

COMPLAINT NUMBER	16/107
COMPLAINANT	M. Hanna
ADVERTISER	Homeopathy Centre Christchurch
ADVERTISEMENT	Homeopathy Centre Christchurch Website
DATE OF MEETING	26 July 2016
OUTCOME	Upheld

SUMMARY

The Homeopathic Centre Christchurch website (<http://homeopathycentre.co.nz/>) promoted the benefits of its homeopathy service and referred to restoring the “life force” and listed conditions it said it could help with.

The Complainant said the advertisement contained unsubstantiated therapeutic claims about homeopathy.

The Complaints Board said as no substantiation had been provided to support the claims made in the advertisement and there was no engagement with the self-regulatory process on behalf of the Advertiser, the advertisement was in breach of the Therapeutic Services Advertising Code and the Complaints Board ruled the complaint was Upheld.

[Advertisement to be removed]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the advertisement with reference to Principles 2 and 3 and Guidelines 3(a) and 3(b) of the Therapeutic Services Advertising Code.

This required the Complaints Board to consider whether the advertisement, by implication, omission, ambiguity or exaggerated claim was likely to mislead or deceive consumers, abused the trust of or exploited the lack of knowledge of consumers, exploited the superstitious or without justifiable reason played on fear. Claims are required to be factual and able to be proven and advertisements should not have depictions which unduly glamorise the service or portray unrealistic outcomes.

The Complaints Board also noted that advertisements should observe a high standard of social responsibility particularly as consumers rely on therapeutic services for their health and well-being.

The Complaints Board ruled the complaint was Not Upheld.

The Complainant said the advertisement contained unsubstantiated therapeutic claims about the benefits of homeopathy in the treatment of a variety of conditions and raised concerns about the references to the existence of a “life force” and its role in illness, which they said exploited a consumer’s lack of knowledge and the superstitious.

The Complaints Board noted the Advertiser chose not to put forward a response to the complaint.

The Complaints Board turned to consider whether the advertisement was likely to mislead consumers. It said as no substantiation had been provided to support the claims, particularly around the specific conditions identified, the advertisement was likely to mislead. The Complaints Board said while there were parts of the advertisement which included strong claims that required robust substantiation, some aspects of the advertisement contained basic information about the practice of homeopathy and were positioned as belief based statements.

However, as the Advertiser had declined to engage the self-regulatory process regarding the complaint before it, the Complaints Board said due to a lack of substantiation provided, the advertisement was in breach of the Principles 2 and 3 and Guidelines 3(a) and 3(b) of the Therapeutic Services Advertising Code.

The Complaints Board ruled the complaint had not been prepared with a high standard of social responsibility to consumers and society and the complaint was Upheld.

DESCRIPTION OF ADVERTISEMENT

The Homeopathic Centre Christchurch website (<http://homeopathycentre.co.nz/>) promoted the benefits of its homeopathy service and referred to restoring the “life force”. The advertisement listed some of the conditions it said it could help with, including:

“Bladder infection
Flu/cold/sore throat/sinus
ear infection
strep throat
Any minor injuries”.

COMPLAINT FROM M. HANNA

I've included my updated complaint at the bottom of this email. I've restricted it to just four pages on the Homeopathy Centre website, and have left in the commentary around past precedent and evidence mostly unedited from the original complaint. I hope it's specific enough now, but please let me know if it needs to be reduced any further or if there's anything more that I can do to help.

In getting the Homeopathy Centre to comply with the previous decision, it may be useful to get in touch with the [NZ Council of Homeopaths](#). The Homeopathy Centre website notes that Elisabeth Fink has "been a member of the NZ Council of Homeopaths since 1987". As I mentioned in my complaint, the Council's [Rules of Practice](#) document (part 24) notes that any advertising from members must comply with the ASA's codes.

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In May 2015, complaint 15/137 (http://old.asa.co.nz/display.php?ascb_number=15137) was upheld against Homeopathy Centre. The complaint regarded both an advertorial in the Christchurch Mail and content on the Homeopathy Centre website.

The Homeopathy Centre has still not complied with the decision to uphold this complaint by amending the misleading information on their website. However, they did remove some misleading content from their website in response to a more recent complaint (<http://www.asa.co.nz/backend/documents/2016/03/01/16045.pdf>) I hope they will now be prepared to amend the remainder of their website.

In order to assist this process, I have produced this more restricted version of complaint 15/137 which focuses on four pages on their website.

As I described in the original complaint, the unsubstantiated therapeutic claims in these advertisements violate Principle 3 and Guidelines 3(a) and 3(b) of the Therapeutic Services Advertising Code. As a result of these violations, the advertisements also fall far short of the high standard of social responsibility required by Principle 2 of the code.

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Homepage (<http://homeopathycentre.co.nz/>)

"We are a team of professional Homeopaths, working together to provide effective and affordable health care in a friendly caring environment"

"No matter what state of health you are in; you can improve it!"

"Our website will show you what is possible with Homeopathic treatment. You can find out how Homeopathy can offer a solution for your particular health problem, and improve your general health and wellbeing."

"We help each other to solve complex cases, so that we can achieve the best possible outcomes for our clients. We are continuously inspired and encouraged by the results we can achieve with Homeopathy."

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About Homeopathy (<http://homeopathycentre.co.nz/home/homeopathy-christchurch-3/>)

"Homeopathy was discovered in the late 18th century, by the German physician and researcher, Dr. Samuel Hahnemann. He discovered, that all illnesses, regardless of the cause, are a disturbance in the "vital force" of the patient. This energetic or vibrational quality of the body's "life force" is also recognised in Traditional Chinese Medicine, where it is known as "Chi"."

