

<b>COMPLAINT NUMBER</b>	18/026
<b>COMPLAINANT</b>	R. Tomes
<b>ADVERTISER</b>	1day.co.nz
<b>ADVERTISEMENT</b>	Digital Marketing
<b>DATE OF MEETING</b>	22 February 2018
<b>OUTCOME</b>	Settled - advertisement amended

**Advertisement:** The advertisement for “AL1VE MAGNETIC Men’s Compression Gear” on the 1-Day website ([www.1-day.co.nz](http://www.1-day.co.nz)) promoted the benefits of Men’s Magnetic Compression” gear. The advertisement said, in part: the “neodymium magnets stimulates nerve cells by creating positively charged ions that allow cells to pick up more oxygen and promote blood flow. The output is a more efficient circulation of energy, reduction of muscle inflammation and activation of internal healing properties, making your body less prone to fatigue and injury” and “Magnets strategically placed to optimize energy and performance.”

**The Chair ruled the complaint was Settled.**

**Complainant, R. Tomes, said:** “There are four advertisements, on the pages indicated, which contain a number of unsubstantiated health and factual claims, which is contrary to the Therapeutic and Health Advertising Code, Rule 2(a). As a result of the unsubstantiated claims, the adverts are also likely to mislead or deceive, which is contrary to both Therapeutic and Health Advertising Code, Principle 2, and the Advertising Code of Ethics, Basic Principle 3.

I have attached captures of the web pages, which may not now be visible by the time these complaints are addressed.

Specifically, the advert reads:

"The powerful force of neodymium magnets stimulates nerve cells by creating positively charged ions that allow cells to pick up more oxygen and promote blood flow. The output is a more efficient circulation of energy, reduction of muscle inflammation and activation of internal healing properties, making your body less prone to fatigue and injury" and "Magnets strategically placed to optimize energy and performance". Whilst the burden of proof is on the party making the claims, I would submit that it is common for people to have the fallacious believe that magnets can affect the body, predominantly via blood, because blood contains iron, and iron is affected by magnets. The iron in blood is bound to haemoglobin and is non-ferromagnetic, i.e.: unaffected by magnets and magnetism. If the iron in blood was affected as the advertiser claims, we would be hearing about patients exploding inside MRI scanners! ("The iron in haemoglobin is not ferromagnetic", Jun 29, 2011, "Magnets and Blood Flow" Science-Based Medicine", article at <https://sciencebasedmedicine.org/magnets-and-blood-flow/> )

("Iron in your body is not ferromagnetic", "Does MRI attract the iron in your blood?" article at <http://www.revisemri.com/blog/2006/mri-blood-iron-attraction/> )

Given the high profile of the advertiser, and no doubt the high web traffic and viewing of the advertisements, I further submit that to allow this sort of unsubstantiated advertising to appear in the first place, is in breach of Advertising Code of Ethics, Basic Principle 4. in that it is socially irresponsible.

I would welcome robust scientific evidence which demonstrates the claims made in the advertisements, however, until then, the claims are unsubstantiated, and should not only be removed, but the advertiser should pledge not to make them again.

**The relevant provisions were Therapeutic and Health Advertising Code - Principle 1, Principle 2, Rule 2(a);**

**The Chair** noted the Complainant's concern that the Advertiser's website contained unsubstantiated claims about the benefits of magnetic compression wear, which could be misleading.

The Chair acknowledged the Advertiser had made changes to the website, removing the statements of concern.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in amending the website, the Chair said that it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled that the matter was settled.

**Chair's Ruling:** Complaint **Settled – advertisement amended**

#### **APPEAL INFORMATION**

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website [www.asa.co.nz](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.