

COMPLAINT NUMBER	16/409
COMPLAINANT	A McKoy
ADVERTISER	Harvey Norman
ADVERTISEMENT	Harvey Norman Lif3 Television
DATE OF MEETING	13 December 2016
OUTCOME	Not Upheld

SUMMARY

The 30-second Harvey Norman television advertisement for the Lif3 radiation protection chip showed an actress posing in a photography studio and saying she spent a lot of time on her phone, worried about her health and she wanted to “choose life”. A male voiceover said “the fact is mobile phones emit radiation” and the message was reinforced by similar words on the screen. The voiceover said Lif3 “uses ground breaking technology to divert powerful radiation away from your head and out through the back of your mobile phone.”

The Complainant was concerned that the advertisement was based on protecting users from harmful radiation when there was no proof behind the claim and if mobile phones were harmful, governmental and health authorities would not allow their continuing use.

The minority of the Complaints Board said the advertisement implied the Lif3 would protect against all harmful radiation. The majority of the Complaints Board said the advertisement's message that radiation absorption would be mitigated to some degree was supported by the Advertiser.

In accordance with the majority, the Complaints Board ruled the complaint was Not Upheld.

[No further action required]

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 Basic Principle 4 and Rules 2 and 6 of the Code of Ethics. This required the Complaints Board to consider whether the advertisement had been prepared with a due sense of social responsibility to consumers and to society and whether it contained any statement or visual presentation or created an overall impression which directly or by implication, omission or exaggerated claim was misleading or deceptive, was likely to deceive or mislead the consumer, made false and misleading representation, abused the trust of the consumer or exploited their lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading.) The Complaints Board was also required to consider whether the advertisement exploited the superstitious, or, without justifiable reason, played on fear.

The Complaints Board ruled to the complaint was Not Upheld

The Complaint

The Complaints Board considered the Complainant's assertion that the advertisement for the Lif3 radiation protection chip was based on protecting users from harmful radiation. The Complainant said: "There is no proof behind this claim in the slightest i.e. if mobile phones were harmful then Governments and health authorities would not allow them to continue to be used." The Complainant believed the advertisement for Lif3 clearly breached the Code of Ethics with regard to Rule 2 concerning truthful presentation and Rule 6, concerning fear.

The Advertiser's Response

The Advertiser said that the Lif3 Smartchip's patent pending technology had been developed by an Australian radio frequency communication engineer. The chip incorporated thin layers of microwave-absorbing material. The Advertiser said in part: "These layers are sprayed in a form of micro sized particles which is done by specially designed equipment. The composition is adjusted perfectly to absorb the maximum and equal signal power for the range of transmitted frequency bands from the phone's antenna/s. These layers and a specially designed passive RF directional coupler, act as a one-way gate to disperse the majority of the signal absorbed towards the back of the phone. The result is that radiation exposure is reduced by anywhere between 21% and 95% depending on the phone model."

The Advertiser said that Lif3 Smartchips "undergo rigorous testing at Melbourne's NATA accredited EMC Technologies as well as overseas laboratories."

The Advertiser said neither Harvey Norman nor Lif3 claimed that the Lif3 Smartchip protected people from harmful radiation. The claim was that the Lif3 Smartchip reduced the specific absorption rate of mobile phone radiation, a claim which the advertiser said was backed up with test results on the Lif3 Smartchip website.

The Advertiser also noted to back up their claims, other areas of study into mobile phones, electromagnetic energy and how mobile phones might impact health and included references to them. The Advertiser said the World Health Organisation had for years conducted research into mobile phone radio frequency electromagnetic energy (RF EME) "and had classified RF EME fields as possibly carcinogenic. The Advertiser also included a reference to the Australian Radiation Protection and Nuclear Safety Agency (RPNSA) and quoted the agency's website as saying that while "there is no established scientific evidence that the use of mobile phones causes any health effects ... the possibility of a small risk cannot be ruled out." The Advertiser said the RPNSA provides, due to "the lack of sufficient evidence" that parents "encourage their children to use exposure-reduction methods." The Advertiser also cited an "International Scientists Petition U.N. To protect Humans and Wildlife from Electromagnetic Fields and Wireless Technology."

The Advertiser said mobile phone manufacturers and telcos relied on expert advice from such national and international authorities "for overall health and safety when offering consumers recommendations on how to reduce their RF exposure with their products and services. Global organisations and experts in this field cannot categorically rule out any risk associated with the mobile phone radiation."

