

COMPLAINT NUMBER	20/108
ADVERTISER	Avril Carpenter
COMPLAINT ON BEHALF OF	The Society for Science Based Healthcare
ADVERTISEMENT	Avril Carpenter website
DATE OF MEETING	17 June 2020
OUTCOME	Settled

Advertisement: The advertisement for the Virtual Gastric Band, on the Avril Carpenter website, made therapeutic claims.

The Chair ruled the complaint was Settled.

Complaint: Avril Carpenter's advertisement for Virtual Gastric Band surgery (<https://avrilcarpenter.com/virtual-gastric-band/>) makes surprising claims about the efficacy of "VGB":

"While gastric band surgery was developed for the morbidly obese, the virtual gastric band procedure is effective" if you're morbidly obese" or if you're only several kilograms overweight but you're tired of the weight struggle.

The virtual gastric band provides the positive benefits of surgery, with comparable results, and none of the risks."

"Because it's not a diet, you won't feel deprived, miserable or hungry. Or, any of the many other issues that cause diets to fail."

"So, if you've got weight-related health concerns (diabetes ii), or if you've tried every diet under the sun and gained all the weight back, the VGB might be exactly what you've been looking for to help you take back control of your weight."

These claims breach the ASA's Therapeutic and Health Advertising Code, Rule 2(a), as they have not been substantiated. There is no robust, peer-reviewed evidence that Virtual Gastric Band surgery is efficacious, and so the claims that this procedure is "effective" as a weight loss aid for the "morbidly obese", that it "provides the positive benefits of surgery" or that it might be "exactly what you've been looking for" if you have "diabetes ii" are far-fetched and appear to be without merit. Given that these are therapeutic claims, they are likely to mislead the public into thinking that paying for this service will help them with weight loss - and so the advert breaches Principle 2 of the Code.

Rule 1(b) has been breached by the claims that this service has "none of the risks" of surgery, and that it suffers from none "of the many other issues" that cause diets to fail.

Finally, Principle 1 has been breached because it's socially irresponsible to make these kinds of claims about an unproven therapy that is unlikely to have any merit.

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

The Chair noted the Complainant's concerns the website advertisement made claims that are unsubstantiated.

The Chair acknowledged the Advertiser had amended the advertisement after receiving the complaint. Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in amending the advertisement, the Chair said it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled the matter was Settled.

Chair's Ruling: Complaint **Settled**

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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.