



ADVERTISING STANDARDS AUTHORITY

COMPLAINT NUMBER	16/070
COMPLAINANT	G. Simons
ADVERTISER	Niagara Healthcare NZ
ADVERTISEMENT	Niagara Healthcare Direct Mail
DATE OF MEETING	14 March 2016
OUTCOME	Settled

Advertisement: The direct mail advertisement for Niagara Healthcare stated its treatment for various ailments had been “Medically proven for 60 years.”

Complainant, G. Simons, said: “The statement 'Medically proven for 60 years' is simply not true.”

The relevant provisions were Principle 2 and 3 of the Therapeutic Products Advertising Code.

The Acting Chair ruled the matter was settled.

The Advertiser, Niagara Healthcare, said: “We refer to your letter ...in respect of the above complaint by G. Simons.

We recognise that concerns have been raised in the past in New Zealand with respect to the ‘medically proven’ language. The relevant mailers were distributed inadvertently, and will no longer be used. We will also amend the mailer by removing the phrase ‘medically proven for 60 years’ and inserting the words ‘medically researched since 1955’. We have previously provided the ASA with copies of the following articles substantiating that statement:

1. S. Gandevia and OJ McCloskey. Changes in the Pattern of Breathing Caused by Chest Vibration, *Respiration Physiology*. 1976; 26: 168-171.
2. A.L. Blanch and M.J. Delfano. Effect of Chest Vibration in Pulmonary Emphysema, *Annals of Allergy*. January 1968; 26.
3. W Bierman. Influence of Cycloid Vibration Massage on Trunk Flexion. *American Journal of Physical Medicine*. December 1960; 39(6).
4. J. Atha and D. Wheatley. Joint Mobility Changes Due to CVT and Stretching Exercise. *British Journal of Sports Medicine*. March 1976; 10(1).
5. W Bierman. The Influence of CVT on Muscle Spasm. Read at the 33rd Session of the American Congress of Physical Medicine and Rehabilitation, Detroit, 2 September, 1955.
6. H. Williams, B. Drury, and W Bierman. Influence of CVT of Physical Activity. *Journal of the Association of Physical Medicine and Mental Rehabilitation*. 1961; 152: 41-45.
7. W Bierman. Influence of CVT on Temperature and on the Clearance of Radioactive Serum in Human Subjects. Read at the 33rd Annual Session of the American

Congress of Physical Medicines and Rehabilitation. Detroit, 2 September, 1955.
Published in the Archives of Physical Medicine and Rehabilitation; December 1956.

We trust this amendment will satisfy any concerns the ASA may have.”

The Chair noted the explanation from the Advertiser that the mailers had been sent out inadvertently. She also noted the Advertiser would replace the statement with “medically researched since 1955,” a claim the Advertiser had substantiated in a previous complaint.

Noting the self-regulatory action taken by the Advertiser, the Acting Chair said it would serve no further purpose to place the matter before the Complaints Board.

Chair’s Ruling: Complaint **Settled**