

COMPLAINT NUMBER	17/060
COMPLAINANT	V Wood
ADVERTISER	Brand Developers Ltd
ADVERTISEMENT	Brand Developers Ltd, Television
DATE OF MEETING	13 June 2017
OUTCOME	Settled

Advertisement: The Brand Developers Ltd television advertisement for the 'Pain Erazor' shows a variety of people in different situations using a hand held device to ease pain. A voiceover runs throughout the advertisement. It begins 'If you ever suffer from pain, anywhere in your body... keep watching...' and makes general and specific pain relief claims.

The Chair ruled the complaint was Settled.

Complainant, V Wood, said: The advertisement for the 'Pain Erazor' (sic) appears to me to breach the NZ Medicines Regulations Act of 1984, particularly Section 25 (Misleading statements) where the advertisement claims the device is able to provide pain relief. And most egregiously Section 62, as the advertisement describes the device as acting through electrical and magnetic forces which are not described in the advertisement in the manner the act requires.

The advertisement appears to also break the Therapeutic Health Advertising Code. Specifically Rule 1(b) - It claims to not cause harm and have no side effects (admittedly probably true in that the device appears to do nothing at all.) and Rule 1(c) that the outcomes (of pain relief) presented in the advertisement are both unrealistic and prey on a vulnerable audience. That is, people suffering from chronic pain.

It also breaks Rule 2(a) in that the advertisement claims that the device relieves pain is not substantiated.

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

The Chair noted the Complainant's concern that the advertisement makes misleading and unsubstantiated claims about the management of pain relief.

The Advertising Standards Complaints Board considered this complaint at its meetings on 9 May and 13 June. It noted that issues had been raised regarding the strength of the claims about the device and the level of substantiation provided in the first instance to the Complaints Board.

In correspondence received on 2 June, the Advertiser confirmed the advertisement was no longer on air and had not aired since 11 March 2017. The Advertiser said that any future version of the advertisement would be altered taking into consideration the concerns raised by the complainant and the Complaints Board.

The Advertiser confirmed its intention to use the Therapeutic Advertising Pre-vetting Service and consult the ASA in the development of any updated version of the advertisement.

Given the Advertiser's undertaking to not run the advertisement in its present form, the Complaints Board ruled that the matter was settled.

Decision: Complaint **Settled**