

COMPLAINT NUMBER	18/141
COMPLAINANT	C Atkinson
ADVERTISER	Puraz New Zealand
ADVERTISEMENT	Puraz PRO-d, Digital Marketing, Radio
DATE OF MEETING	6 June 2018
OUTCOME	Settled – advertisements amended

Advertisement: The Puraz Pro D Digital Marketing and Radio advertisement campaign described the benefits of its product for joint mobility and provided testimonials from consumers.

The Chair ruled the Complaint was Settled.

Complainant, C Atkinson, said: My complaint involves the product Puraz PRO-d joint formula sold by Puraz Health Limited. Puraz PRO-d joint formula is a product intended to be taken orally and is described as a dietary supplement, yet is advertised in a manner that gives the impression it's a medicine because it claims dramatic therapeutic benefits.

This complaint centres only on the use of testimonials and endorsements for advertising the above product. I believe the advertising for this product breaches the Medicines Act 1981. In addition, the guidance notes from the ASA's Therapeutic and Health Advertising code state; Testimonials for natural health products and dietary supplements, and health services to support a normal bodily function are permitted. However, these testimonials should not include any information that implies the product is a medicine or medical device or that the service has a therapeutic benefit.

In addition, Puraz uses Health Professionals to endorse their product, a practice also prohibited by the Medicines Act 1981 as well as the ASA's Therapeutic and Health Advertising code.

This complaint involves three sources of advertisement;

- 1) Product description for Puraz PRO-d found here <https://www.puraz.com/pro-d-joint-mobility-formula>
- 2) Facebook popup ads
- 3) Radio advertisements played regularly on Radiolive in the mornings and heard by the complainant at 7:30am, 16th April 2018.

Advertiser, Puraz New Zealand, said: "Upon reviewing the various points outlined in this complaint, we agree there are issues in our digital advertising and website content which need addressing. As a result, we have employed TAPS to review all PRO-d website pages, testimonials and digital adverts (refer TAPS Approval #PP2306).

Traditionally, Puraz company policy has been to use TAPS for all forms of advertising such as TV, radio, and magazines. However, up until this point our website and digital advertising has not been included for TAPS approval. We have reviewed this policy and accept it is outdated, especially when one considers the large increase in consumer use of online media in recent times. Without the use of TAPS in this area, it has become clear to us that certain

errors have been made by our internal staff with regard to compliance with the Therapeutic and Health Advertising Code. Going forward, Puraz will ensure all digital advertising is TAPS approved. All of the material outlined in this complaint has now been reviewed by TAPS. The following actions have been taken to remedy this complaint: Website Copy Please see attached website changes made as per TAPS recommendations TAPS recommended further changes beyond the complaint which have also been made

Facebook & Google Remarketing All digital adverts used on Facebook and Google remarketing have been altered as per TAPS recommendations. See edited adverts attached which have all now been TAPS approved.

Radio Advert The radio advert in question in this complaint has not been playing since the end of April 2018. This will not be played in the future.”

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

The Chair noted the Complainant’s concern that the Advertiser’s website, Facebook page and radio advertising contained testimonials which made therapeutic claims about the benefits of Puraz PRO-d joint health product, which were not permitted under the Therapeutic and Health Advertising Code.

The Chair acknowledged the Advertiser, in consultation with the Therapeutic Advertising Pre-vetting Service (TAPS), had made changes to the website, removing or amending references which were of concern. The Chair agreed the Advertiser was now making health benefit claims rather than therapeutic claims.

Given the Advertiser’s co-operative engagement with the process and the self-regulatory action taken in amending the website and Facebook pages and confirming the radio advertisement would not play again, 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 – advertisements 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. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.