

Nurofen manufacturer Reckitt Benckiser fined \$6 million for misleading customers after failed High Court appeal

By [Amy Bainbridge](#) and staff

Posted Wed 5 Apr 2017 at 2:30pm, updated Wed 5 Apr 2017 at 4:11pm



The Federal Court found Nurofen's specific range all contained the same active ingredient. (*ABC News: Bridget Judd*)

The manufacturer of Nurofen has been ordered to pay a \$6 million fine for misleading consumers with its specific pain relief range, after the High Court rejected its appeal.

Last year, the [Australian Competition and Consumer Commission \(ACCC\) won its case against Reckitt Benckiser](#).

The Federal Court found the products were misleading because they all contained the same active ingredient and did the same thing, despite claims they targeted different parts of the body.

The company was initially fined \$1.7 million, but that was increased to \$6 million after the consumer watchdog appealed.

It is the biggest ever fine for breaching Australian consumer law.

Reckitt Benckiser said it was "disappointed by the decision".

"Nurofen did not intend to mislead consumers and we apologise to those of our consumers who were misled," the company said in a statement.

"We recognise that we could have done more to assist our consumers in navigating the Nurofen specific pain range.

"That is, to show that each of the products in the range is equally effective for the other pains indicated on the Nurofen specific pain range packaging."

The company said it had already paid the penalty in accordance with court orders made in December.

Between 2011 and 2015 the company sold 5.9 million packets of the specific pain medication, yielding revenue of \$45 million.

The specific pain range claimed to "target" back pain, migraine, tension headache or period pain, when they in fact they all contained the same active ingredient, ibuprofen lysine 342mg.

These pain specific Nurofen packages were set at a significant price premium to regular Nurofen.

There were various representations made on Nurofen's website that were also found to be misleading.

In December 2015, the Federal Court ordered that all Nurofen specific pain products be removed from retail sale within three months, and the company post corrective notices in newspapers and on its website.