

<b>COMPLAINT NUMBER</b>	21/486
<b>ADVERTISER</b>	Praesidium Life Limited
<b>ADVERTISEMENT</b>	Praesidium Unaddressed Mail
<b>DATE OF MEETING</b>	9 November 2021
<b>OUTCOME</b>	Upheld Advertisement not to be used again

### **Summary of the Complaints Board Decision**

The Complaints Board upheld a complaint about an advertisement for Praesidium dietary supplement which was published in The Real News magazine and delivered to letterboxes in central Christchurch. The Board said the advertisement was misleading because it made therapeutic claims which had not been substantiated.

### **Advertisement**

The one-page advertisement for Praesidium EMF Protector had the heading “EMF and 5G nutritional solution!” Below this was the text “Do you want? Boundless ENERGY, mental CLARITY, DEEP Refreshing Sleep, STRONG Immune system, LONGER Life. You NEED Praesidium. Shields and Restores Healthy Cells from 5G Radiation and EMF’s, Radiotherapy, pesticides and Cleaners, Emotional Stress...”

### **Summary of the Complaint**

The Complainant was concerned the advertisement was making misleading therapeutic claims.

### **Issues Raised:**

- Social responsibility
- Mandatory information
- Truthful presentation

### **Summary of the Advertiser’s Response**

The Advertiser did not provide a response to the complaint.

## Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

### 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.

**Rule 1 (a) Mandatory information:** Advertisements shall contain the following mandatory information to encourage responsible prescribing, recommendation, sale and use. This information shall be set out in a way (legible / audible) that ensures it can be readily understood by the audience to whom it is directed.

#### Natural Health Products and Dietary Supplements

Any mandatory information as required by the applicable legislation and the following statements;

- Name and address of the advertiser
- *Always read the label and use as directed.*

**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).

### Complaints Board Discussion

The Chair noted that the Complaints Board's role was to consider whether there had been a breach of the Therapeutic and Health Advertising Code. In deciding whether the Code has been breached the Complaints Board has regard to all relevant matters including:

- Generally prevailing community standards
- Previous decisions
- The consumer takeout of the advertisement, and
- The context, medium, audience and the product or service being advertised, which in this case is:
  - Context: Community publication
  - Medium: "The Real News" Magazine delivered to households in Christchurch
  - Audience: Households in Christchurch
  - Product: Dietary supplement

#### *Consumer Takeout*

The Complaints Board agreed the likely consumer takeout of the advertisement was this dietary supplement can protect against EMF's (electro-magnetic frequencies), 5G radiation, pesticides and cleaners, radiotherapy and emotional stress. It can also help you to live longer.

*Does the Therapeutic and Health Advertising Code apply?*

The Complaints Board agreed the Therapeutic and Health Advertising Code did apply. This is because the product is advertised as a dietary supplement and the Code “covers all words and visual depictions in all advertising for therapeutic products (medicines and medical devices), natural health products and dietary supplements, health services and methods of treatment.”

*Did the advertisement contain the required mandatory information?*

The Complaints Board agreed the advertisement did not contain the required mandatory information. This is because the advertisement did not include the name and address of the advertiser and did not include the following statement: “Always read the label and use as directed.”

*Was the advertisement misleading?*

The Complaints Board said the advertisement was misleading. This is because it made therapeutic claims which had not been substantiated.

*Did the advertisement observe a high standard of social responsibility?*

The Complaints Board said the advertisement was not socially responsible. This is because it was misleading, taking into account context, medium, audience and product and was in breach of Principle 1, Rule 1(a), Principle 2 and Rule 2(a) of the Therapeutic and Health Advertising Code.

**Outcome**

The Complaints Board ruled the complaint was **Upheld**.

Advertisement not to be used again.

**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 with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.

**APPENDICES**

1. Complaint
  2. Response from Advertiser
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**Appendix 1****COMPLAINT**

This ad promotes conspiracy theories and false questions medical information. The 5G conspiracy theory has been disproven constantly. The claim that taking this supplement will give you a longer life is particularly worrying.

**Appendix 2****RESPONSE FROM ADVERTISER, NATURAL SOLUTIONS**

The Advertiser did not provide a response to the complaint and asked not to be contacted again.