

COMPLAINT NUMBER	19/303
COMPLAINANT	J Mackie
ADVERTISER	Brand Developers Ltd
ADVERTISEMENT	Pain Erazor, Print
DATE OF MEETING	19 August 2019
OUTCOME	No Grounds to Proceed

Advertisement: The print advertisement in the New Zealand Herald for Brand Developer's Pain Erazor says in part: "Do you suffer from pain anywhere on your body? Do you want drug free pain relief? Introducing the amazing Pain Erazor! Fast, affordable & convenient. The Electro-Analgesia stimulates your natural pain response system. No pills. No drugs. No expensive therapy. Just relief from pain. Just click and it does the trick."

The Chair ruled there were no grounds for the complaint to proceed.

Complainant, J Mackie, said: I believe the advertisement of the Pain Erazor is in breach of the code in that it shows no evidence of the safety and effectiveness of the device Rule 1(b), and claims to alleviate pain from anywhere on the body - Truthful presentation Rule 2 (a) . This gadget claims therapeutic purpose of Electro -Analgesia by stimulating a natural pain response system which is un-justified and unfairly appeals to the elderly or incapacitated people and if any benefit is found from the use of the device it will likely be a result of the placebo effect.

The relevant provisions were Therapeutic and Health Advertising Code - Principle 1, Principle 2

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.

The Chair noted the Complainant's concerns the claims made about pain relief were misleading.

In considering this complaint the Chair referred to precedent decision 17/378 which dealt with a similar complaint about the same product. The full version of this decision can be found on the ASA website: <https://www.asa.co.nz/decisions/>

The Chair said the claims about Pain Erazor in the complaint before her are similar to the complaint from 17/378 which was Not Upheld by the Complaints Board.

The Chair confirmed that Pain Erazor is a Class IIa Medical Device and as per the legislation in New Zealand, it is listed on the MedSafe WAND (Web-Assisted Notification Database). The Complaints Board ruled in Decision 17/378 that the therapeutic claims made in the advertisement about the Pain Erazor device were supported by the substantiation provided by the Advertiser and consistent with the notification of the devices intended purpose on the WAND database.

The intended purpose from WAND for Pain Erazor is:

“A device to provide electrical stimuli through the body surface to stimulate nerves and muscles, and stimulate the production of endorphins, in order to provide relief of chronic and acute pain and tension and improve circulation and flexibility”

The Advertiser for Pain Erazor had provided the Complaints Board with the substantiation they hold to support the ‘Evidence of Conformity Assessment’ which is part of the requirements to list a device on the WAND. This substantiation must be kept ‘on hand’ by the Advertiser and provided to Medsafe on request. Advertisers are able to make claims in advertisements that are consistent with the WAND listed intended purpose. It is up to Medsafe to determine if this substantiation is insufficient to support the product’s intended purpose claims.

The Chair noted the precedent Decision [17/378](#) provided sufficient detail in the Advertiser’s response to substantiate the claims made in the advertisement.

The Chair ruled that the precedent decisions applied and the advertisement was not in breach of Principle 1 or Principle 2 of the Therapeutic and Health Advertising Code.

The Chair ruled there were no grounds for the complaint to proceed.

Chair’s Ruling: Complaint No Grounds to Proceed

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.