

<b>COMPLAINT NUMBER</b>	19/154
<b>COMPLAINANT</b>	D Ryan
<b>ADVERTISER</b>	Crystal Sanctuary Napier
<b>ADVERTISEMENT</b>	Crystal Sanctuary Napier Facebook
<b>DATE OF MEETING</b>	11 June 2019
<b>OUTCOME</b>	Upheld in part, Not Upheld in part Advertisement to be removed

### Description of Advertisement

The Facebook advertisements for Crystal Sanctuary Napier promoted four products: Himalayan salt, amethyst crystal, quantum quattro crystal and Harmony Healing handmade manuka goat’s milk herbal soap. Each advertisement had a photo of the product and a description of what the product could be used for. The text included the following: Himalayan salt: “...emits negative ions ... making us happier and healthier. It aids in improving mood, reduces stress and helps anxiety... relieves headaches... allows for a better sleep...”. Amethyst crystal: “...aids in overcoming addictions... helpful with insomnia and protects against nightmares...”, Quantum Quattro crystal is a “...Stone of transformation, it has a dramatic effect on the energy field, strengthening the immune system and DNA, and activating 12 strand DNA healing... it is an important protection stone, absorbing negative energies and pollutants. Powerful healing for grief and the heart.” and Harmony Healing handmade manuka goat’s milk herbal soap: “...Heals cold sores and acne; deters head lice”.

### Summary of the Complaint

The Complainant was concerned the four advertisements make therapeutic claims which are unable to be unsubstantiated.

### Issues Raised

- Social Responsibility
- Truthful Presentation

### Summary of the Advertiser’s Response

The Advertiser said the Facebook posts are not advertisements, they are just to inform their followers of their products. The Advertiser provided links to a number of sites with further information about the products.

### Summary of the Media Response

The media, Facebook, said “We have investigated this matter and can advise that this piece of content did not violate our policies at the time of investigation”.

### Summary of the Complaints Board Decision

The Complaints Board confirmed the four Facebook posts on the Crystal Sanctuary Napier Facebook page were advertisements and decided to Uphold in part and Not Uphold, in part,

the complaint about them. The Complaints Board said the Advertiser made a number of therapeutic claims which were not be substantiated.

### **Relevant ASA Codes of Practice**

The Chair directed the Complaints Board to consider the complaint with reference to the following code:

### **Therapeutic and Health Advertising Code**

#### **Principle 1**

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**

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).

### **Complaints Board Discussion**

#### *Consumer Takeout*

The Complaints Board agreed the consumer takeout of the four advertisements was that they provided a range of therapeutic and non-therapeutic benefits, as described and were available from the Advertiser that had a retail shop in Napier.

#### *Are the Facebook posts advertisements?*

The Complaints Board agreed the four Crystal Sanctuary Napier Facebook posts were advertisements and the Therapeutic and Health Advertising Code applies. This is because the Facebook posts meet the definition of advertisement as the content is controlled by the advertiser and has the intent of influencing those to whom they are addressed. The Complaints Board has previously accepted and ruled on complaints regarding Facebook posts as advertising.

The current ASA definition of advertisement states:

“Advertising and advertisement(s)” are any message, the content of which is controlled directly or indirectly by the advertiser, expressed in any language and communicated in any medium with the intent to influence the choice, opinion or behaviour of those to whom it is addressed.

#### *Do the advertisements make therapeutic claims which are unable to be substantiated?*

The Complaints Board agreed the advertisements made a number of therapeutic claims which could not be substantiated.

As in all cases, the Complaints Board said that where a claim in an advertisement is challenged by a Complainant, the onus falls on the Advertiser to provide the substantiation for that claim.

The Complaints Board must consider the likely consumer takeout of an advertisement and decide whether or not the claims made in the advertisement have been adequately substantiated by the Advertiser. The Complaints Board is not an arbiter of scientific fact nor does it have jurisdiction to verify the efficacy of a method of treatment.

The Complaints Board said that Guideline 2(a) of the Therapeutic and Health Advertising Code states that claims made in an advertisement must be able to be substantiated. Only medicines with consent to distribute in New Zealand and medical devices can claim to have a therapeutic purpose in advertisements.

