

<b>COMPLAINT NUMBER</b>	17/008
<b>COMPLAINANT</b>	J Fuller
<b>ADVERTISER</b>	Dr Ronald Goedeke, hCG Team
<b>ADVERTISEMENT</b>	Diethcg.co.nz Website
<b>DATE OF MEETING</b>	14 March 2017
<b>OUTCOME</b>	Upheld

## SUMMARY

The website advertisement for “The hCG Diet” says “hCG (Human chorionic gonadotropin) is a hormone produced in high doses by women in the early stages of pregnancy and low doses in men. hCG plays a key role in weight management as it has been shown to increase the metabolism of stored fat... hCG acts as an appetite suppressant making the diet a lot easier than others by reducing the feeling of hunger... When coupled with a low calorie diet, hCG helps target stored fat much better than that of a standalone calorie deficit diet...”

The Complainant said there is no proof that HCG injections or tablets work for losing weight and the US FDA has stated they are unlikely to contain HCG. The Complainant said this type of industry will prey on desperate people trying to lose weight.

The Advertiser said HCG stops people feeling hungry and maintains their muscle mass. Patients lose an average of 12 kilograms in 6 weeks. The Advertiser said the FDA banned the HCG drops because they determined that “many of the products had no to minimal HCG in them”. The Advertiser said they found the injection form to be more efficient so he only uses that form of the drug. He said HCG in the injection form is extremely safe, successful and used by clinics worldwide.

The Complaints Board agreed the advertisement was misleading. This was because the Advertiser did not appear to have consent to market the product as a weight loss medicine. The advertisement referred to a prescription medicine (injectable HCG) and the Complaints Board noted that the only HCG medicine that has consent in New Zealand is one that is designed to assist with fertility treatment, not weight loss.

The Complaints Board noted the Advertiser did not provide any evidence of the effectiveness of the injectable form of HCG as a weight loss medicine and therefore the weight loss claim was unsubstantiated.

The Complaints Board was unanimous in its view the advertisement was likely to mislead or deceive consumers and had not been prepared with the requisite sense of social responsibility. The Complaints Board ruled the advertisement was in breach of Principle 1, Guideline 1(c) and Principle 2, Guideline 2 (a) of the Therapeutic and Health Advertising Code.

Accordingly, the Complaints Board ruled the complaint was Upheld.

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

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## COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the advertisement with reference to Basic Principle 4 and Rule 2 of the Code of Ethics. This required the Complaints Board to consider whether the advertisement contained anything which, either directly or by implication, was likely to deceive or mislead the consumer and if it had been prepared with a due sense of social responsibility to consumers and to society.

### **The Complaints Board ruled the complaint was Upheld.**

#### **The Complaint**

The Complainant said there is no proof that HCG injections or tablets work for losing weight and the US FDA has stated they are unlikely to contain HCG. The Advertiser said this type of industry will prey on desperate people trying to lose weight.

#### **The Advertiser's Response**

The Advertiser, Dr Ronald Goedeke, said he runs a six-week weight loss program and works with a nutritionist. Patients are placed on a very low calorie diet of 500 calories/day. Patients are shown how to inject themselves with a measured amount of HCG each morning. The HCG stops people feeling hungry and maintains their muscle mass. Patients lose an average of 12 Kgs in 6 weeks. The Advertiser said the FDA banned the HCG drops because they determined that "many of the products had no to minimal HCG in them". The Advertiser found the injection form to be more efficient so he only uses that form of the drug. He said HCG in the injection form is extremely safe, successful and used by clinics worldwide.

#### **Email exchange between the ASA Secretariat and the Advertiser**

The ASA Secretariat emailed the Advertiser, after receiving his response, regarding the concern that the advertisement may be misleading and therefore in breach of the Advertising Code of Practice.

