

COMPLAINT NUMBER	20/057
COMPLAINT ON BEHALF OF	The Society for Science Based Healthcare
PUBLISHER	McGraw Hill
ADVERTISEMENT	Mighty Ape Website
DATE OF MEETING	13 July 2020
OUTCOME	Settled

Advertisement: The advertisement on the Mighty Ape website is a listing for a book called "The Permanent Pain Cure: The Breakthrough Way to Heal Your Muscle and Joint Pain for Good" by Ming Chew, published by McGraw Hill. The advertisement contained therapeutic claims.

The Chair ruled the complaint was Settled.

Complaint:

<https://www.mightyape.co.nz/product/the-permanent-pain-cure-the-breakthrough-way-to-heal-your-muscle-and-joint-pain-for-good-pb/3207000>

Advertiser Website

Mighty Ape makes various claims for the book "The Permanent Pain Cure: The Breakthrough Way to Heal Your Muscle and Joint Pain for Good" that likely goes against the scientific evidence. These strong claims are likely to break the Therapeutic and Health Advertising Code Principle 2, Rule 2(a).

On the product page:

"The Permanent Pain Cure: The Breakthrough Way to Heal Your Muscle and Joint Pain for Good"

"the proven pain relief program used by professional athletes No drugs. No surgery. No pain! "The Ming Method" for pain relief has worked wonders... His method doesn't just manage the pain, it cures it-for good. "

<https://www.mightyape.co.nz/product/the-permanent-pain-cure-the-breakthrough-way-to-heal-your-muscle-and-joint-pain-for-good-pb/3207000>

Basically, the "cure" is supplements and stretches.

The scientific evidence shows very little evidence that stretches or supplements help for pain, they sure don't cure it:

https://www.painscience.com/articles/stretching.php#sec_pain

<https://www.painscience.com/articles/supplements-for-pain.php>

The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(b).

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2 (b) Truthful Presentation: 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's concerns the advertisement made unsubstantiated therapeutic claims which could be misleading.

As a preliminary matter, the Chair considered the correct Code to apply to the complaint. The Chair noted the Complainant was concerned about therapeutic claims in the advertisement. The Chair referred to a precedent Decision, 12/197 for Century Mail which promoted a book entitled "The Complete System of Self-Healing" by Dr. Stephen Chang. That Decision said in part:

"As a preliminary matter, the Complaints Board discussed whether or not Principles 2, 3 and 3(a) and 3 (b) of the Therapeutic Services Advertising Code were relevant to the complaint before it. The Complaints Board said the self-help book made therapeutic statements but could not be regarded as a therapeutic service in itself, Therefore, the Complaints Board agreed it was not necessary to also consider the complaint under the Therapeutics Services Advertising Code as it was not applicable to the complaint before them. As such, the Chairman ruled that the complaint be heard only in relation to Basic Principle 4 and Rule 2 of the Code of Ethics. "

The Chair said this Decision applied to the complaint before her and confirmed the Advertising Standards Code, which covered all advertising in all media, was the relevant Code.

The Chair confirmed the product listing, promoting a book for sale, is an advertisement. The Chair said the Advertiser in this case was the publisher, McGraw Hill, through the product listing from a global publisher database.

The Chair acknowledged the media platform, Mighty Ape, had removed the advertisement after receiving the complaint.

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

The Chair ruled that 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.