The Complaints Board considered each of the four advertisements in turn:

### **Himalayan salt**

The Complaints Board agreed this advertisement made therapeutic claims which had not been substantiated and it was therefore in breach of Principles 1 and 2 and Rule 2(a) of the Therapeutic and Health Advertising Code.

The Complaints Board noted the Advertiser had provided a number of links to support the therapeutic claims made in this advertisement, but they did not provide the full papers highlighted to show the part or parts of the papers that support the claims, nor did they provide a product data sheet/CMI (Consumer Medicine Information) or label expected for a medicine or the WAND (Web Assisted Notification of Devices) listing expected for a medical device.

### **Amethyst crystal**

The Complaints Board agreed this advertisement made therapeutic claims which had not been substantiated and it was therefore in breach of Principles 1 and 2 and Rule 2(a) of the Therapeutic and Health Advertising Code.

The Complaints Board noted the Advertiser had provided a number of links to support the therapeutic claims for amethyst crystals, but they did not provide the full papers highlighted to show the part or parts of the papers that support the claims, nor did they provide a product data sheet/CMI/label expected for a medicine or a WAND listing expected for a medical device.

### **Quantum Quattro crystal**

The Complaints Board agreed this advertisement made therapeutic claims which had not been substantiated and it was therefore in breach of Principles 1 and 2 and Rule 2(a) of the Therapeutic and Health Advertising Code.

The Complaints Board noted the Advertiser had provided a number of links to support the therapeutic claims for quantum quattro crystal, but they did not provide the full papers highlighted to show the part or parts of the papers that support the claims, nor did they provide a product data sheet/CMI/label expected for a medicine or a WAND listing expected for a medical device.

The Complaints Board said sufficient substantiation had not been provided for the claim that quantum quattro crystal "...has a dramatic effect on the energy field, strengthening the immune system and DNA, and activating 12 strand DNA healing..." and this part of the complaint was Upheld.

The Complaints Board said the claim “Powerful healing for grief and the heart” was a low-level claim, and was not a therapeutic claim, and did not require substantiation. This part of the complaint was Not Upheld.

### **Harmony Healing hand-made manuka goat’s milk herbal soap**

The Complaints Board agreed this advertisement made therapeutic claims which had not been substantiated and it was therefore in breach of Principles 1 and 2 and Rule 2(a) of the Therapeutic and Health Advertising Code.

The Complaints Board noted the Advertiser had provided a number of links to support the therapeutic claims for Harmony Healing handmade manuka goat’s milk herbal soap, but they did not provide the full papers highlighted to show the part or parts of the papers that support the claims, nor did they provide a product data sheet/CMI/label expected for a medicine or the WAND listing expected for a medical device.

The Complaints Board said sufficient substantiation had not been provided for the claim that the soap “heals cold sores and acne” and this part of the complaint was Upheld.

The Complaints Board said the claim “deters head lice” was a low-level claim and was not a therapeutic claim and therefore did not require substantiation expected to support a therapeutic claim. The Complaints Board said the average consumer would accept that the smell of the goat’s milk soap, in conjunction with the action of rubbing the soap into the scalp could be said to “deter” head lice. This part of the complaint was Not Upheld.

### *Are the advertisements socially responsible?*

The Complaints Board said, with the exception of the phrase “deters head lice” in the advertisement for Harmony Healing handmade manuka goat’s milk herbal soap, and the phrase “Powerful healing for grief and the heart” in the advertisement for Quantum Quattro Crystal, the advertisements were not socially responsible, taking into account context, medium, audience and product and were in breach of Principles 1 and 2 and Rule 2(a) of the Therapeutic and Health Advertising Code.

### **Outcome**

The Complaints Board ruled the complaint was **Upheld in part and Not Upheld in part**.

Advertisements to be removed.

