

<b>COMPLAINT NUMBER</b>	19/022
<b>COMPLAINANT</b>	D Ryan
<b>ADVERTISER</b>	Float Well
<b>ADVERTISEMENT</b>	Float Well, Out of Home
<b>DATE OF MEETING</b>	12 March 2019
<b>OUTCOME</b>	Upheld in Part

## **SUMMARY**

The Float Well brochure promotes Wellington's largest float tank centre and says floating can help with: Stress Relief, Pain Management, Mental Health, Sports performance, Muscle recovery, Pregnancy, Creativity and learning, Magnesium absorption.

The Complainant is concerned the advertisement is making broad therapeutic claims which are not supported by evidence.

The Advertiser provided links to a range of studies to support the claims made in the advertisement.

The Complaints Board ruled that six of the eight benefits referred to by the Complainant were not making therapeutic claims and were therefore not in breach of Principle 2 or Rule 2(a) of the Therapeutic and Health Advertising Code.

The Complaints Board said the claims that floating could help with pain management and magnesium absorption were therapeutic claims.

The Complaints Board said the information provided by the Advertiser had not met the required level of substantiation for the therapeutic claims made and they were in breach of Principle 2 and Rule 2(a) of the Therapeutic and Health Advertising Code.

The Complaints Board ruled the complaint was Upheld in Part.

### **[Advertisement to be removed]**

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

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## **COMPLAINTS BOARD DECISION**

The Chair directed the Complaints Board to consider the complaint with reference to Principle 2 and Rule 2 (a) of the Therapeutic and Health Advertising Code.

Principle 2 required the Complaints Board to consider whether the advertisement was truthful, balanced, misleading or likely to mislead, deceive or confuse consumers, abuse their trust, exploit their lack of knowledge or without justifiable reason, play on fear, whether by implication, omission, ambiguity, exaggerated or unrealistic claim or hyperbole.

Rule 2(a) required the Complaints Board to consider whether statements and claims being made are valid and able to be substantiated. Substantiation should exist prior to a claim being made and any therapeutic claims must be consistent with the listed intended purpose for medical devices.

### **The Complaints Board ruled the complaint was Upheld in Part.**

#### **The Complaint**

The Complainant is concerned the advertisement is making broad therapeutic claims which are not supported by evidence.

#### **The Advertiser's Response**

The Advertiser provided links to a range of studies to support the claims made in the advertisement.

#### **The Complaints Board Discussion**

##### *Consumer Takeout*

The Complaints Board agreed the likely consumer takeout of the advertisement was that the flotation service on offer could help with the listed issues.

##### *Is the advertisement making therapeutic claims?*

The Complaints Board began by considering the definition of a Therapeutic Purpose. It noted the Therapeutic and Health Advertising Code uses the same definition for a Therapeutic Purpose as the Medicines Act. That is;

- (a) preventing, diagnosing, monitoring, alleviating, treating, curing, or compensating for, a disease, ailment, defect, or injury; or
- (b) influencing, inhibiting, or modifying a physiological process; or
- (c) testing the susceptibility of persons to a disease or ailment; or
- (d) influencing, controlling, or preventing conception; or
- (e) testing for pregnancy; or
- (f) investigating, replacing, or modifying parts of the human anatomy.

The Complaints Board considered each of the eight claims made in the advertisement against this definition.

Float to help with stress relief: The Complaints Board ruled that a claim to help relieve stress is not a therapeutic claim. The Complaints Board agreed that stress is not considered a disease, ailment, defect, or injury and therefore is not being treated by floating.

Float to help with mental health: The Complaints Board said that mental health is not a disease, ailment, defect or injury, whilst mental disorders such as depression are. Therefore, the Complaints Board ruled that helping with mental health is not a therapeutic claim.

Float to help with sports performance: The Complaints Board said that sports performance is not a disease, ailment, defect or injury. The claim doesn't say anything more specific about anything special or unique about the action of Float Well on the body that might have some influence on a physiological process that may affect sports performance. The Complaints Board agreed that helping with sports performance is not a therapeutic claim.

Float to help with muscle recovery: The Complaints Board said that muscle recovery is not a disease, ailment, defect or injury. The Complaints Board said helping with muscle recovery is not a therapeutic claim.

Float to help with pregnancy: The Complaints Board agreed that pregnancy is not a disease, ailment, defect or injury and there is no claim made to influence, control or prevent conception. The Complaints Board said a claim to help with pregnancy is not a therapeutic claim.

Float to help with creativity and learning: The Complaints Board agreed that to offer help with creativity and learning is not a therapeutic claim.

In summary, the Complaints Board ruled that six of the eight benefits quoted in the advertisement were not making therapeutic claims and were therefore not in breach of Principle 2 or Rule 2(a) of the Therapeutic and Health Advertising Code.

