the importance of more sensible exposure- not through sun avoidance but through a better understanding of skin type and the best ways to reduce total sun exposure. This unique position comes primarily from the access to a large group of people who demonstrate their sun-seeking desire by using indoor tanning services. GBT advises you continue to inform and help clients to mitigate the risks of over-exposure to UVR in any form. However, you must not 'sugar-coat' or omit the information our voluntary regulations expect us to also disseminate in the form of warnings and during the process of informed consent.

9. The Commission advises "dermatologists believe that a tan is a sign of skin damage" and that there is no evidence a sunbed tan provides natural protection against sunburn. At the same time the Commission accepts that a sunbed tan may give a natural SPF (Sun Protection Factor) of 2-3. The oxymoronic nature of this point is currently being raised with the Commission. In the meantime GBT advises that this confirmation (the generally accepted figure of SPF2-3 for a sunbed-induced tan) along with anecdotal evidence of your many clients who tan to build up a natural protection prior to a sunny holiday- is sufficient for you to agree with clients who suggest that a moderate, non-burning course of indoor tanning on your sunbed will provide some sunburn protection to their skin. However, you should not use this information to promote your service. In addition you should explain the risks associated with over-exposure to UVR, and you must not tell clients that tanning on a sunbed inhibits the incidence of melanoma skin cancer.

No further action will be taken by the Commission at this time, but it is important you review your sunbed policies and discuss these points with all staff interacting with your sunbed clients to ensure your operation is compliant.

Some practical examples of possible in-salon conversations follow, along with what you should and shouldn't say:

DON'T SAY	DO SAY
“Raise your vitamin D levels on our sunbed.”	“Vitamin D is made in the skin in response to UVB light, which is emitted by our sunbed. Vitamin D is essential for bone health, and may also be good for many other problems. Although UV light is the most natural way to get vitamin D, it is very important you follow our guidelines to reduce the risks associated with excessive UVR, such as an increased risk of skin cancer.”
“Doing sunbeds will stop you getting breast cancer/ prostate cancer/ colon cancer/ heart disease etc.”	“Many studies have shown high vitamin D levels have an inverse relationship with the incidence of cancers and heart disease- however these findings are not yet confirmed. Remember that over-exposure to UV light can contribute to skin cancer and skin ageing, so a balance is needed.”
“If you do sunbeds here, you won't get sunburnt outside.”	“It is possible to get a Sun Protection Factor of 2-3 with a sunbed-induced base tan. Many people all over the world use sunbeds to build a natural tanned layer prior to sunny vacations, and report great success at extending their burn time. Of course it's still vital that you employ sensible outdoor sun protection strategies when you might be at risk- such as seeking shade and covering up with clothing.”
“Doing sunbeds here will stop you getting skin cancer.”	“It is important to know your skin type in relation to exposure to UV light. High skin types may be at risk of vitamin D deficiency, while low skin types may have an elevated risk of skin cancer. If you are a skin type I, you will not be allowed to use the sunbed here.”
“We know [or we believe] there are positive health benefits to using sunbeds.”	“There are two sides to every story, and we recommend you do some independent research online into this topic, or ask your doctor for more information.”