

<b>COMPLAINT NUMBER</b>	20/249
<b>ADVERTISER</b>	Brand Developers Ltd
<b>ADVERTISEMENT</b>	Bambillo Massage Bed, Television
<b>DATE OF MEETING</b>	1 June 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Bambillo television advertisement from Brand Developers promotes the Perfect Fit Adjustable Massage Bed. The advertisement states that lack of sleep has been linked to diabetes, heart disease, obesity and high blood pressure and that poor sleep can even make you more sensitive to pain. The bed comes with standard sized legs or a shorter leg option to make it easier to get in and out of bed.

**The Chair ruled there were no grounds for the complaint to proceed.**

**Complaint:** I have two concerns about this add:

1) The add starts with frightening people about very serious health problems they can get when not sleeping well and implying this bed is a way to prevent these.

2) Provides incorrect information i.e. they state the bed can be made lower to make it easier to get in and out of bed. It is true a lower bed makes it easier to get in but not to get back up from it.

I used to work as a Community Occupational Therapist. In this role I visited people who were struggling at home and I can't not remember the number of times (would be in the thousands) , myself and colleague, had to organize people's beds at home to be heightened so people could safely get out of bed.

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

**Principle 1: Social Responsibility:** 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.

**Rule 1 (b) Safety and effectiveness:** Advertisements shall not contain any claim, statement or implication that the products, devices or services advertised:

- are safe or that their use cannot cause harm or that they have no side effects or risks.
- are effective in all cases
- are infallible, unfailing, magical, miraculous, or that it is a certain, guaranteed or sure cure
- are likely to lead persons to believe that;
  - they are suffering from a serious ailment, or
  - harmful consequences may result from the therapeutic or health product, device or service not being used.

**Principle 2: Truthful Presentation:** 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) Truthful presentation:** 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).

**The Chair** noted the Complainant's concerns the advertisement linked sleep problems to a range of health concerns which could frighten consumers into purchasing the product. The Complainant also said the advertisement was misleading to say a lower bed was easier to access

The Chair carefully reviewed the advertisement in relation to the first issue raised by the Complainant regarding fear. The Chair said advertisement did not reach the threshold to breach Rule 1(b) of the Therapeutic and Health Advertising Code given that the claim that a lack of sleep can be linked to health issues such as high blood pressure, heart disease, obesity and diabetes is widely accepted. The Chair said the advertisement did not claim the product would prevent or resolve these issues.

With regard to the statement about the bed height, the Chair noted the claim made in the advertisement was "for making it easier to get in and out of bed." The Chair did not consider this claim was targeted at any specific audience and was not misleading as a lower bed would be advantageous for some consumers.

The Chair noted the bed advertised is not a standard bed, but rather a massage bed and therefore is likely to appeal to consumers looking for this function. While she acknowledged the genuine concerns raised by the Complainant, the Chair said the advertisement had not made any specific claims that it was suitable for older consumers or consumers with mobility issues.

The Chair ruled the advertisement was not in breach of Principle 1, Principle 2 or Rules 1(b) or 2(a) of the Therapeutic and Health Advertising Code.

The Chair ruled there were no grounds for the complaint to proceed.

**Chair's Ruling: Complaint No Grounds to Proceed**

**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.