

COMPLAINT NUMBER	19/074
ADVERTISER	Vivachi Limited
ADVERTISEMENT	Vivachi, Website
DATE OF MEETING	6 July 2020
OUTCOME	Settled – advertisement removed

Advertisement: The website advertisement for Vivachi describes how it uses therapies such as Neuro Linguistic Psychotherapy (NPL), mind coaching and counselling to help clients with mental, emotional and physical conditions and lists a range including depression, anxiety, stress, insomnia, phobias, allergies, asthma and sinus trouble.

The Chair ruled the complaint was settled.

Complaint: The Vivachi Centre of Health website (<https://vivachi.co.nz/>) makes serious therapeutic claims about being able to treat a wide variety of mental and physical conditions:

"We help clients with: mental and emotional challenges such as depression, anxiety, phobias, insomnia, stress, dyslexia, ADHD, trauma etc, and physical conditions such as allergies, asthma, sinus etc."

"Imagine a child with ADHD, Dyslexia, Anger, Phobia's, Trauma, Reading, Writing, Depression, Anxiety, Lack of Confidence, Lisps, Speech Language, or Heightened Senses problems and how each of these isolate our children from the learning process and life..."

"Our learning solutions programme is designed specifically around learning challenges."

"Manage or Treat: Depression, Anxiety, Stress, Insomnia, Phobias, Allergies and more..."

"By treating the mind and body as one system we're also often able to help clients experience change with physical conditions such as, Allergies, Asthma and Sinus problems. Some of our work also involves coaching and teaching new skills to have clients understand how they do what they do now and how they can do things better. This applies particularly to depression, dyslexia, ADHD, ADD, Anxiety, Spelling, Stress, Public Speaking, Communication and Parenting skills."

"We work with the following: Addictions, Anxiety, Asthma*, Bed Wetting, BDD (Body Dysmorphic Disorder), Cancer Stress and Fear*, Depression, Dyslexia, Eating Disorders, Hay Fever, Insomnia, IBS (Irritable Bowel Syndrome)*, Lisps, Nausea, OCD (Obsessive Compulsive Disorder), PTSD (Post Traumatic Stress Disorder), Sinus, Sleep Disorders, Smoking Snoring*, Speech Impediments, Stress, Trauma, Ulcers* Weight"

These claims appear to breach the ASA's Therapeutic and Health Advertising Code. Specifically, Rule 2(a) has been breached as these claims do not appear to be accurate. There is no evidence given that Vivachi's therapies can treat this myriad list of conditions. Claiming that they "work with the following" is highly suggestive that the therapies are able to help with the ensuing list of conditions. Claims of being able to "manage or treat" conditions such as depression, anxiety and allergies are also very strong claims, and given in this advert without any evidence to back them up. Claims of being able to affect change with "Allergies, Asthma and Sinus problems" and help with "depression, dyslexia, ADHD, ADD, Anxiety" have not been proven. The fact that no evidence has been given to back these claims up strongly suggests that substantiation was not held by the advertiser when they made these

claims, as required by Rule 2(a). Indeed, the research page on the website (<https://vivachi.co.nz/content/research>) makes the following promise:

"Worldwide Research

We plan to post up links here..."

Given the lack of supporting evidence for these serious claims, I would assume that Principle 2 has been breached - as these claims appear to not be true, and are therefore likely to mislead consumers into thinking that Vivachi's therapies can help with the many conditions they have listed on the front page of their website.

Principle 1 has been breached, as it's socially irresponsible to make claims about being able to treat serious health conditions without being able to back the claims up with evidence.

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

THERAPEUTIC AND HEALTH ADVERTISING CODE

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.

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: Gambling advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

The Chair noted the Complainant is concerned the Advertiser is making unsubstantiated therapeutic claims about being able to manage and treat a wide range of conditions.

The Chair acknowledged the Advertiser had taken action by removing the advertisement and has given an assurance the advertisement will not be used again in its current form.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in removing the advertisement, the Chair said it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled the complaint was settled.

Chair's Ruling: Complaint **Settled – advertisement 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.