As well as making misleading claims about the existence of "life force" and its role in illness, this statement and others on the page violate Principle 3 of the Therapeutic Services Advertising Code by exploiting consumers' lack of knowledge and, in the case of consumers that believe in "life force", "vital force", or "chi", exploiting the superstitious. They also violate Principle 4 of the code by using scientific technology in an inappropriate and inaccurate manner.

"Hahnemann and his fellow physicians, demonstrated, that most chronic and acute illnesses could be cured by restoring the "vital force" of the patient. The healing is done by the body's inherent ability to repair and heal its self."

"In order to restore the energy forces in the patient, Hahnemann gave diluted and potentised medicines which were precisely matched to the patients symptoms. He prescribed potentised micro dilutions from plant, mineral and animal sources."

"The efficacy of potentised homeopathic medicine is frequently questioned by sceptics and scientists, who analyse Homeopathy with biochemical measurements. More recent research has shown the existence of nanoparticles, in diluted homeopathic medicines, capable of producing a biological response."

"The best results are achieved when a qualified, Homeopath is able to skilfully match the symptoms of the patient with the symptom picture of a proven Homeopathic medicine."

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What can be treated? (<http://homeopathycentre.co.nz/what-can-be-treated/>)

"Homeopathy can be used alongside other treatments, to strengthen the body's vitality."

"Homeopathic medicines can help to alleviate side effects from radiation or chemotherapy."

"Chronic pain, chronic fatigue or any illness which do not have a name or specific causation, can be helped with Homeopathy, by stimulating bodies own healing mechanism."

"What can I expect from Homeopathy?"

You experience an increase in energy shortly after taking the medicine, which means the body's immune system has been activated and the healing process is starting. The medicine may be repeated several times a day, depending on the severity of the condition."

"Long term conditions require a number of appointments over a period of a few months. After you have taken the homeopathic medicine, the body starts its own healing journey. This process does require a time frame, which depends on the severity and complexity of the current illness, as well as past illnesses and family history."

"Successful homeopathic treatment usually requires monthly appointments over a 3-6 month period, where the different layers of the illness are being addressed. As a result you will experience a renewed sense of well being and optimism while the physical and emotional/mental symptoms reduce gradually and long term."

"Some symptoms may return after a period of time, especially during times of stressful events in your life. Repetition of the medicine usually helps to restore a health equilibrium within a few days."

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Appointments (<http://homeopathycentre.co.nz/appointments/>)

"A Homeopath can see you today

If you suffer from any acute condition such as:

Bladder infection

Flu/cold/sore throat/sinus

ear infection

strep throat

Any minor injuries"

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On March 11 2015, Australia's National Health and Medical Research Council (NHMRC) published their final statement on homeopathy (https://www.nhmrc.gov.au/files/nhmrc/publications/attachments/cam02_nhmrc_statement_homeopathy.pdf) following an extraordinarily rigorous and extensive review of the literature. Their conclusion was as follows:

"Based on the assessment of the evidence of effectiveness of homeopathy, NHMRC concludes that there are no health conditions for which there is reliable evidence that homeopathy is effective."

Similar reports in the past have had similar findings, such as the UK House of Commons' evidence check on homeopathy (<http://www.publications.parliament.uk/pa/cm200910/cmselect/cmsctech/45/45.pdf>) which concluded that "homeopathy is a placebo treatment". This is also consistent with the implausible bases of homeopathy: that diluting ingredients to a greater degree increases their effect, and that giving a sick person a substance that would cause their symptoms in a healthy person will make them better.

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Three complaints against advertisements from this advertiser have been upheld in the past on the basis that they made unsubstantiated therapeutic claims:

10/532

11/522

15/137

Many other complaints have also been upheld or settled in the past few years regarding misleading therapeutic claims made regarding homeopathic products (or, in a few cases, products claimed to be homeopathic) and the services of homeopaths:

11/445

12/035

12/091

12/371

13/036

13/505

13/566

14/010

14/015

14/112

14/205

14/266

14/269

14/297

14/360

14/381

14/457

14/464

14/491

While the New Zealand Council of Homeopaths does have a section on advertising in their Rules of Practice document (<http://www.homeopathy.co.nz/assets/pdf/public/nzch-rules-of->

[practice-and-code-of-ethics-august-2010.pdf](#)), these guidelines have nothing to say about which therapeutic claims can and cannot be made in advertisements except to say that advertisements must abide by New Zealand law and the ASA's codes.

As concluded by the NHMRC and other reports, there are no health conditions for which there is reliable evidence that homeopathy is effective. Yet many New Zealand homeopaths still claim in advertisements that they are able to effectively treat certain health conditions with homeopathy. In order to decrease the amount of misinformation regarding homeopathy in advertising without requiring an excessive number of further complaints, an advertising guideline similar to TAPS Guideline 41 regarding the claims that can and cannot be made regarding the effects of homeopathy would be a useful addition to existing advertising regulations.

THERAPEUTIC SERVICES ADVERTISING CODE

Principle 2 - Advertisements should observe a high standard of social responsibility particularly as consumers rely on therapeutic services for their health and well-being.

Principle 3 - Advertisements should not by implication, omission, ambiguity or exaggerated claim mislead or deceive or be likely to mislead or deceive consumers, abuse the trust of or exploit the lack of knowledge of consumers, exploit the superstitious or without justifiable reason play on fear.

Guideline 3(a) - Therapeutic claims should be factual and able to be proved.

Guideline 3(b) – Advertisements should not have depictions which unduly glamorise the service or portray unrealistic outcomes.

RESPONSE FROM ADVERTISER, HOMEOPATHY CENTRE CHRISTCHURCH

No thank you, I don't wish to respond