

<b>COMPLAINT NUMBER</b>	20/131
<b>COMPLAINANT</b>	Society for Science Based Healthcare
<b>ADVERTISER</b>	BioMedz
<b>ADVERTISEMENT</b>	BioMedz Website
<b>DATE OF MEETING</b>	8 April 2020
<b>OUTCOME</b>	Settled Advertisement removed

**Advertisement:** The advertisement on the BioMedz website, [www.biomedz.com](http://www.biomedz.com) promotes their product Phytochol. The advertisement shows an image of the product and makes claims including the reduction of excessive fat and cholesterol and relief from rheumatic pain and arthritis.

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

**Complaint:** BioMedz is a Hamilton based company, as can be seen from their contact page (<https://www.biomedz.com/contact>). Their advertisement for Phytochol (<https://www.biomedz.com/product-page/phytochol-1>) makes therapeutic claims about the product in its sidebar:

"Assists with:

Phytochol: as well as reducing excessive fat and cholesterol, it also relieves rheumatic pain and arthritis"

Although the claims are prefixed by "Assists with", the text that follows contains more definite claims about the product - that it can relieve both rheumatic pain and arthritis.

These claims breach the ASA's Therapeutic and Health Advertising Code Rule 2(a), as they have not been substantiated, and appear to be inaccurate. The claims also breach Principle 2 of the code, as they are likely to mislead consumers into thinking that Phytochol can help treat their rheumatic pain or arthritis.

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

## **THERAPEUTIC AND HEALTH ADVERTISING CODE**

**Principle 2: Truthful Presentation:** 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.

**Rule 2 (a) Truthful presentation:** Advertisements shall be accurate. Statements and claims shall be valid and shall be able to be substantiated. Substantiation should exist prior to a claim being made. For medicines and medical devices, therapeutic claims must be consistent with the approved indication(s) (for medicines) or the listed intended purpose (for medical devices).

**The Chair** noted the Complainant's concerns the website advertisement made claims that were not substantiated and appeared to be misleading.

**The Advertiser, Bio-Medicines said in part;** "The product PHYTOCHOL has been REMOVED from my website. TAPS check our advertising. I've asked them today to check our website again for compliance. I try in all aspects to stay well within the law, sorry something slipped through."

The Chair acknowledged the Advertiser had removed the advertisement after receiving the complaint.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in removing the advertisement, the Chair said it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.