

COMPLAINT NUMBER	17/018
COMPLAINANT	S Taylor
ADVERTISER	Wellington Homeopath
ADVERTISEMENT	Wellington Homeopath, Website
DATE OF MEETING	14 March 2017
OUTCOME	Not Upheld and Settled

SUMMARY

The website advertisement for Wellington Homeopath Renée Perkins described what homeopathy is, how it works and provided details about the business. There were also testimonials from people who have received treatment from Renée Perkins.

The Complainant said the Advertiser's website made claims that homeopathy can be used to treat conditions which, if not treated by a registered medical doctor, could cause serious harm and complications. These conditions included pregnancy, childhood diseases, behavioural issues, injuries, eczema, depression, recurring problems and chronic fatigue.

The Complainant also said the advertisement preys on pregnant women and new parents, a vulnerable audience, by saying "If you have a particular interest or group, ie. Antenatal class, I can design a course to suit your needs."

The Advertiser agreed to make several changes to their website, in response to the complaint. However, the Advertiser challenged the view that the advertisement is "preying on a vulnerable audience" because they offer to design courses specially for antenatal classes. The Advertiser said they did not believe it should be necessary to alter or remove this statement on the website.

The Complaints Board agreed the statement "If you have a particular interest or group, ie. Antenatal class, I can design a course to suit your needs." was not in breach of Guideline 1(c) of the Therapeutic and Health Advertising Code. This was because providing a homeopathy class for a specific interest group, such as an antenatal class, was not "preying" on a vulnerable audience.

The Complaints Board agreed this aspect of the complaint was Not Upheld and it was not necessary for the Advertiser to remove the statement from the website advertisement.

The Complaints Board acknowledged the changes the Advertiser had made to the website, in response to the complaint, and agreed that, as a result, the remainder of the complaint was settled.

The Complaints Board ruled the complaint was Not Upheld, in part and Settled, in part.

[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 Principle 1 Guidelines 1 (b) and 1 (c) and Principle 2 and Guidelines 2 a) and 2 (f) of the Therapeutic and Health Advertising Code. This required the Complaints Board to consider whether the advertisement contained any claims about the products or services advertised that were misleading or unable to be substantiated. This included claims about their safety and effectiveness, or possible consequences that may arise from not using the advertised product or service.

The Complaints Board also had to consider whether the advertisement contained any statements that were inaccurate or any testimonials that were not authenticated, current or otherwise did not comply with the Code.

The Complaints Board ruled the complaint was Not Upheld and Settled.

The Complaint

The Complainant said the Advertiser's website made claims that homeopathy can be used to treat conditions which, if not treated by a registered medical doctor, could cause serious harm and complications. These conditions included pregnancy, childhood diseases, behavioural issues, injuries, eczema, depression, recurring problems and chronic fatigue.

The Complainant also said the advertisement preys on pregnant women and new parents, a vulnerable audience, by saying "If you have a particular interest or group, ie. Antenatal class, I can design a course to suit your needs."

The Advertiser's Response

The Advertiser agreed to make several changes to their website, in response to the complaint. However, the Advertiser challenged the view that the advertisement is "preying on a vulnerable audience" because they offer to design courses specially for antenatal classes. The Advertiser said they did not believe it should be necessary to make any changes to this sentence.

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 (b) and 1 (c) and Principle 2 and Guideline 2 a) and 2 (f) of the Therapeutic and Health Advertising Code.

The Complaints Board noted the response from the Advertiser.

The Complaints Board considered the Advertiser's view that it should not be necessary to make any changes to the statement "If you have a particular interest or group, ie. Antenatal class, I can design a course to suit your needs."

The Complaints Board agreed the statement was not in breach of Guideline 1(c) of the Therapeutic and Health Advertising Code because providing a homeopathy class for a specific interest group, such as an antenatal class, was not "preying" on a vulnerable audience.

The Complaints Board agreed this aspect of the complaint was Not Upheld and it was therefore not necessary for the Advertiser to alter or remove the statement "If you have a particular interest or group, ie. Antenatal class, I can design a course to suit your needs."

The Complaints Board said one of the principles of self-regulation is to encourage advertisers to take remedial action in response to complaints. The Complaints Board acknowledged the changes the Advertiser had made to the website in response to the complainant and agreed that, as a result, the remainder of the complaint was settled.

The Complaints Board ruled the Complaint was Not Upheld in part and Settled in part.

Decision: Complaint Not Upheld and Settled

DESCRIPTION OF ADVERTISEMENT

The website advertisement for Wellington Homeopath Renée Perkins described what homeopathy is, how it works and provided details about the business. There were also testimonials from people who have received treatment from Renée Perkins.

COMPLAINT FROM S TAYLOR

I would like to register a complaint about the above company's website as I believe it has breached numerous principles of the Therapeutic advertising code. Making some claims which can cause serious harm and complications if not treated by a registered medical doctor.

<http://www.wellingtonhomeopath.co.nz/index.html>

And

<http://www.wellingtonhomeopath.co.nz/what-is-homeopathy.html>

Under Principle 1 Rule 1 (b)
The advertiser makes claims:

"Homeopathy is safe and effective and can be used to treat a wide range of conditions from pregnancy, childhood diseases, behavioural issues, injuries, eczema, depression, recurring problems and chronic fatigue." Which goes against the first point of the rule that state that service and products are safe and effective.

Rule 1 (c) also preys on vulnerable audiences, pregnant women and new parents, both from the above statement and on the main page with:

"If you have a particular interest or group, ie. Antenatal class, I can design a course to suit your needs. Please contact me for further details."

Principle 2

Rule 2 (a) The advertiser doesn't give any evidence that substantiates their claims that homeopathy can either treat a condition, if there is any scientific evidence to validate claims I would be interested in reading this.

Rule 2 (f) The website also contains a section with testimonials:

<http://www.wellingtonhomeopath.co.nz/testimonials-wellington-homeopathy.html>

These testimonials are in direct opposition on the Medicines Act Section 58 (1)(c) (iii) as it advertises the treatment method has a therapeutic benefit.

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 (b): Advertisements shall not contain any claim, statement or implication that the products, devices or services advertised;

- are safe or that their use cannot cause harm or that they have no side effects or risks.
- are effective in all cases
- are infallible, unyielding, magical, miraculous, or that it is a certain, guaranteed or sure cure
- are likely to lead persons to believe that;
 - they are suffering from a serious ailment, or
 - harmful consequences may result from the therapeutic or health product, device or service not being used

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).

Guideline 2 (f): Patient testimonials and healthcare professional endorsements in advertisements, where not prohibited by law, shall comply with the Code, be authenticated, genuine, current, and typical and acknowledge any valuable consideration. Exceptional cases shall be represented as such.

RESPONSE FROM ADVERTISER: WELLINGTON HOMEOPATHIC

(In response to the complaint the Advertiser made changes to the wording on their website. Details about the changes was provided to the Complaints Board, for consideration)

In relation to the sentence below, I'd like to challenge it. There are no therapeutic claims in this sentence. I am not claiming to prevent or treat anything. I am not suggesting a homeopathy antenatal class instead of a traditional one. I don't believe therefore that I am 'preying on a vulnerable audience' (and I imagine most pregnant women would take offence

at being considered vulnerable just because they are pregnant). I therefore do not believe I should make any changes to this sentence.

"If you have a particular interest or group, ie. Antenatal class, I can design a course to suit your needs. Please contact me for further details."