

COMPLAINT NUMBER	16/283
COMPLAINANT	M. Honeychurch
ADVERTISER	Weleda New Zealand Limited
ADVERTISEMENT	Weleda Website
DATE OF MEETING	13 September 2016
OUTCOME	Not Upheld

SUMMARY

The Weleda website advertisement promoted a Weleda homeopathic remedy, “Cold & Flu Drops,” with the recommendation that they be taken at the onset of cold or flu to relieve symptoms of fever, muscle ache, headache, sore throat, sneezing and runny nose.

The Complainant believed the therapeutic claims in the advertisement had not been substantiated. They complained that it was socially irresponsible to falsely claim to be able to treat symptoms of viral infections and to likely mislead unwary consumers who did not realise there was no good evidence for the efficacy of homeopathy.

The Complaints Board agreed that the therapeutic claims Weleda made in the website advertisement and on the packaging for its homeopathic Cold & Flu Drops accurately reflected what the Advertiser is able to claim in line with the product’s Medsafe registration.

The Complaints Board ruled the complaint was Not Upheld.

[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 Principles 2 and 3 and Part B1 Requirements 3 and 4, 4(a), of the Therapeutic Products Advertising Code. This required the Complaints Board to consider whether the advertisement was truthful and balanced and whether claims were valid and had been substantiated and whether the advertisement had observed a high standard of social responsibility. The Complaints Board was further required to consider whether the advertisement had been misleading or deceptive, or was likely to mislead or deceive, either indirectly or by implication, omission, ambiguity, exaggerated claim or comparison. The Complaints Board also needed to confirm that the advertisement was consistent with the indications included on the database of therapeutic products maintained by Medsafe.

The Complaints Board ruled the complaint was Not Upheld

The Complaints Board first considered the Complainant's concerns regarding the promotion

of the Advertiser's product, "Cold & Flu Drops" which were said in the advertisement to, if taken at the onset of a cold or flu, relieve symptoms of fever, muscle ache, headache, sore throat, sneezing and runny nose. The Complainant said in part: "The ingredients of this product are all at 3x (a homeopathic notation meaning 1:1000 dilution) or less." The Complainant maintained the Advertiser's claims for their homeopathic product had not been substantiated and it seemed unlikely that any homeopathic remedy had been conclusively shown to treat those symptoms. The Complainant's view was that it was socially irresponsible to make false claims about treating the symptoms of what were very common viral infections. The Complainant worried that the advertisement was likely to mislead unwary members of the public who did not realise that there was no good evidence for the efficacy of homeopathy.

The Complaints Board then turned to the response from the Advertiser which acknowledged that the advertisement on the Weleda website promoted drops to be taken at the onset of cold and flu to relieve symptoms of fever, muscle ache, headache, sore throat, sneezing and runny nose.

The Advertiser confirmed that Weleda Cold & Flu Drops is a registered medicine with Medsafe (TT50-8039) and is permitted to carry the therapeutic claims. The Advertiser further submitted that the recommendations for the product on the website were consistent with the registered packaging indications which were as follows: "Take at the onset of cold or flu to relieve symptoms – fever, muscle ache, headache, sore throat, sneezing and runny nose."

The Complaints Board agreed that the therapeutic claims Weleda made in the website advertisement and on the packaging for its homeopathic Cold & Flu Drops accurately reflected what the Advertiser is able to claim in line with the product's Medsafe registration. The Complaints Board noted Weleda had attained this registration for its products in 1969 and was subsequently able to promote its products in the manner it had used.

As the wording in the advertisement was consistent with the indications registered with Medsafe, the Complaints Board held the advertisement was not in breach of Requirement 3 or Requirement 4(a) of the Therapeutic Products Advertising Code. The Complaints Board also agreed the advertisement was not in breach of Principles 2 and 3 of that Code.

The Complaints Board ruled to Not Uphold the complaint.

