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| COMPLAINT NUMBER | 16/029 |
| COMPLAINANT | D. Ryan |
| ADVERTISER | Lulu Acupuncture |
| ADVERTISEMENT | Lulu Acupuncture Website |
| DATE OF MEETING | 26 April 2016 |
| OUTCOME | Upheld |

SUMMARY

The Lulu Acupuncture website (www.luluacupuncture.co.nz) promoted Abdominal and Cosmetic Acupuncture and made various therapeutic claims about the benefits of the service.

The Complainant said the advertisement contained claims that were not factual or able to be proved.

The Complaints Board noted the Advertiser had not responded to the complaint or provided evidence to support the claims in the advertisement.

As no response was received, the Complaints Board ruled the complaint was Upheld.

[Advertisement to be removed]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the advertisement with reference to Principles 2 and 3 and Guideline 3(a) of the Therapeutic Services Advertising Code. This required the Complaints Board to consider whether the advertisement, by implication, omission, ambiguity or exaggerated claim was likely to mislead or deceive consumers, abuse their trust or exploit their lack of knowledge, exploit the superstitious or without justifiable reason play on fear. Therapeutic services claims are also required to be factual and able to be proved.

The Complaints Board also noted that advertisements making therapeutic claims should observe a high standard of social responsibility particularly as consumers rely on therapeutic services for their health and well-being.

The Complaints Board ruled the complaint was Upheld.

The Complaints Board noted the concerns of the Complainant that the advertisement contained misleading claims that were unable to be proved.

The Complaints Board noted the advice from the Secretariat that no response and therefore no substantiation was received from the Advertiser, despite several attempts to obtain a response.

As no evidence had been provided by the Advertiser, the Complaints Board said the claims were likely to mislead consumers and were in breach of Principle 3 and 3(a) of the Therapeutic Services Advertising Code. Therefore, the Complaints Board ruled the advertisement had not been prepared with a high standard of social responsibility required by Principle 2 of the Therapeutic Services Advertising Code.

Accordingly, the Complaints Board ruled to Uphold the complaint.

DESCRIPTION OF ADVERTISEMENT

The Lulu Acupuncture website (www.luluacupuncture.co.nz) promoted Abdominal and Cosmetic Acupuncture. The advertisement said the "possible benefits" of

"Supporting internal organs
 Supported joint function
 Reduced pain in muscles
 May aid in fertility
 Menopause symptoms reduced
 Settled high blood pressure and high cholesterol."

The advertisement also promoted their acupuncture services for the treatment of diabetes, asthma, chronic pain, menopause, depression, eczema and pain syndromes.

COMPLAINT FROM D. RYAN

Lulu Acupuncture breaks Therapeutic Services Advertising Code Principle 3 a) - therapeutic claims should be factual and able to be proved. Abdominal Acupuncture

(<http://luluacupuncture.co.nz/abdominal-acupuncture/>):

"Possible benefits of Abdominal Acupuncture Supporting internal organs Supports joint function Reduced muscle pain May aid fertility Menopause symptoms reduced Settles high blood pressure and high cholesterol." "After acupuncture, when the protein threads are being absorbed, the physiological and chemical stimulation can last for more than 20 days. Therefore, it regulates the autonomic nerve system and endocrine function to alleviate the symptoms of illness, promoting health and anti-aging. People come to us to aid the treatment of: Long Term Diabetes High Blood Pressure High Cholesterol Asthma Bloating Acne Chronic pain Back Pain Menopause Fertility Dysmenorrhea Migraines Depression and Anxiety Insomnia Tummy Bloating Injuries Pain Syndromes Fatigue Acne Eczema" Cosmetic Acupuncture

(<http://luluacupuncture.co.nz/cosmetic-acupuncture/>)

"Possible benefits of Cosmetic Acupuncture Reduction of wrinkles Reduces scars Cleans up oily acne skin Tightens loose sagging skin Reduces double chin Improves dark circles under the eyes Stimulates circulation to your skin and body Improves neck and facial muscle tone." Acupuncture lacks a plausible mechanism. Top studies comparing it to sham acupuncture show little difference

<http://www.ncbi.nlm.nih.gov/pubmed/20713495>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3795671/>

Systematic reviews of reviews show no evidence of it being consistently effective for anything. "In conclusion, numerous systematic reviews have generated little truly convincing evidence that acupuncture is effective in reducing pain. Serious adverse effects continue to be reported. Numerous reviews have produced little convincing evidence that acupuncture is effective in reducing pain. Serious adverse events, including deaths, continue to be reported." <http://www.ncbi.nlm.nih.gov/pubmed/21440191>

"Six reviews with more than 200 patients in randomised, double blind studies had good evidence of no benefit. Systematic reviews of acupuncture have overstated effectiveness by including studies likely to be biased. They provide no robust evidence that acupuncture works for any indication." <http://www.ncbi.nlm.nih.gov/pubmed/16956145>

"Only two reviews of reviews allowed definitive conclusions to be drawn; that is, there is insufficient evidence to make positive recommendations. Further reviews, or reviews of reviews, are unlikely to break this impasse, owing to the combination of new and existing reviews or primary studies upon which they can draw. We therefore recommend that high-quality RCTs should be conducted in the areas where most promise has already been shown." <http://onlinelibrary.wiley.com/doi/10.1111/ct.12004/abstract>

"In conclusion, the effectiveness of acupuncture as a treatment of depression remains unproven and the authors' findings are consistent with acupuncture effects in depression being indistinguishable from placebo effects." <http://www.ncbi.nlm.nih.gov/pubmed/21138913>

THERAPEUTIC SERVICES ADVERTISING CODE

Principle 2 - Advertisements should observe a high standard of social responsibility particularly as consumers rely on therapeutic services for their health and well-being.

Principle 3 - Advertisements should not by implication, omission, ambiguity or exaggerated claim mislead or deceive or be likely to mislead or deceive consumers, abuse the trust of or exploit the lack of knowledge of consumers, exploit the superstitious or without justifiable reason play on fear.

Guideline 3(a) - Therapeutic claims should be factual and able to be proved.

RESPONSE FROM ADVERTISER, LULU ACUPUNCTURE

No response received from advertiser.