

<b>COMPLAINT NUMBER</b>	17/040
<b>COMPLAINANT</b>	R Tomes
<b>ADVERTISER</b>	Zinnor Digital Marketing
<b>ADVERTISEMENT</b>	Zinnor Digital Marketing (Fishpond)
<b>DATE OF MEETING</b>	14 March 2017
<b>OUTCOME</b>	Settled

**Advertisement:** The website Fishpond, [www.fishpond.co.nz](http://www.fishpond.co.nz), advertised a Zinnor Fashion 80 Germanium Titanium Energy Bracelet Power Therapy Pain Relief Gift, with a list of features, specifications and examples of who should wear this product.

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

**Complainant, R Tomes, said:** Additionally (to complaint 17/027), in perusing the website, I have discovered that it advertises titanium metal bracelets multiple times, in almost identical fashions, and with almost the exact same claims of conferring the same unbelievable 'magic powers'. Here is but one example:

Germanium-Titanium-Energy-Bracelet-Power-Therapy-Pain-Relief-Gift/

To quote from the advertising blurb on the bracelet page:

Features:

- Promote blood circulation, enhance metabolism.
- Prevent mental fatigue, Tranquillize the mind.
- Renew our balance and strength, promote body flexibility.
- Reduce muscle tension and increase flexibility - Injury prevention.
- Reduce fatigue and tension and thus enhance the ability to perform at optimum level.

Who should wear this product.

- If you have to use a computer or mobile phone for a long period of time.
- If you have to keep focused on your work for a long period of time.
- If your job requires you to stand or do laborious work for a long time.
- If you are a person who always has cold hands and cold feet.
- If you are weakly resistant to illnesses and catch colds easily.
- If you have a stressful life style and want to relax and regain your energy.
- If you have an irregular life style and are often sleepless."

There are clearly the same unsubstantiated health claims of the bracelet enhancing balance and strength, and flexibility; as well as strongly indicating that it can reduce injuries: "Reduce muscle tension and increase flexibility - Injury prevention". These are the same claims that the Power Balance manufacturer was forced to admit was misleading conduct in breach of s52 of the (Australian) Trade Practices Act 1974.

It should be clear now that the website engages in socially irresponsible advertising as a whole. They appear to have no regard for any truth or reality. I see this as a clear violation of the Therapeutic and Health Advertising Code, Principle 1, that the advertiser must be socially responsible.

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

**The Chair** noted the Complainant's concern the advertisement makes claims the Advertiser cannot substantiate and that similar claims have been addressed by governmental authorities previously.

The Chair referred to two precedent decisions for similar products; Complaint 13/580, which was settled and Complaint 11/699, which was upheld.

The Chair took into account that the media, in this case, [www.fishpond.co.nz](http://www.fishpond.co.nz), has now removed these products from its website.

Given the media's co-operative engagement with the process and the self-regulatory action taken removing the advertisement, 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**