

COMPLAINT NUMBER	17/170
APPEAL NUMBER	17/011
APPLICANT	M. Taylor
ADVERTISER	Bowen Therapy New Zealand
ADVERTISEMENT	Bowen Therapy New Zealand, Digital Marketing
DATE	14 August 2017
OUTCOME	Declined

SUMMARY

The Chairman of the Complaints Board ruled on 27 July 2017 the complaint made by M. Taylor about the advertisement for Bowen Therapy New Zealand was Settled.

The appeal application was considered by the Chairperson of the Appeal Board. She noted the Applicant's concern the claims on the website had not been satisfactorily amended.

The Chairperson acknowledged the concerns of the Complainant, however, disagreement with a decision was not a ground on which an appeal could be accepted and as there were no grounds on which the appeal could proceed, the application was declined.

Please note this headnote does not form part of the Decision.

CHAIRPERSON'S RULING

The Chairperson viewed the application for appeal. She noted that there were five grounds upon which an appeal was able to proceed. These were listed at Clause 6(c) of the Second Schedule of the Advertising Standards Complaints Board Complaints Procedures and were as follows:

- (i) The proper procedures have not been followed.
- (ii) There is new evidence of sufficient substance to affect the decision.
- (iii) Evidence provided to the Complaints Board has been misinterpreted to the extent that it has affected the decision.
- (iv) The decision is against the weight of evidence.
- (v) It is in the interests of natural justice that the matter be reheard.

The Chairperson of the Appeal Board noted the Complainant disagreed with the Chair's ruling to Settle the complaint as in their view, the claims had not been satisfactorily amended.

The Chairperson considered the original complaint and claims, and the subsequent amendments to the website. The Chairperson was satisfied the changes had gone far enough and noted the Advertiser has either removed or softened the claims in the advertisement so they focused on providing support or assistance rather making absolute claims. The Chairperson said there was nothing, in her view, which needed to be considered by the Complaints Board and agreed with the Chair's ruling to Settle the complaint.

Accordingly, the Chairperson ruled there were no grounds on which the appeal could proceed and the application was declined.

Chairperson's Ruling: Appeal application **Declined**

DESCRIPTION OF ADVERTISEMENT

The website for Bowen Therapy NZ, nzbowentherapy.org.nz/discover-bowen/, describes the benefits of the Bowen Therapy technique.

APPEAL APPLICATION FROM COMPLAINT M. TAYLOR

I wish to appeal the chair's ruling on complaint 17/170 under the following clauses:

- The ruling is against the weight of evidence.
- It is in the interests of natural justice that the matter be reheard.

After the advertiser's amendments, the advertisement still fails to observe a high standard of social responsibility by making misleading health claims. Of the original list of 37 ailments they claim that Bowen Therapy 'could be considered for', 30 still remain - all under the heading "What is the Bowen Technique Suitable for?" The wide variety of ailments listed has the net effect of promoting Bowen Therapy as a powerful treatment that can be used for all of these ailments, which runs contrary to the available evidence.

The list includes many conditions typically suffered by the elderly, and there are also entries specifically targeted at pregnant women and babies - in fact the accompanying photo shows a young girl presumably undergoing therapy. In light of this I believe the advertisement also breaks Rule 1c of the advertising code, in that it portrays unrealistic outcomes and preys upon vulnerable audiences. By using a child in its advertisement, and listing conditions specific to babies, the advertiser is also failing to observe a high standard of social responsibility required of it by Principle 1 of the Children and Young people's advertising code.

Some of the conditions they list may be symptoms of underlying health issues, and it is my concern that based on this large list of specific (and some non-specific) conditions, a consumer could delay medical treatment in favour of Bowen Therapy.

I would ask the board to reconsider the advertisement in its current state, and weigh the gravity of this compounding list of conditions against the available evidence for this technique's efficacy.

SUMMARY OF CHAIRMAN'S RULING

The Chair noted the Complainant's concern that the Advertiser's website contained unsubstantiated claims about the benefits of Bowen Therapy which were misleading.

The Chair acknowledged the Advertiser had made changes to the website, removing or amending references which were 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.