However, the Complaints Board said there were two claims it considered met the therapeutic purpose definition:

Float to help with pain management: The Complaints Board said that pain is a term that could apply to a broad range of diseases, ailments, defects or injuries. Given this, a claim to help manage pain is a therapeutic claim.

Float to help with magnesium absorption: The Complaints Board said that saying floating can help to absorb magnesium is a therapeutic claim. The Board agreed the claim fits the definition of 'influencing, inhibiting, or modifying a physiological process'.

*Has the Advertiser provided substantiation for the Therapeutic Claims made?*

The Complaints Board accepted that the claims were fairly low-level claims, but they still required substantiation.

The Complaints Board noted the Advertiser provided three pieces of substantiation in relation to the therapeutic claim of helping with pain management. It said the evidence was specific to muscle tension pain, pain from fibromyalgia and stress-related pain. The Complaints Board agreed the claim in the advertisement is much broader than the substantiation supported and therefore the claim was not substantiated.

The Complaints Board noted the Advertiser had not provided any substantiation to support the therapeutic claim "float to help with magnesium absorption."

The Complaints Board said the information provided by the Advertiser had not met the required level of substantiation for the claims made, resulting in a breach of Principle 2 and Rule 2(a) of the Therapeutic and Health Advertising Code.

Therefore, the Complaints Board ruled the complaint was Upheld in Part. The advertisement is to be removed.

## **DESCRIPTION OF ADVERTISEMENT**

The Float Well brochure promotes Wellington's largest float tank centre and states it can help with: Stress Relief, Pain Management, Mental Health, Sports performance, Muscle recovery, Pregnancy, Creativity and learning, Magnesium absorption.

## **COMPLAINT FROM D RYAN**

Float Well breaks Therapeutic and Health Advertising Code, principle 2, Rule 2(a). Their leaflet says:

"Float to help with -Stress relief ... -Pain management -Mental health -Sports performance -Muscle recovery ... -Pregnancy -Creativity and learning -Magnesium absorption"

Float Well breaks Therapeutic and Health Advertising Code, principle 2, Rule 2(a) by the list therapeutic claims they are making on their brochure. They claim their floating helps "stress relief", "pain management", "mental health", "sports performance", "muscle recovery", general "pregnancy", "creativity and learning", and "magnesium absorption".

Even if there was evidence that it helped with some of these, they make quite broad claims, they are not specific enough. For example, people could take helping "mental health" to help with schizophrenia.

## CODES OF PRACTICE

### THERAPEUTIC AND HEALTH ADVERTISING CODE

**Principle 2:** 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):** 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).

### RESPONSE FROM ADVERTISER, FLOAT WELL

#### Re: Complaint 19/022

In response to the complaint lodged by Daniel Ryan on 28 January 2019 about our brochure breaking the Therapeutic and Health Advertising Code, principle 2, Rule 2(a), we wish to defend the complaint. Below are cited scientific studies that we wish to put forth to substantiate our claims, many of which are published on [Float Well's blog page](#).

#### Stress Relief & Mental Health

The [Mental Health Foundation of New Zealand](#) uses the World Health Organisation's definition of mental health to being "*a state of wellbeing in which the individual realises his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community.*" Mental health does not necessarily mean mental illness, as all individuals have mental health. Saying that, below are scientific studies that have been published that have shown promising results on the effects of floating for improved mental health:

[Examining the short-term anxiolytic and antidepressant effect of Floatation-REST](#) (2018)

Irrespective of diagnosis, Floatation-REST substantially reduced state anxiety (estimated Cohen's  $d > 2$ ). Moreover, participants reported significant reductions in stress, muscle tension, pain, depression and negative affect, accompanied by a significant improvement in mood characterized by increases in serenity, relaxation, happiness and overall well-being. Further analysis revealed that the most severely anxious participants reported the largest effects.

[The elicitation of relaxation and interoceptive awareness using floatation therapy in individuals with high anxiety sensitivity](#) (2018)

Relative to the comparison condition, Flotation-REST generated a significant anxiolytic effect characterized by reductions in state anxiety and muscle tension and increases in feelings of relaxation and serenity ( $p < .001$  for all variables). Significant blood pressure reductions were evident throughout the float session and reached the lowest point during the diastole phase (average reduction  $>12$  mm Hg). The float environment also significantly enhanced awareness and attention for cardiorespiratory sensations

[Promising effects of treatment with flotation-REST \(restricted environmental stimulation technique\) as an intervention for generalized anxiety disorder \(GAD\): a randomized controlled pilot trial](#) (2016)

The findings suggest that the method has potential as a complementary treatment alongside existing treatment for GAD. More studies are warranted to further evaluate the treatments efficacy.

