

COMPLAINT NUMBER	20/167
ADVERTISER	Ooooby NZ Ltd
ADVERTISEMENT	Ooooby, Addressed Mail
DATE OF MEETING	6 May 2020
OUTCOME	Settled – Advertisement Removed

Advertisement: The Ooooby email advertisement quoted a developmental biologist, Dr Bruce Lipton, who discussed Covid 19 and included the claims; “the most dangerous part of COVID-19 is fear” and that organic food can fight COVID-19.

The Chair ruled the complaint was Settled.

Complaint: This advertiser is using false claims to promote their services, and violating the Advertising Therapeutic and Health Products or Services Guidelines. Specifically, this part- "Other products and services may make health benefit claims in advertisements only if such claims can be substantiated by the advertiser. Advertisements for products or services that make health benefit claims should not include references to COVID19 or imply references to COVID-19."

They cite a "Dr. Lipton from Standford" saying that the most dangerous part of COVID-19 is fear, and that organic food can fight the disease.

These are dangerous untruths.

Dr. Lipton is a widely discredited researcher who is not associated with Standford (or "Standford"), whose theories include that positive thinking can cure disease and that the function of cells proves the existence of god.

There is zero evidence that organic food can fight COVID-19 and Ooooby should not be allowed to use this kind of marketing in selling its services.

Advertiser, **Ooooby NZ Ltd, said:** “As discussed via email on April 30, 2020. Ooooby NZ Limited would like to **settle complaint 20/167**.”

This is in regard to the code “Therapeutic and Health Advertising Code – Principle 1, Principle 2 and Rule 2(a) “.

I hereby **confirm** on behalf of Ooooby NZ Limited that the email in question sent on Sat, Apr 25, 2020 3:57 PM NZST was only sent once to prospective customers on an opt-in waiting list and **will not be sent again**.

Furthermore, I confirm Ooooby will not make similar claims (as described in complaint 20/167) or make reference to such claims, or use similar wording in any future advertisements.”

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 concerns the advertisement made unsubstantiated therapeutic claims which could be misleading.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in assuring the advertisement will not be used again, 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 – advertisement removed**

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.