

<b>COMPLAINT NUMBER</b>	20/528
<b>ADVERTISER</b>	Sleep and Wellness Centre
<b>ADVERTISEMENT</b>	Sleep and Wellness Centre website
<b>DATE OF MEETING</b>	28 October 2020
<b>OUTCOME</b>	Settled

**Advertisement:** The Sleep and Wellness Centre digital marketing advertisement promotes their Far Infrared Therapy where various health and therapeutic claims are made.

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

**Complaint:** The Sleep and Wellness Centre’s advert for their Far Infrared Therapy "SleepPods"

(<https://www.sleepandwellnesscentre.co.nz/our-services/far-infrared-therapy-what-is-it-andwhat-does-it-do/>) makes the following therapeutic claims:

"there are many health benefits associated with infrared therapy"

"Infrared therapy helps people recover from exercise, injury and alleviates pain conditions. It has also been shown in scientific studies to assist in the following ways:

Increase skin blood flow and encourage healthy skin

Help to heal wounds myofibroblasts and collagen content increased

Increased angiogenesis

Decreased cancer cells which have low levels of HSP70

Decreases oxidative stress-induced cell damage

Reduce inflammation and swelling

Decreases post radiation effects on healthy cells and promotes cell repair

Increases cardiovascular function

Decreases neuropathy symptoms

People with Diabetes type 2 showed improved physical health, general health, social functioning indices, and visual analogue scales measurement for stress and fatigue showed improvement in all subjects

Rheumatoid Arthritis and Ankylosing spondylitis sufferers showed reduction in pain, stiffness and fatigue during therapy

Persons struggling with Allergic rhinitis (hayfever) having eye itching, nasal itching, nasal stuffiness, runny nose and sneezing all significantly improved. Smell impairment improved after last treatment

Improved access flow and potency of arteriovenous fistula seen in Haemodialysis patients.

And when used over 1 year, they had a lower incidence of AVF malfunction

Reduced symptoms of exercise-induced muscle damage in athletes after races

New mothers showed Increased breast milk production

Decreases in females with long standing period pain

Decreased cellulite seen with repeated treatments

Long term effects seen in tissue healing, inflammation and pain."

"Daily sessions for acute flare-ups for allergies, infections, or pain

Daily Post-surgery sessions for 1 week

Post-radiation sessions after and before radiation treatment

Oncology support during treatment 2-3 times a week

Lymphatic drainage/circulation support twice a week

Detoxification once weekly

Fibromyalgia/Chronic fatigue/Neuropathy 2-3 times a week"

The Centre's custom-built SleepPods appear not to have been tested for their efficacy in relation to any of the claims being made. These include some pretty fantastical claims that this simple device can help with a whole host of disparate, unrelated conditions - apparently, through its infrared therapy, it can "decrease cancer cells", "reduce inflammation and swelling", "decrease post radiation effects", "increase cardiovascular function", "decrease neuropathy symptoms", "increase breast milk production" and help with type 2 diabetes, arthritis, hayfever, allergies, period pain, healing, inflammation, infection and pain.

As such, these claims are in breach of the ASA's Therapeutic and Health Advertising Code Rule

2(a). The claim that the SleepPods are capable of helping with cancer, diabetes, arthritis and other serious conditions is not backed up with any kind of evidence that the pods have been tested and shown to actually have the listed therapeutic effects. The claims are therefore likely to be misleading to the public, and likely to leave the average consumer thinking that paying money to spend time inside a SleepPod will help with their medical conditions - breaching

Principle 2 of the code. Finally, making claims about serious conditions like cancer is extremely socially irresponsible, breaching Principle 1 of the code.

Finally, I'm skeptical that the testimonial from Lady Gaga is "genuine, current, and typical" (Rule 2(f)), rather than just taken from an Instagram post made by a celebrity who is known to be a major social media "influencer".

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

**The Chair** noted the Complainant's concerns the advertisement contained therapeutic claims that were misleading. The Chair acknowledged the Advertiser had made changes to the website, after receiving the complaint, removing references which were of concern.

Given the Advertiser's cooperative 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**

#### **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.