

COMPLAINT NUMBER	17/019
COMPLAINANT	R Tomes
ADVERTISER	Pharmacy Direct
ADVERTISEMENT	4Pain Magnetic Device, Website
DATE OF MEETING	21 February 2017
OUTCOME	Settled

Advertisement: The advertisement for the 4Pain Magnetic Device appeared on the Pharmacy Direct website and is described as a natural, medical, magnetic device designed to relieve the discomfort caused by arthritic pain, sciatica, whiplash, spinal injuries, sports injuries and pulled muscles.

Complainant R Tomes said: The Pharmacy Direct webpage advertises this item as a medical device. They make specific unsubstantiated medical claims that the device will “relieve the discomfort caused by arthritic pain, sciatica, whiplash, spinal injuries, sports injuries, and pulled muscles”.

They also strongly indicate, without substantiation, that “pain can be reduced within hours rather than days”.

This violates the Therapeutic and Health Advertising Code, Guideline 2(a), in that the claims are entirely unsubstantiated. There is no evidence offered at all, or even hinted at. Pharmacy Direct claims on their website to be New Zealand’s “No.1 online Pharmacy”. In the light of this statement, I offer that they do have a duty to ensure that everything they sell or advertise is clearly and factually described.

This also violates the Therapeutic and Health Advertising Code, Principle 2, in that because of the claims of medical benefits, for which there is a lack of evidence, it is likely to mislead or deceive.

I believe it also violates the Therapeutic and Health Advertising Code, Principle 2, in that because Pharmacy Direct trades as a pharmacy, it abuses the trust and exploits the lack of knowledge of people viewing the advertisement. Because of this, people are led to believe that this is a real medical device.

The Chair ruled the complaint was Settled.

The relevant provisions were Therapeutic and Health Advertising Code Principle 1, Principle 2, Guideline 2(a).

The Advertiser, Pharmacy Direct, said, in part:

Manufacturer product information is sourced from product packaging, product fact sheets, and the manufacturer's website if they have one.

In regards the complaint relating to the 4Pain product this has been listed on our site using material sourced from the manufacturers as stated above. This content is widely used on websites and by high street stores that will be selling these products, not just in NZ but globally. With the current activity around the Natural Health and Supplementary Products Bill (342-2) manufacturers are reviewing all their product collateral and as part of that process they work with us to ensure their products are accurately represented on our site.

As a result of this complaint we reviewed the product quoted and have found that the information is in fact as supplied and widely used across New Zealand sites and stores and those outside NZ too. The info states the intent of the device and the pains it may relieve some discomfort. I would also note that the complainant's issue appears to be with magnetic therapy due to their favoured opinion and that is an entirely different matter altogether that cannot inhibit any retailer from legitimately representing and selling the product in a proper and safe manner.

However we have also noted there is no actual consumer demand for this particular product so we have decided to completely remove from our website which we have already done.

The Supplier to the Advertiser, Marzena, said: We no longer actively promote or sell the 4pain product. A few pharmacies may still stock it..... There are no current advertising programs for the product and there hasn't been for some time.

The Chair noted that Marzena is no longer supplying the product, and the Advertiser has removed the advertisement from their website.

Noting the self-regulatory actions of the Advertiser, the Chair said it served no further purpose to place the matter before the Complaints Board for consideration and she ruled the matter was Settled.

Chair's Ruling: Complaint Settled