The following is taken from this email to Dr Goedeke:

"...The injectable form of HCG that you refer to in your advertisement is a prescription medicine. Under the Therapeutic and Health Advertising Code, Principle 2: Truthful Presentation and Rule 2 (a), therapeutic claims for a medicine *'shall be those approved by Medsafe and thus would be consistent with the product Data Sheet and Consumer Medicine Information'*. A claim for weight loss for a medicine is a therapeutic claim. The injectable HCG product on the Medsafe database does not have an approved indication for weight loss. As such, your advertisement is likely to be found to be misleading.

The oral form of HCG referred to on your website is not a medicine. This means that only a 'health benefit' claim can be made in advertisements. Given that 'weight loss' is a therapeutic claim references in your advertisement to oral HCG and weight loss is also likely to be misleading. The more compliant claim for this form of HCG is to 'support weight management'.

The ASA Secretariat received an acknowledgement to this email but did not receive a substantive reply.

### **Precedents**

To assist in coming to its decision the Complaints Board reviewed a precedent decision, Complaint 14/464, which was Settled. In this precedent, the complainant said the Superfoods NZ website, promoting homeopathic HCG diet drops, made claims about weight loss which were not substantiated. The website said their HCG was Physician Grade and their weight loss system was the “most effective & quickest available”.

The Advertiser said it was never their intention to mislead and they agreed to remove any claims about the efficacy of their weight loss products from the website.

### **The Complaints Board Discussion**

Having considered all the information provided, the Complaints Board turned to consider whether the advertisement had breached Principle 1, Guideline 1 (c) or Principle 2 Guideline 2 (a) of the Therapeutic and Health Advertising Code.

The Complaints Board noted the response from the Advertiser, the exchange of emails between Dr Goedeke and the ASA Secretariat and the precedent decision.

The Complaints Board said it was disappointing that Dr Goedeke did not respond to an email from the ASA advising him there may be statements on his website [www.diethcg.co.nz](http://www.diethcg.co.nz) which breach the Advertising Codes of Practice and the Medicines Act.

The Complaints Board noted the Advertiser, Dr Goedeke, is a registered medical practitioner. The Complaints Board said the Medical Council of New Zealand’s “Statement on advertising” would apply to this advertisement. Paragraphs 22 and 23 of this Statement say:

- 22 If you have a concern about advertising you should contact the Council. Where advertising appears to breach a code or law the Council may refer complaints to another agency, such as the Advertising Standards Complaints Board or the Commerce Commission.
- 23 At the conclusion of an investigation by another agency the Council may initiate a conduct review which could result in additional sanctions.

The Complaints Board agreed the advertisement was misleading. This was because the Advertiser did not appear to have consent to market the product as a weight loss product. The advertisement referred to a prescription medicine, and the only product with consent in New Zealand designed to assist with fertility treatment, not weight loss.

The Complaints Board noted the Advertiser did not provide any evidence of the effectiveness of the injectable form of HCG as a weight loss medicine and therefore the weight loss claim was unsubstantiated.

The Complaints Board was unanimous in its view the advertisement was likely to mislead or deceive consumers and had not been prepared with the requisite sense of social responsibility. The Complaints Board ruled the advertisement was in breach of Principle 1, Guideline 1(c) and Principle 2, Guideline 2 (a) of the Therapeutic and Health Advertising Code.

Accordingly, the Complaints Board ruled the Complaint was Upheld.

**Decision: Complaint Upheld**

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## DESCRIPTION OF ADVERTISEMENT

The website advertisement for “The hCG Diet” ([www.diethcg.co.nz](http://www.diethcg.co.nz)) says “hCG (Human chorionic gonadotropin) is a hormone produced in high doses by women in the early stages of pregnancy and low doses in men. hCG plays a key role in weight management as it has been shown to increase the metabolism of stored fat... hCG acts as an appetite suppressant making the diet a lot easier than others by reducing the feeling of hunger... When coupled with a low calorie diet, hCG helps target stored fat much better than that of a standalone calorie deficit diet...”

## COMPLAINT FROM J FULLER

This website is advertising injections or tablets of Human chorionic gonadotropin. There is no proof that injections or tablets of HCG work for losing weight. The US FDA has stated that these tablets likely contain no HCG and the same as with the injections.

