

<b>COMPLAINT NUMBER</b>	18/259
<b>COMPLAINANT</b>	D Ryan
<b>ADVERTISER</b>	QE Health
<b>ADVERTISEMENT</b>	QE Health Digital Marketing
<b>DATE OF MEETING</b>	9 October 2018
<b>OUTCOME</b>	Upheld, in part

## SUMMARY

The website advertisement for QE Health promotes a range of massage techniques and makes a number of therapeutic claims. For example: Therapeutic Massage “increases blood and lymph circulation, assisting in the clearing of toxins”, Pregnancy Massage is beneficial for “preventing discomforts such as back pain, headaches and constipation...” and Stone Massage “helps increase the elasticity of collagen fibres in tendons, promoting greater flexibility”.

The Complainant was concerned the advertisement breached Principle 2 Rule 2 (a) of the Therapeutic and Health Advertising Code by making unsubstantiated therapeutic claims.

The Advertiser said there are numerous examples within the literature regarding the effect of massage on specific conditions and complaints and a list of references to support this point was provided.

The Complaints Board considered each therapeutic claim in turn and agreed sufficient substantiation had been provided for a number of the claims.

The Complaints Board said however sufficient substantiation had not been provided for the following claims: Therapeutic Massage "Decreases muscle tension and pain", "Increases blood and lymph circulation, assisting in the clearing of toxins", Pregnancy Massage is beneficial for "Preventing discomforts such as back pain, headaches and constipation", Indian Massage is excellent to "Relieve eye strain, sinusitis, headaches and insomnia", Stone Massage: "Cleansing – the gentle weight of each stone pushes toxins out of the muscles and into the lymphatic system", "Helps increase the elasticity of collagen fibres in tendons, promoting greater flexibility", Reflexology "Enhances the body's natural healing abilities", Manual Lymphatic Drainage (MLD) “may also help many specific conditions such as eczema and sinus problems. Primarily used for ... improving the immune system & detoxification...” and “Helps alleviate water bloating through water retention”.

The Complaints Board said the advertisement was in breach of Principles 1 and 2 and Rule 2(a) of the Therapeutic and Health Advertising Code.

The Complaints Board ruled the complaint was Upheld, in part.

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 complaint with reference to Principles 1 and 2 and Rule 2 (a) of the Therapeutic and Health Advertising Code.

Principle 1 required the Complaints Board to consider whether the advertisement observed a high standard of social responsibility, particularly as consumers often rely on such products, devices and services for their health and wellbeing.

Principle 2 required the Complaints Board to consider whether the advertisement contained any statement which was untruthful, unbalanced or misleading or 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.

Rule 2(a) required the Complaints Board to consider whether the advertisement contained any statement which was inaccurate or unable 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).

**The Complaints Board ruled the complaint was Upheld, in part.**

### **The Complaint**

The Complainant was concerned the advertisement breached Principle 2 and Rule 2(a) of the Therapeutic and Health Advertising Code by making unsubstantiated therapeutic claims.

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

The Advertiser said the QE Health Wellness Centre provides 'Health' and 'Wellness' services. The Health services are very much directed by scientific evidence based best practice and the Wellness services are very much self-directed by personal belief and choice.

The Advertiser said there are numerous examples within the literature regarding the effect of massage on specific conditions and complaints and provided a list of references to support this point.

### **The Complaints Board Discussion**

#### *Consumer Takeout*

The Complaints Board considered the website advertisement for QE Health, the likely consumer takeout and the substantiation provided in the Advertiser's response.

The Complaints Board noted the advertisement made a number of different claims and said some of the claims were quite strong, especially those referring to "preventing discomforts such as back pain, headaches and constipation" experienced during pregnancy. The Complaints Board noted that while it is generally accepted that massage therapy is pleasant and often helpful, a therapeutic outcome for massage therapy must be able to be substantiated.

As in all cases, the Appeal Board said that where a claim in an advertisement was challenged by a Complainant, the onus fell on the Advertiser to provide the substantiation for that claim. The Appeal Board also reiterated its stance that it was not an arbiter of scientific fact nor was it within its jurisdiction to verify the efficacy of a method of treatment. Instead, its focus was to consider the likely consumer takeout of an advertisement rather than the absolute scientific legitimacy of a claim.

The Complaints Board considered each therapeutic claim and the substantiation provided.

The Complaints Board agreed sufficient substantiation had been provided for the following claims, that massage:

- "reduces anxiety so that you feel more serene and better equipped to cope with the stresses of daily life."
- "Can aide a good night's sleep"
- "Helps alleviate pain, discomfort and stress"
- Re Pregnancy massage – “helps to keep the expectant mother in good health and is beneficial for easing tension and stress”
- Re Indian Head massage – “is excellent for relaxing these areas that can all hold stress”
- Re MLD "MLD (Manual Lymphatic Drainage) may also help lymph edema reduction”
- And "MLD may also help relaxation and wellbeing”

The Complaints Board noted in particular that the claim that massage therapy decreases muscle tension and pain was a broad claim and the substantiation provided only supported effect for some, rather than all, muscle pain.