### **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.

## APPENDICES

1. Complaint
  2. Response from Advertiser
  3. Response from Media
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### Appendix 1

#### COMPLAINT FROM D RYAN

Crystal Sanctuary Napier is a breach of the Therapeutic and Health Advertising Code, principle 2, Rule 2(a) by the many therapeutic claims on their Facebook posts because I don't think it can be proven. They also break Advertising Standards Code principle 2, Rule 2(a) for their scientific reasons for the therapeutic claims. Salt or rocks have no noticeable positive effects on the body, they don't create ions, produce energies, purify or absorb pollutants.

On their Facebook page, Crystal Sanctuary Napier has said: "Himalayan salt emits negative ions which have a positive effect on our body, creating serotonin literally making us happier and healthier. It aids in improving mood, reduces stress and helps anxiety, neutralises electromagnetic radiation, reduces asthma symptoms, increases energy levels, purifies bacteria from the air and dispels odours, relieves headaches, increases focus and concentration and allows for a better sleep."

<https://www.facebook.com/CrystalSanctuaryNapier/posts/2119955808101247>

"Helpful with insomnia and protects against nightmares.

Helps dispel anger, rage, fear, and anxiety. Alleviates sadness and grief and supports coming to terms with loss"

<https://www.facebook.com/CrystalSanctuaryNapier/posts/2118944391535722>

"Stone of transformation, it has a dramatic effect on the energy field, strengthening the immune system and DNA, and activating 12 strand DNA healing."

"It is an important protection stone, absorbing negative energies and pollutants. Powerful healing for grief and the heart."

<https://www.facebook.com/CrystalSanctuaryNapier/photos/a.427703140659864/2025300474233448/>

"Heals cold sores and acne; Deters head lice"

<https://www.facebook.com/CrystalSanctuaryNapier/photos/pcb.1950180141745482/1950174941746002/>

### Appendix 2

#### RESPONSE FROM ADVERTISER, CRYSTAL SANCTUARY

Our social media posts on our Facebook page are not advertisements. In the generally accepted meaning of the term, the ASA code definition, or in Facebook terms of use or meaning. We do not use the Facebook (henceforth referred to as FB) advertising platform.

In the interest of transparency we would be glad to receive a copy of FBs reply to your written correspondence with them.

Our social media posts are to inform our followers or adherents of our various products. We are not in the business of retailing healthcare or therapeutic products or services. We are in the business of retailing unique gifts, beautiful crystals, metaphysical and mystical items, etc.. These are "Feelgood" products, that may or may not have therapeutic value. In the same way as a warm fire, walk on the beach, may stimulate a positive hormonal response, that therefore provokes a healthy benefit to the immune system, and the bodies various organs.

Abridged.

## SECOND RESPONSE FROM ADVERTISER

We have read the ASA Codes, and though it does refer to,"...any message.in any medium..",it says by an,"advertiser". This term or description is part of the definition of an advertisement. No definition or meaning of an advertiser is given. Since we assume you are not in the business of policing private or in public places conversations,we reject the assumption that our social media posts are advertisements. These are conversations in public places,as Facebook considers them.

So again we repeat that we are not an advertiser in the generally accepted meaning of the term,and since the ASA provides no definition of such,then we feel should also accept that...

As we would like to post helpful research links to the societys FB page,as has Evidence Based Acupuncture,without being in breach of the ASA.

just to be helpful,we have provided the following links regards research of Himalayan salt and salt lamps:

"The Science of Salt Lamps",by Sandra Coyner

Dr Albert P Kruger in [www.drleakelley.com](http://www.drleakelley.com) & [www.pranaviewaustraliawordpress.com](http://www.pranaviewaustraliawordpress.com)

[www.perfecthealthnow.com](http://www.perfecthealthnow.com)

[www.natural-salt-lamps.com](http://www.natural-salt-lamps.com)

Albert P. Kruger at [www.Research Gate.net.U>S>C>](http://www.Research Gate.net.U>S>C>)

[www.saltrays.com/health](http://www.saltrays.com/health)

[www.natural-salt-lamps.com](http://www.natural-salt-lamps.com) Spelotherapy and Halotherapy

Ukranian Allergologic Hospital - Carpathian Mountains

Himalayan Salt Pipes- Dr Oz

Manuka Honey

[www.honeylab.co.nz](http://www.honeylab.co.nz)

[www.nourish.ie](http://www.nourish.ie)

[Home | Nourish.ie](http://www.nourish.ie)

Nourish is an independent Irish family business with more than 30 years experience in wholefoods, health and wellbeing. Our shelves are packed with organic food, wholesome pantry essentials, nutritional supplements, herbal remedies, natural skincare and environmentally friendly household products.