This type of industry will prey on desperate people trying to lose weight. I was considering using these injections myself until I had the idea to research it and found that this type of practice is likely fraudulent as determined by the US FDA.

## THERAPEUTIC AND HEALTH ADVERTISING CODE:

**PRINCIPLE 1:** Therapeutic and Health advertisements shall observe a high standard of social responsibility particularly as consumers often rely on such products, devices and services for their health and wellbeing.

**Guideline 1(c):** Advertisements should not portray unrealistic outcomes or prey on or misrepresent vulnerable audiences (e.g. sick, elderly, pregnant women, overweight people).

**PRINCIPLE 2:** Advertisements shall be truthful, balanced and not misleading. Advertisements shall not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust, exploit their lack of knowledge or without justifiable reason, play on fear. This includes by implication, omission, ambiguity, exaggerated or unrealistic claim or hyperbole.

**Guideline 2(a):** Advertisements shall be accurate. Statements and claims shall be valid and shall be able to be substantiated. Substantiation should exist prior to a claim being made. For medicines and medical devices, therapeutic claims must be consistent with the approved indication(s) (for medicines) or the listed intended purpose (for medical devices).

## RESPONSE FROM ADVERTISER: DR RONALD GOEDEKE

Please find:

1. Response to complaint (see below)
2. Letter from a patient which would be a typical result (*attached*)
3. Certificate of Analysis from The FDA approved lab in America from which the HCG is produced which we use (*attached*)

### Response to Complaint:

I run a 6 week weight loss program in Albany Auckland with a nutritionist Kaytee Boyd. Please see [www.diethcg.co.nz](http://www.diethcg.co.nz)

This program runs for either 4 or 6 weeks.

Patients first have a

1. Wellness consult with me and then have relevant blood tests ie tests which would give medical reasons why someone may have a weight issue.

Patients are then treated according to their results and requirements. Everyone is different.

2. Patients then have 6 consultations with Kaytee Boyd. These are done every Wednesday and patients choose a time slot.

3. Patients are then placed on a very low calorie diet of 500 cal/day.

4. Patients are shown how to inject themselves with a measured amount of HCG every morning. The HCG is collected by the patients every Wednesday. The HCG has been drawn up into syringes into the correct doses.

5. Patients are closely monitored, ie weekly weight checks, progress, how they are eating etc.

6. It has been shown that HCG stops people feeling hungry during this 6 week program.

Patients find the 6 week program surprisingly easy and most notice an immediate increase in wellbeing and energy.

7. It has also been found that HCG maintains patients muscle mass during this program. Unfortunately most weight loss programs result in muscle and fat loss so patients end up with a lower metabolic rate after the weight loss program but this is not the case in this program. We find excellent long term results during the time period we have been offering the program.

8. Another reason why our results are excellent is that during the 6 week program patients are educated on correct nutrition. A significant amount of advice given by health care professionals, media etc is incorrect. You only have to read the conflicting messages and view the health or weight issues which people are struggling and the high diabetic rates to see that this is the case.

We educate our patients on how to correctly eat for life, and this includes how to cook.

9. The program also guides patients into a post HCG maintenance program were they progress from 500 cal/day to 1200 -1800 cal depending on their requirements.

10. We have found this program and so have ALL the patients to be extremely helpful and life changing.

11. Patients lose an average of about 12 kgs in 6 weeks.

12. My primary work is lipo-suction. Many patients are desperate for a quick fix and liposuction is often not the correct option for them. This program gives patients another option, an option with excellent results and long lasting health benefits.

13. There are now weight loss clinics throughout the World which use HCG injections. The FDA banned the HCG drops some time ago because they determined that many of the

products had no to minimal HCG in them. The HCG tablets made by Compounding Pharmacies with certificate of analysis available can still be ordered under prescription. I have found the injection form to be more efficient so we only use the injection form.

14. HCG in the injection form is extremely safe, successful and used by Clinics World wide.