The Complaints Board also noted that no substantiation had been provided for strong therapeutic claims such as prevention of back pain, headaches and constipation during pregnancy, and relief for insomnia.

The Complaints Board said sufficient substantiation had not been provided for the following claims, that massage:

- "Decreases muscle tension and pain"
- "Increases blood and lymph circulation, assisting in the clearing of toxins"
- Is beneficial for “Preventing discomforts such as back pain, headaches and constipation”
- “Relieve(s) eye strain, sinusitis, headaches and insomnia"
- Helps with "Cleansing – the gentle weight of each stone pushes toxins out of the muscles and into the lymphatic system"
- "Helps increase the elasticity of collagen fibres in tendons, promoting greater flexibility"
- "Enhances the body's natural healing abilities"
- And MLD “may also help many specific conditions such as eczema and sinus problems. Primarily used for ... improving the immune system & detoxification...”
- And MLD “helps alleviate water bloating through water retention"

As such, the Complaints Board said the advertisement was in breach of Principles 1 and 2 and Rule 2(a) of the Therapeutic and Health Advertising Code.

Accordingly, the Complaints Board ruled the complaint was Upheld, in part.

## DESCRIPTION OF ADVERTISEMENT

The website advertisement for QE Health promotes a range of massage techniques and makes a number of therapeutic claims. For example: Therapeutic Massage “increases blood and lymph circulation, assisting in the clearing of toxins”, Pregnancy Massage is beneficial for “preventing discomforts such as back pain, headaches and constipation...” and Stone Massage “helps increase the elasticity of collagen fibres in tendons, promoting greater flexibility”.

## COMPLAINT FROM D RYAN

QE health is breaking therapeutic and health advertising code principle 2 rule 2(a).

Throughout the website it makes plenty of therapeutic claims:

"reduces anxiety so that you feel more serene and better equipped to cope with the stresses of daily life."

"can aide a good nights sleep"

"decreases muscle tension and pain"

"increases blood and lymph circulation, assisting in the clearing of toxins"

"helps alleviate pain, discomfort and stress"

"pregnancy massage helps to keep the expectant mother in good health and is beneficial for; easing tension and stress preventing discomforts such as back pain, headaches and constipation, aiding a good nights sleep"

"head massage is excellent for: relaxing these areas that can all hold stress relieve eye strain, sinusitis, headaches and insomnia"

"cleansing – the gentle weight of each stone pushes toxins out of the muscles and into the lymphatic system"

"helps increase the elasticity of collagen fibres in tendons, promoting greater flexibility"

"enhances the body's natural healing abilities"

"MLD may also help many specific conditions such as eczema and sinus problems. Primarily used for lymph edema reduction, improving the immune system, & detoxification, but equally effective for relaxation and well being.

Helps alleviate water bloating through water retention"

## CODES OF PRACTICE

### 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.

**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.

**Rule 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, QE HEALTH**

QE Health Wellness Centre in Rotorua, previously Queen Elisabeth Hospital, has been delivering wellness services to the community for 76 years. Our model of health care is based on holistic care of the person, treating mind, body and spirit.

We have 76 staff ranging from Rheumatologists, clinical psychologists, physiotherapists, occupational therapists, massage therapists, orthotists, CBT therapists and a Dietitian. All of our staff are qualified in the areas they work, including our massage therapists. I make reference to this as massage therapists are not regulated in New Zealand and many practice without qualifications.

QE Health hold a number of contracts with providers such as DHBs and insurance companies and because of this we go through vigorous auditing standards and requirements.

Our staff work as a multidisciplinary team and ensure all clients receive the highest level of care, whether they are with us for a 30 min massage or staying for 3 weeks on a rehabilitation or chronic pain management program.

Part of the effectiveness of wellness therapy is that it is self-directed and not clinician-selected. This requires a range of services such as those available at QE Health. The difference between 'Health' services and 'Wellness' services are that Wellness services are very much self-directed by personal belief and choice. Health is very much directed by scientific evidence based best practice.

At QE health we ensure a synergy between the 2 is available for our clients. However, we also strive to ensure wellness services too are based in research proven studies wherever possible.

A recent article published in the academic journal "Pain Medicine" is an example of the evidence we utilize to ensure our services align with research based health care. This review specifically looked at the quality of evidence in published quantitative studies with respect to

"the efficacy of massage therapy for treating individuals who would typically visit their general health practitioner with complaints of pain (e.g. patients diagnosed with various pain conditions across the spectrum of acute to chronic pain) that is affecting function related (e.g. pain intensity/ severity, activity, sleep mood, stress) and other (e.g. health related quality of life, pain pressure threshold, physiological outcomes) outcomes of daily life." <sup>1</sup>

The outcome of the systematic review and meta-analysis were as follows:

"There is evidence to suggest that massage therapy may be beneficial for improving various patient reported functional outcomes for populations experiencing pain. There is clear evidence supporting the efficacy of massage therapy compared to no treatment for pain intensity suggesting that massage therapy, rather than no treatment at all, should be offered to a patient for pain management. Compared to sham or active comparator(s), massage therapy is beneficial across various functional outcomes including anxiety and health related quality of life."<sup>1</sup>

There are numerous examples within the literature regarding the effect of massage on specific conditions and complaints. Cited below is the outcome of a systematic review published in a leading physiotherapy academic journal. I have chosen to give you this

example as it has specific clinical relevance to QE Health in that we hold DHB service contracts specifically for Rheumatological service.