[www.nourish.ie](http://www.nourish.ie)

[www.healthline.com](http://www.healthline.com) - article "Can You Use Manuka Honey for Acne?",by Daniela Ginta,medically reviewed by Debra Sullivan PHD,MSN,CNE,COI,16th Mar 2017- References 10 sources

[Healthline: Medical information and health advice you can trust.](#)

How Parents Can Help Anxious Kids Cope by Adjusting Their Own Behavior. A new program is helping children with anxiety disorders by training parents how to adjust their own behavior first — and ...

[www.healthline.com](http://www.healthline.com)

### [Saltrays](#)

Welcome! Saath International, a company founded in 2004 in Lahore-Pakistan. Since then we manufacture a variety of products under the brand name of 'Salt Rays' from Natural Rock Salt acquired from the biggest worldwide renowned Himalayan Mountain Ranges of Pakistan like Warcha, Khewra and Kalabagh mines and put them on wholesale market throughout the world as well as local retail outlets.

[www.saltrays.com](http://www.saltrays.com)

### Crystal Healing

[www.crystal-healing.org](http://www.crystal-healing.org)

### [Home - Crystal Healing](#)

Welcome To ACHO Celebrating 31 years of service to the Crystal Healing Community. ACHO was formed in 1988 by a group of Crystal Healing schools to promote professional standards in training and competence for Crystal Healing and to act as a nationally recognised representative body for Crystal Healing. Welcome! Whether you'd like to learn about Crystal ... Home Read More »

[www.crystal-healing.org](http://www.crystal-healing.org)

[www.integratedmedicine](http://www.integratedmedicine)

[www.iacht](http://www.iacht) The International Association of Crystal Healing Therapists. Has various publications, including "Chemical Composition, Classification & Toxicity", by ACHO Principal Janelle Scialla; MHRA Guidance MCA8.

[www.livescience.com](http://www.livescience.com) "Crystal Healing Stone Cold Facts About Gemstone Treatments by Elizabeth Palermo Jun23 2017. Describes placebo effect. Erroneously labels a crystal meditation study as a crystal healing one.

[www.mong.com](http://www.mong.com) "The Science Behind Crystals & Healing Stones" by Suni Moon; "Ways of Using Crystal Power in Modern Holistic Medicine" by Krista Burton; "Who Discovered The Healing Energy of Crystals" by Savannah Wilson.

[www.webmd.com](http://www.webmd.com) "Can Crystals Heal? Separating Facets from Facts" by Lisa Marshall

[www.remedygrove.com](http://www.remedygrove.com) "Scientific Evidence That Crystal Healing Works" by Marc Hubs. Includes the documentary, "Crystal Visions", by Michael Gienger, which cites the work of Marcel Vogel and Dr Masaru Emoto. The late Michael Gienger studied crystals for over 25 years. Marcel Vogel was a research scientist with IBM for 27 years, who developed the Vogel shaped crystal. This geometric structure caused the flow and accumulation of health promoting life force energy in the form of negative ions.

To quote Vogel, "The crystal is a neutral object whose inner structure exhibits a crystalline state of perfection and balance. When it is precisely cut to the proper geometric form and when the human mind enters into relationship with its structural perfection in the vibration of

love,the crystal emits a vibration which extends and amplifies the power and grasp of the users mind.Imaged thought intent is amplified". Also references Dan A Davidson,his book Shape Power. Which documents his 35 years of research into shape power and ether physics.

### **Appendix 3**

#### **RESPONSE FROM MEDIA, FACEBOOK**

We have investigated this matter and can advise that this piece of content did not violate our policies at the time of investigation.