

COMPLAINT NUMBER	20/281
ADVERTISER	Marshall's Health & Natural Therapy
ADVERTISEMENT	Marshall's Health & Natural Therapy, Print
DATE OF MEETING	6 August 2020
OUTCOME	Settled – advertisement removed

Advertisement: The Marshall's Health & Natural Therapy advertisement which appeared in The Press newspaper promotes its Ultimate Herbal Detox Kits as well as a seminar. The advertisement is headed "CLEANSED AND CURED LEARN THE ULTIMATE HEALTH SECRET. " The detox kit is said to help with "constipation, acid reflux, bloating, ulcers, high blood pressure, abdominal weight gain, high blood sugar, eczema, psoriasis and other skin complaints, cancer and poor health." The seminar's title is "Understanding the causes & solutions for most common health problems".

The Chair ruled the complaint was Settled.

Complaint: This advertisement clearly uses the term "Cured" in it's headline. For a non-registered product, which is not an approved medicine in New Zealand, this is a blatant and egregious breach of the regulations governing these products.

I, with respect, earnestly request that the advertiser be required to cease all use of this advertisement, and, as the breach is so clear and must have been understood by the advertiser, I beseech you to fine the advertiser a significant amount, This sort of abuse of our regulations cannot be tolerated and a strong message needs to be sent to all marketers of complimentary therapeutics about this blatant level of abuse.

Response from Advertiser, Marshall's Health & Natural Therapy: I agree not to run the advert: "CLEANSED & CURED" again in the Press or any other advertising medium in its present form. I will contact my advertising representative today & make sure there are no online versions available.

I strive to only offer accurate & beneficial information to the public. After re-reading the advertisement I can see it does not comply with the requirements in its present form & can be easily misinterpreted. Some of this happened unfortunately due to space requirements in the advert. The original information I sent to the Press had a photo of the book "Cleansed & Cured" & refereed to this also.

I think it important however in the natural health field to help people understand there are more natural ways to support good health rather than in many cases just covering up the symptoms with medications. The human body has an amazing ability to heal itself with the right support. I will endeavor to try & convey this within the requirements in the future.

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

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).

The Chair noted the Complainant's concerns the print advertisement makes unsubstantiated therapeutic claims about the product "curing" health conditions.

Procedural matter

The Chair noted the Complainant requested the Advertiser be fined to support compliance. The Chair confirmed the Advertising Standards Authority is a self-regulatory organisation and does not fine advertisers. Advertisers are requested to amend or remove advertising that may breach the Codes, to support responsible advertising.

Ruling

The Chair accepted the complaint to go before the Complaints Board for adjudication on a possible breach of the Therapeutic and Health Advertising Code. As part of the self-regulatory process, Advertisers have the option of amending their advertising to comply with the Advertising Codes.

The Advertiser reviewed the advertising subject to complaint and agreed to remove the advertisement and not use it again in its current form.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in removing the advertisement, 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: Complaints **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.