“Massage reduces pain, in the short term, in shoulder pain and osteoarthritis of the knee. Massage improves function, in the short term, in shoulder pain, low back pain and osteoarthritis of the knee. Massage is not clearly more or less beneficial than other commonly used treatments for musculoskeletal disorders”<sup>2</sup>

I have included a reference list at the end of this letter with further references to the efficacy for massage with respect to lymphatic drainage<sup>3</sup>, physiological markers and psychological assessments<sup>4</sup> & cancer related fatigue<sup>5</sup>.

Massage and Spa therapy are part of that range of services offered at QE Health alongside the more clinical healthcare such as physiotherapy, psychology and medical treatment.

We state on our website that massage is an excellent way of enhancing your general wellbeing. We also are careful to use terms such as “may help”.

I have also included in the email a number of medical journals and papers referring to the services we offer and explaining in detail the tangible and proven benefits of these.

I trust this letter and the references meet your requirement to answer the complainants concerns, should you wish more information I am more than happy to discuss further.

#### References (provided in letter from Advertiser)

- 1 Crawford C, Boyd C, Paat CF, Price A, Xenakis L, Yang E, Zhang W. The impact of massage therapy on function in pain populations—A systematic review and meta-analysis of randomized controlled trials: Part I, patients experiencing pain in the general population. *Pain Medicine*. 2016 Jul 1;17(7):1353-75.
- 2 Bervoets DC, Luijsterburg PA, Alessie JJ, Buijs MJ, Verhagen AP. Massage therapy has short-term benefits for people with common musculoskeletal disorders compared to no treatment: a systematic review. *Journal of physiotherapy*. 2015 Jul 1;61(3):106-16.
- 3 Donahue PM, Crescenzi R, Scott AO, Braxton V, Desai A, Smith SA, Jordi J, Meszoely IM, Grau AM, Kauffmann RM, Sweeting RS. Bilateral Changes in Deep Tissue Environment After Manual Lymphatic Drainage in Patients with Breast Cancer Treatment-Related Lymphedema. *Lymphatic research and biology*. 2017 Mar 1;15(1):45-56.
- 4 Wu JJ, Cui Y, Yang YS, Kang MS, Jung SC, Park HK, Yeun HY, Jang WJ, Lee S, Kwak YS, Eun SY. Modulatory effects of aromatherapy massage intervention on electroencephalogram, psychological assessments, salivary cortisol and plasma brain-derived neurotrophic factor. *Complementary therapies in medicine*. 2014 Jun 1;22(3):456-62.
- 5 Kinkead B, Schettler PJ, Larson ER, Carroll D, Sharenko M, Nettles J, Edwards SA, Miller AH, Torres MA, Dunlop BW, Rakofsky JJ. Massage therapy decreases cancer-related fatigue: Results from a randomized early phase trial. *Cancer*. 2018 Feb 1;124(3):546-54.

Further papers sent:

- 6 Field, T Massage therapy research review; *Complementary therapies in clinical practice*. further addresses – pain, anxiety, stress improvements, also mentions headaches which are a symptom of high blood pressure and cites evidence that massage lowers blood pressure. Also cites numerous studies that found improvements in specific immune system bio chemical markers – evidence of assisting body’s natural healing abilities

- 7 Fazeli S MD, Pourrahmat M et al, The effects of head massage on the regulation of the Cardiac Autonomic Nervous system: A pilot and randomised cross over trial: The journal of alternative and complementary medicine; specifically looks at head massage at its effects on the autonomic nervous system, study gives evidence that head massage results increases parasympathetic activity which is the autonomic nervous system in the body responsible for “digestion, elimination and regulation of the body repair and immune system mostly during rest” gives evidence that massage helps body’s natural healing ability
- 8 Kargarfard M LamE, et al: Efficiency of massage on muscle soreness, perceived recovery, physiological restoration and physical performance in male body builders. Journal of sports sciences. looks at a biochemical marker that elevates with exercise induced muscle damage and gives evidence of massage facilitating toxin removal from muscle
- 9 Barnes. M.F Anatomy and Physiology: The journal of body works and movement Therapies The basic science of Myofascial release: After a few releases the tissue will become softer and more pliable.
- 10 MD Chikly B: Lymphatic Drainage Therapy: An effective compliment to breast cancer. Associated bodywork and Massage Professionals 2003: looks at LDT and its ability to help alleviate conditions such as dermatitis (eczema)
- 11 Guyton and Hall, Human Physiology and Mechanisms of Disease 6<sup>th</sup> edition, 1997: MLD and enhanced immune function, with increase flow immune function is increased. Harmful substances are removed from tissue.
- 12 Reddy SC et al. Nepal journal of ophthalmol 2013:5 10: 161-168 Computer Vision syndrome Eye strain – computer vision syndrome

#### **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.