[Beneficial effects of treatment with sensory isolation in flotation-tank as a preventive health-care intervention – a randomized controlled pilot trial](#)

Stress, depression, anxiety, and worst pain were significantly decreased whereas optimism and sleep quality significantly increased for the flotation-REST group. No significant results for the control group were seen. There was also a significant correlation between mindfulness in daily life and degree of altered states of consciousness during the relaxation in the flotation tank.

[Quality of Life with Flotation Therapy for a Person Diagnosed with Attention Deficit Disorder, Atypical Autism, PTSD, Anxiety and Depression](#) (2013)

Results suggest that floating may have beneficial therapeutic effects on mental health. Further studies that evaluate the efficacy and possible effects of floating with regard to mental health are needed.

[Flotation restricted environmental stimulation therapy \(REST\) as a stress-management tool: A meta-analysis](#) (2004)

The results showed that REST has positive effects on physiology (e.g., lower levels of cortisol, lower blood pressure), well-being, and performance. The pre–post mean effect size and the overall randomized control group effect size were relatively strong. This suggests that despite some limitations of the original studies, flotation REST can be a useful stress management tool in addition to or instead of other stress management tools.

## **Pain Management**

[Effects of flotation-REST on muscle tension pain](#) (2001)

The results indicated that the most severe perceived pain intensity was significantly reduced, whereas low perceived pain intensity was not influenced by the floating technique. Further, the results indicated that circulating levels of the noradrenaline metabolite 3-methoxy-4-hydroxyphenylethyleneglycol were reduced significantly in the experimental group but not in the control group following treatment, whereas endorphin levels were not affected by flotation. Flotation-REST treatment also elevated the participants' optimism and reduced the degree of anxiety or depression; at nighttime, patients who underwent flotation fell asleep more easily. The present findings describe possible changes, for the better, in patients presenting with chronic pain complaints.

[The Effects of Flotation REST on the Symptoms of Fibromyalgia](#) (2012)

Results demonstrated that flotation REST provided significant temporary reductions in pain, muscle tension, stress, anxiety and sadness, as well as significant increases in relaxation, feelings of well being, energy and ease of movement. There was also significant improvement in the quality of sleep.

[Effects of flotation-restricted environmental stimulation technique on stress-related muscle pain: what makes the difference in therapy--attention-placebo or the relaxation response?](#)

It was concluded that flotation therapy is an effective, noninvasive method for treating stress-related pain, and that the method is not more affected by placebo than by other methods currently used in pain treatment. The treatment of both burnout depression and pain related to muscle tension constitutes a major challenge for the patient as well as the care provider,

an area in which great gains can be made if the treatment is effective. Flotation therapy may constitute an integral part of such treatment.

### **Sports Performance & Muscle Recovery**

[Flotation Restricted Environmental Stimulation Therapy and Napping on Mood State and Muscle Soreness in Elite Athletes: A Novel Recovery Strategy?](#) (2016)

A single FLOAT session significantly enhanced 15 of the 16 mood-state variables ( $p < 0.05$ ) and also lowered perceived muscle soreness ( $p < 0.01$ ). *Small* ( $n = 3$ ) to *moderate* ( $n = 6$ ) effect sizes in favour of napping for 9 of the 16 mood-state variables were found when compared to the no nap group. FLOAT may be an effective tool for both physical and psychological recovery following training in elite athletes.

[The Acute Effects of Flotation Restricted Environmental Stimulation Technique on Recovery From Maximal Eccentric Exercise](#) (2013)

The results indicate that flotation REST appears to have a significant impact on blood lactate and perceived pain compared with a 1-hour passive recovery session in untrained healthy men. No difference was found between conditions for muscle strength, blood glucose, muscle soreness, heart rate, or OMNI-RPE. Flotation REST may be used for recreational and professional athletes to help reduce blood lactate levels after eccentric exercise.

[The Use of REST in the Enhancement of Sports Performance-Tennis](#) (1990)

Posttreatment results indicated that subjects exposed to flotation REST with an imagery message performed significantly better than subjects exposed to imagery only on a measure of first service accuracy. Findings suggest that flotation REST can be used to enhance the performance of a well learned skill by athletes of high ability.

### **Creativity**

[Creativity enhancement through flotation isolation](#) (1992)

Float subjects showed significant increases on the Guilford test from the pre- to post-float and meaningful increases on other thinking measures as compared to non-floating control subjects. Floating was associated with a decrease in anxiety/tension, depression, hostility, and fatigue, but with an increase in vigor and a maintenance of curiosity scores, and it is speculated that the creativity benefits may be a result of these state changes.

For further scientific studies, you can download [a free research list from Float Tank Solutions](#), which contains a list of 228 scientific studies on floating. Please do not hesitate to contact me for additional information if required.

#### **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 days of receipt of this decision.