

COMPLAINT NUMBER	20/111
ADVERTISER	Bay Health Clinic
ADVERTISEMENT	Bay Health Clinic, Website
DATE OF MEETING	14 April 2020
OUTCOME	Settled – Advertisement Amended

Advertisement: The Bay Health Clinic digital marketing advertisement promotes their website by providing a personal article on the "Prostate Cancer Test and Natural Help". The advertisement on their website details information about being able to prevent cancer followed by contact details for the business.

The Chair ruled there were no grounds for the complaint was Settled.

Complaint: Bay Health Clinic is making claims about preventing cancer on their website that go against science. They are likely in breach of Therapeutic and Health Advertising Code, Principle 2, Rule 2 (b) Truthful presentation.

Their "Prostate Cancer Test and Natural Help" page is making these claims (<https://www.baynaturopath.co.nz/?pageid=110952>):

"Natural interventions are used by naturopaths ... decrease the risk of the progression of cancer and the symptoms... Saw palmetto has been used traditionally now research indicates it may inhibit the development of prostate cancer cell. Curcumin is a component of another herb Turmeric, which can help kill cancer cells and help prevent cancer cells from growing. Nutrition and diet are important to help decrease the risk of prostate cancer occurring or increasing. Zinc has been shown to help protect the prostate cells and decrease the spread of prostate cancer cells...

Selenium is another mineral that is low in many soils in New Zealand, it has also been found to help protect against cancer...

Naturopaths frequently recommend increasing in fish in your diet. The omega 3 fatty acids found in fish oils and as supplement appear to be especially helpful to slow or prevent reoccurrence of prostate cancer."

The scientific evidence shows saw palmetto results to be mixed, and more testing needs to be done.

For example, a cohort study of 35,171 people showed no improvement for prostate cancer: <https://www.ncbi.nlm.nih.gov/pubmed/16965237>

The evidence for Zinc shows it doesn't help with prostate cancer.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1481516/>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5100936/>

A Cochrane review concludes there is no evidence that Selenium helps with cancer.

<https://www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD005195.pub4/full>

A systematic review shows omega 3 doesn't help with prostate cancer.

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5736071/>

Advertiser, Bay Health Clinic, response in part:

"The article was written some years ago. We do not have time to put forward any counter argument at this stage. The test mentioned is not one we currently offer in the clinic. I have therefore removed the article completely.

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

Principle 1: Social Responsibility: 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: 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 concern the advertisement was making unsubstantiated claims about preventing cancer which could be misleading

The Chair acknowledged the Advertiser had removed the article in question after receiving the complaint.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in removing the claim from the website, 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 – advertisement amended**

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 calendar days of receipt of this decision.