The Media's Response

The Complaints Board noted the response from the Commercial Approvals Bureau (CAB) on behalf of the media. The CAB addressed the complainant's contention that there was no proof of harmful radiation from mobile phones.

The CAB said in part: "The World Health Organisation has set up the International EMF Project to co-ordinate global research into the health effect of electromagnetic fields. A

number of countries now have legislation on exposure to electromagnetic fields and the WHO is working to develop a standard which provides protection to everyone. New Zealand's standard was adopted in April 1999. However, with the ever-increasing use of smartphones, many people are concerned at the cumulative effect of microwave exposure and wish to further protect themselves by attaching the Lif3 Smartchip to their device to limit any potentially harmful radiation exposure." CAB accepted that there were opposing views round the impact of electromagnetic fields. CAB had been provided with evidence of Lif3 testing by EMC Technologies in Melbourne.

The Complaints Board Discussion

A minority of the Complaints Board said the advertisement implied that users of the Lif3 radiation protection chip would be 100 percent protected from harmful radiation waves. However further research on the Lif3 website showed that, depending on phone model, exposure reduction ranged from 21 to 95 percent. The minority said the advertisement was misleading in saying the Lif3 diverted powerful radiation without any qualification thus giving the impression the reduction was 100 percent. The minority agreed the advertisement was misleading.

The majority of the Complaints Board did not take from the advertisement that consumers would be 100 percent protected from harmful radiation by the Lif3. The majority agreed that the advertisement was promoting a product that could mitigate radiation exposure. The Advertiser's website included testing data on the level of reduction based on phone types and brands. The majority considered that people buying a phone would assume it was made to a regulatory standard and if they remained worried about the amount of radiation might purchase the Lif3 in the hope of reducing it further. The majority did not consider that the advertisement over-sensationalised the threat of radiation and said the advertisement was not likely to mislead consumers. The majority also agreed the advertisement did not reach the threshold to play on fear under Rule 6 of the Code of Ethics.

In accordance with the majority, the Complaints Board ruled the advertisement was not misleading, did not play on fear and was socially responsible under the Code of Ethics. The complaint was Not Upheld.

DESCRIPTION OF ADVERTISEMENT

The 30-second Harvey Norman television advertisement for the Lif3 radiation protection chip showed an actress posing in a photography studio and saying: "My life is busy. I play a lot of different roles, actor, producer, client, mother, which means I spend a lot of my time on the phone, so I can't help but wonder what it's doing to my health. That's why I choose life." The Lif3 logo is in the bottom right corner of the screen. A male voiceover said "the fact is mobile phones emit radiation" and the message was reinforced by similar words on the screen and a picture of a phone seemingly emitting waves of radiation beside the words: "Why risk it?" The voiceover said the Lif3 Smartchip "uses groundbreaking technology to divert powerful radiation away from your head and out through the back of your mobile phone. The woman said: "Safeguard yourself and your loved ones with the Lif3 Smartchip."

The advertisement ended with the Harvey Norman brand on screen and a link to the website associated with the product.

COMPLAINT FROM A MCKOY

Lif3 showed an advert for a radiation protection chip. This was based on protecting users from harmful radiation. There is no proof behind this claim in the slightest i.e. if mobile phones were harmful then Governments and health authorities would not allow them to continue to be used. Lif3 clearly breaks the Code of Ethics with regard to 2. Truthful Presentation and 6. Fear.

CODE OF ETHICS

Basic Principle 4: All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

Rule 2: Truthful Presentation - Advertisements should not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, makes false and misleading representation, abuses the trust of the consumer or exploits his/her lack of experience or knowledge. (Obvious hyperbole, identifiable as such, is not considered to be misleading).

Rule 6: Fear - Advertisements should not exploit the superstitious, nor without justifiable reason, play on fear.

RESPONSE FROM ADVERTISER: HARVEY NORMAN NEW ZEALAND

Lif3 Smartchip's patent pending technology has been developed by an Australian Radio Frequency Communication Engineer.

The simple design of the Lif3 Smartchip conceals a sophisticated combination of technologies. The Smartchip incorporates an ultra-thin printed circuit board. This circuit board is carefully configured for each device model and is then sprayed with a number of incredibly thin layers of microwave-absorbing material.

These layers absorb most of the radio frequency signals transmitted from a mobile device's antenna that would normally penetrate vulnerable soft tissue.

