

| | |
|-------------------------|----------------------|
| COMPLAINT NUMBER | 19/240 |
| COMPLAINANT | M Honeychurch |
| ADVERTISER | Medico Herbs |
| ADVERTISEMENT | Medico Herbs website |
| DATE OF MEETING | 30 July 2019 |
| OUTCOME | Settled |

Advertisement: The website advertisement for Medico Herbs Sinus Relief Oral Spray said: "Natural relief for hay fever & allergies – 100% herbal anti-histamine Remedy for sinusitis, colds, sores, catarrh and many more..."

The Chair ruled the complaint was Settled.

Complainant, M Honeychurch, said: Medico Herbs' web page for their Sinus Relief Oral Spray

(https://www.medicoherbs.co.nz/shop/index.php?main_page=product_info&products_id=12) makes the following therapeutic claims about both the product and its ingredients:

"NATURAL RELIEF FOR HAY FEVER & ALLERGIES"

"Remedy for sinusitis, colds, sores, catarrh and many more"

"Fast acting, natural and effective hayfever and sinus treatment."

"traditionally used to relieve congestion and Hay Fever, loosens phlegm and aids removal of excess mucous. It is useful for most problems associated with the upper respiratory system. It stimulates white blood cells, improving the immune system, guard against infections and keeps viruses from multiplying"

"BENEFITS

Hay fever

Allergies

Colds & flu

Sinusitis

Catarrh

Tonic for Respiratory Tract

Immune booster

Fights viruses & bacteria"

"Bilberry (*Vaccinium Myrtillus*) This herb's antiviral properties make it useful for influenza. It also has anti-inflammatory and antiseptic properties. It's a natural antioxidant that prevents free radical damage."

"Cayenne (*Capsicum Frutescens*) Helps to ward off colds, sinus infection and sore throat. It's also a catalyst for other herbs. It relieves asthma by helping to clear the respiratory passages. It prevents bronchitis, acts as a decongestant for the common cold and clears excessive mucous from the lungs."

"Echinacea It is used for common colds, flu, pleurisy and other infectious illnesses. It strengthens the immune and the lymphatic system. Stimulates white blood cells and has anti-inflammatory and antiviral properties"

"Eyebright (*Euphrasia Officinalis*) Is good for allergies, itchy, runny noses and combats hay fever. It's also used for sinusitis. Eyebright is useful for problems of the mucous membranes and congestive states such as nasal catarrh and sinusitis."

"Goldenrod (Solidago Virgaurea) is used for upper respiratory catarrh, whether acute or chronic. This herb is used for hay fever, influenza, laryngitis, sinusitis and a sore throat."
"Peppermint (Mentha Piperita) Is used for fevers, colds, flu, chills, colic and headaches. It also clears respiratory passages and the sinuses. It has anti-inflammatory properties and is effective against several kinds of bacteria."

All of these claims are unsupported by evidence, and presumably Medico Herbs did not have evidence to support the claims when they made them. As such, this advert breaches Rule 2(a) of the ASA's Therapeutic and Health Advertising Code. Given the lack of evidence for these claims, the advert is misleading, therefore breaching Principle 2 of the code.

Making these kinds of claims is socially irresponsible, as the claims are likely to mislead consumers into thinking that Medico Herbs' Sinus Relief Oral Spray will help them with Hay fever, Allergies, Colds, Flu, Sinusitis, Catarrh, Viruses and bacteria. This advert therefore breaches Principle 1 of the code.

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

The Chair noted the Complainant's concerns the advertisement made unsubstantiated claims about how the Sinus Relief Oral Spray can help a range of ailments.

The Chair noted the Advertiser's co-operative engagement with the process and the self-regulatory action taken in 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**

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.