

COMPLAINT NUMBER	20/124
ADVERTISER	Nutrient Rescue
ADVERTISEMENT	Nutrient Rescue, Facebook
DATE OF MEETING	16 April 2020
OUTCOME	Settled Advertisement removed

Advertisement: The Nutrient Rescue sponsored Facebook advertisement promotes their Double Shots product. The advertisement is headed “Incredible Immunity Testimonial”. The testimonial is from a customer and refers to immunity and resilience. The advertisement includes the Advertiser’s website URL.

The Chair ruled the complaint was settled.

Complaint: This ad was on my Facebook and makes false claims

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

THERAPEUTIC AND HEALTH ADVERTISING CODE

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.

Rule 1 (b) Safety and effectiveness: Advertisements shall not contain any claim, statement or implication that the products, devices or services advertised:

- are safe or that their use cannot cause harm or that they have no side effects or risks.
- are effective in all cases
- are infallible, unfailing, magical, miraculous, or that it is a certain, guaranteed or sure cure
- are likely to lead persons to believe that;
 - they are suffering from a serious ailment, or
 - harmful consequences may result from the therapeutic or health product, device or service not being used.

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).

Rule 2 (f) Testimonials and healthcare professional endorsements: Patient testimonials and healthcare professional endorsements in advertisements, where not prohibited by law, shall comply with the Code, be authenticated and genuine, current, and typical and acknowledge any valuable consideration. Exceptional cases shall be represented as such.

The Chair noted the Complainant's concerns the sponsored Facebook advertisement made misleading claims.

The Advertiser, Nutrient Rescue said in part; "We were unaware that the ad contravened any ASA rules. A delighted customer wrote a review of our product and we shared it as a testimonial. When we received your correspondence we immediately withdrew the advertisement and we can undertake not to run it again."

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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.