These layers are sprayed in a form of micro sized particles which is done by specially designed equipment. The composition is adjusted perfectly to absorb the maximum and equal signal power for the range of transmitted frequency bands from the phones antenna/s. These layers and a specially designed passive RF directional coupler, act as a one-way gate to disperse the majority of the signal absorbed towards the back of the phone.

The result is that radiation exposure is reduced by anywhere between 21% and 95%, depending on the phone model. Lif3 Smartchips undergo rigorous testing at Melbourne's NATA accredited EMC Technologies as well as overseas laboratories. The results prove that these products reduce the Specific Absorption Rate (SAR) by up to 95% (depending on model of device). Test reports are published in full, unedited on the Lif3 website so consumers can see for themselves the results of the testing and can verify the accuracy of the claims.

<https://www.lif3smartchip.com.au/how-it-works/the-evidence/>

Neither Harvey Norman nor Lif3 make the claim in any of marketing material whatsoever that the Lif3 Smartchip protects people from harmful radiation. The claim is that the Lif3 Smartchip reduces the Specific Absorption Rate of mobile phone radiation, which is backed up by the test results on the web page.

There have been comprehensive studies undertaken about mobile phones, electromagnetic energy (EME) and how mobile technology may impact your health. The **World Health Organisation (WHO)** has been conducting research into mobile phone Radio Frequency Electromagnetic Energy (RF EME) for many years now and has classified RF EME fields as possibly carcinogenic to humans. The WHO also notes that further studies need to be undertaken into the long term effects of mobile phone use. <http://www.who.int/mediacentre/factsheets/fs193/en/>

Australian Radiation Protection and Nuclear Safety Agency (“ARPANSA”) is the Australian government’s authority on radiation protection and nuclear safety. Its own website provides that while “there is no established scientific evidence that the use of mobile phones causes any health effects ... the possibility of a small risk cannot be ruled out”. Further, the ARPANSA’s website provides that due to “the lack of sufficient evidence ARPANSA recommends parents encourage their children to use exposure-reduction measures” provided for on the ARPANSA website. <http://www.arpansa.gov.au/MobilePhones/index.cfm>

International Scientists Petition U.N. to Protect Humans and Wildlife from Electromagnetic Fields and Wireless Technology

EMF Scientist.org write, “These findings justify our appeal to the United Nations (UN) and, all member States in the world, to encourage the World Health Organization (WHO) to exert strong leadership in fostering the development of more protective EMF guidelines, encouraging precautionary measures, and educating the public about health risks, particularly risk to children and fetal development. By not taking action, the WHO is failing to fulfil its role as the preeminent international public health agency. Finally, this appeal calls upon the United Nations Environmental Programme, who serves as the “voice for the environment”, to evaluate the scientific evidence and propose more protective practices”. <https://www.emfscientist.org/>

As of July 25th 2016, the appeal has 222 signatures from 41 Nations

Mobile phone manufacturers and Telco’s rely on the expert advice of these National & International authorities for overall health and safety when offering consumers recommendations on how to reduce their RF exposure with their products or services. Global organizations and experts in this field cannot categorically rule out any risk associated with the mobile phone radiation.

All of the claims made on the TV commercial are legitimate, honest and backed up by scientific reports displayed on our website. The positioning is to offer people that are concerned about mobile phone radiation a way to reduce their exposure. The manufacturer makes no claims regarding mobile phone radiation causing serious health issues.

Both Harvey Norman and Lif3 acknowledges that there are equally as many research bodies, governments and medical health professionals that will assert there is no link between mobile phone usage and any health risks at all, objectively there are a significant number of governments, government agencies and medical professionals who will assert there is a health risk associated with excessive, long term and proximate mobile phone usage.

RESPONSE FROM MEDIA: COMMERCIAL APPROVALS BUREAU

The complainant contends that there is no proof of harmful radiation from mobile phones.

The World Health Organisation has set up the International EMF Project to co-ordinate global research into the health effect of electromagnetic fields. A number of countries now

have legislation on exposure to electromagnetic fields and the WHO is working to develop a standard which provides protection to everyone. New Zealand's standard was adopted in April 1999.

However, with the ever increasing use of smartphones, many people are concerned at the cumulative effect of microwave exposure and wish to further protect themselves by attaching the Lif3 Smartchip to their device to limit any potentially harmful radiation exposure.

CAB accepts that the impact of electromagnetic fields raises opposing views among consumers. Prior to approval of the commercial CAB was provided with evidence of the testing on this product conducted by EMC Technologies in Melbourne. The advertiser will no doubt provide more detail to the ASCB in their response.

We do not believe the complaint should be upheld.