

<b>COMPLAINT NUMBER</b>	20/297
<b>ADVERTISER</b>	KawaCure
<b>ADVERTISEMENT</b>	KawaCure Website
<b>DATE OF MEETING</b>	13 August 2020
<b>OUTCOME</b>	Settled – advertisement amended

**Advertisement:** The KawaCure website advertisement promotes their Kūmarahou chest rub which is an alternative topical application product. The advertisement claims to be "used as a remedy for respiratory tract problems such as asthma and bronchitis, although it can also be used to treat indigestion, heartburn and kidney problems."

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

**Complaint:** Kawacure is making claims on their website that go against scientific evidence. They are likely in breach of Therapeutic and Health Advertising Code, Principle 2, Rule 2 (b) Truthful presentation.

On their " Kūmarahou Chest Rub" product page (<https://kawacure.co.nz/product/kawacure--chest-rub>):

" Kūmarahou marahou is most commonly used as a remedy for respiratory tract problems such as asthma and bronchitis, although it can also be used to treat indigestion, heartburn and kidney problems."

Very little scientific evidence has been done to say Kūmarahou has any clinical effect on the conditions mentioned.

**The relevant provisions were Therapeutic and Health Advertising Code - Principle 1, 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.

**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:** Gambling advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

**The Chair** noted the Complainant's concerns the website advertisement is making unsubstantiated therapeutic claims which could be misleading.

The Chair accepted the complaint to go before the Complaints Board for adjudication as to whether the advertising breached 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 website content subject to complaint and amended the statements to support compliance with the Therapeutic and Health Advertising Code.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in amending 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:** 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.