

<b>COMPLAINT NUMBER</b>	20/409
<b>ADVERTISER</b>	Marvel Health
<b>ADVERTISEMENT</b>	Marvel Health Digital Marketing
<b>DATE OF MEETING</b>	21 October 2020
<b>OUTCOME</b>	Settled

**Advertisement:** The Marvel Health Facebook advertisements promote their Marvel Health Scan and Colloidal Silver products. The first advertisement talks about the Marvel Health Scan and the information that can be provided after receiving a scan. The second advertisement talks about the Marvel Health Scan in relation to digestive issues, joint pain, and chronic fatigue and how the scan can help to identify the cause of these issues. The third advertisement talks about the benefits of colloidal silver and states some diseases that can be effectively treated using the product.

**The Chair ruled the complaint was Settled.**

**Complaint:** I believe that the wording of this claim (or this image) in the advertisement is a breach of the Therapeutic and Health Advertising Code because I don't think it can be proven.

**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 advertisements made unsubstantiated therapeutic claims.

The Chair acknowledged the Advertiser had removed the advertisements after receiving the complaint. Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in removing the advertisements, 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.