DESCRIPTION OF ADVERTISEMENT

The Weleda website advertisement is for "Cold & Flu Drops, 30ml" and states: "Take at the onset of cold or flu to relieve symptoms – fever, muscle ache, headache, sore throat, sneezing and runny nose. Take with Weleda Echinacea/Thuja Comp. Active Strength Immune Support for additional effectiveness. Does not cause drowsiness." Consumers can click below this statement to see the product's ingredients and click to "add to basket" for \$19.90.

COMPLAINT FROM M. HONEYCHURCH

The Weleda website advertises a product called "Cold & Flu Drops" for which a recommendation is given to "Take at the onset of cold or flu to relieve symptoms - fever, muscle ache, headache, sore throat, sneezing and runny nose". The ingredients of this product are all at 3x (a homeopathic notation meaning 1:1000 dilution) or less.

This claim of relief of symptoms of colds and flu is a therapeutic claim, making this advert fall under the ASA's Therapeutic Products code. As such, the ad appears to breach Principle 2, as the claims made have not been substantiated and it seems unlikely that any homeopathic remedy has been conclusively shown to treat these symptoms.

The ad also breaches Principle 3, as it is socially irresponsible to make false claims about being able to treat the symptoms of these viral infections, which are very common ailments in New Zealand.

The ad also breaches Part B1 Requirement 3, as these claims are not truthful, and Requirement 4, as this advert is likely to mislead unwary members of the public who do not realise that there is no good evidence for the efficacy of homeopathy.

THERAPEUTIC PRODUCTS ADVERTISING CODE

Principle 2 - Advertisements must be truthful, balanced and not misleading. Claims must be valid and have been substantiated.

Principle 3 - Advertisements must observe a high standard of social responsibility.

Part B1 Requirement 3 – To assist consumers to make informed decisions, advertisements must contain truthful and balanced representations and claims that are valid and have been substantiated

Part B1 Requirement 4 – Advertisements must not directly nor by implication, omission, ambiguity, exaggerated claim or comparison:

- a) mislead or deceive, or be likely to mislead or deceive

RESPONSE FROM ADVERTISER, WELEDA NEW ZEALAND LIMITED

Regarding the complaint from Mark Honeychurch about the recommendations for the homoeopathic product 'Cold & Flu Drops' on the Weleda website.

- Take at the onset of cold or flu to relieve symptoms - fever, muscle ache, headache, sore throat, sneezing and runny nose.

The sections of the code raised in the ASA letter are as follows:

Therapeutic Products Advertising Code — Principle 2:

Advertisements must be truthful, balanced and not misleading. Claims must be valid and have been substantiated.

Therapeutic Products Advertising Code — Principle 3:

Advertisements must observe a high standard of social responsibility.

Therapeutic Products Advertising Code — Part B1 Requirement 3:

- *To assist consumers to make informed decisions, advertisements must contain truthful and balanced representations and claims that are valid and have been substantiated and*

- *for medicines — must be consistent with the indications included on the database of therapeutic products maintained by the Trans Tasman Therapeutic Products Agency; and for exempt therapeutic products — must be compliant with the Code.*

Therapeutic Products Advertising Code — Part B1 Requirement 4 and 4(a):

Advertisements must not directly nor by implication, omission, ambiguity, exaggerated claim or comparison:

(a) mislead or deceive, or be likely to mislead or deceive; or

Weleda Cold & Flu Drops is a registered medicine with Medsafe (TT50-8039) and is permitted to carry therapeutic claims. In relation to the complaint, the recommendations for the product on the website are consistent with the registered packaging indications which are as follows:

- Take at the onset of cold or flu to relieve symptoms - fever, muscle ache, headache, sore throat, sneezing and runny nose.

Given that the statement on the website is consistent with the registered indications, we consider that the claims do not contravene the Therapeutic Products Advertising Code. We trust that our response resolves this issue. Please do not hesitate to contact me if you have any questions