

COMPLAINT NUMBER	21/542
ADVERTISER	New Zealand Herbals Limited
ADVERTISEMENT	Iridology, Website
DATE OF MEETING	18 January 2021
OUTCOME	Upheld
	Advertisement to be removed not used again in its current form

Summary of the Complaints Board Decision

The Complaints Board upheld a complaint about an advertisement for an iridology service on the New Zealand Herbals Limited website. The Complaints Board said the advertisement was making therapeutic claims for which the Advertiser had failed to provide adequate substantiation.

Advertisement

The New Zealand Herbals Limited website, <https://nzherbal.co.nz/our-services/>, regarding Iridology promotes the service as "the study of the iris to help evaluate illness and weaknesses within the body". It contains images and text to explain the practice, and outlines what customers can expect to learn from the service. At the bottom, there is a link for the reader to book an appointment.

Summary of the Complaint

The Complainant was concerned the advertisement makes unsubstantiated therapeutic health claims which could be misleading.

Issues Raised:

- Truthful presentation

Summary of the Advertiser's Response

The Advertiser provided a CV and testimonials as substantiation.

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 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).

Definitions:

‘Therapeutic Purpose’ – The Medicines Act provides the following definition:

- (a) preventing, diagnosing, monitoring, alleviating, treating, curing, or compensating for, a disease, ailment, defect, or injury; or
- (b) influencing, inhibiting, or modifying a physiological process; or
- (c) testing the susceptibility of persons to a disease or ailment; or
- (d) influencing, controlling, or preventing conception; or
- (e) testing for pregnancy; or
- (f) investigating, replacing, or modifying parts of the human anatomy.

‘Health Services’ – includes services that offer a method of treatment for a range of medical conditions or services that offer support for normal healthy body functions.

‘Method of Treatment’ - Any method of treatment for reward undertaken, or represented to be undertaken, for a therapeutic purpose.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to precedent Decision 20/257 which was settled.

The full version of this decision can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

Decision 20/257 concerned a website advertisement for Mana Natural Health & Beauty promoting an Iridology service which claimed to assist with a range of health issues.

The Complainant was concerned the advertisement contained unsubstantiated therapeutic claims which could be misleading. Upon receipt of the complaint, the Advertiser amended the advertisement, removing references which were of concern. The Chair of the Complaints Board ruled the complaint was settled.

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: Therapeutic health services
 - Medium: Website advertisement
 - Audience: Consumers interested in iridology
 - Product: Iridology service

Consumer Takeout

The Complaints Board agreed the likely consumer takeout of the advertisement would be that it promoted the practice of iridology where a scientific examination of the iris will reveal your health constitution, genetic strengths and diagnose illnesses and / or recovery.

Is the advertisement making therapeutic claims about a health service?

The Complaints Board agreed the advertisement for an iridology service was making therapeutic claims which required substantiation. The Board confirmed that under the Therapeutic and Health Advertising Code, a therapeutic service should not be claiming to evaluate illness without the substantiation to support such claims. The Board noted examples of claims made in the advertisement included the following :

- “Iridology is the study of the iris to help evaluate illness.”
- “Any defects in the body will show in the iris.”
- Acute conditions show up as a white mark in the fibres of the iris.”
- “Iridology can also help to determine areas of genetic weakness.”
- “Iridology can also help determine areas of genetic weakness.”
- ...”determine how strong your healing ability is.”
- “Indicate the state in which a specific illness is at.”
- “Indicate whether you have a mineral or vitamin deficiency.”
- “Indicate the presence of parasites.”
- Indicate if your system has become unbalanced.”
- “Indicate the amount of toxins present in your body.”

The Board said it would expect substantiation from the Advertiser to support such therapeutic claims to include well-designed clinical studies that have been published in peer-reviewed journals.

The Complaints Board noted the Advertiser had provided a CV and testimonials as substantiation which it said was not sufficient and it ruled the advertisement was in breach of Principle 2 and Rule 2(a) of the Therapeutic and Health Advertising Code.

The Complaints Board noted the advertisement did not appear to have received TAPS approval. The Therapeutic Advertising Pre-Vetting Service (TAPS) is a user-pays service available to all advertisers making therapeutic and health claims to help minimise the risk of breaching the ASA Codes of Practice as well as other industry codes and relevant legislation.

Information about TAPS is available at <https://www.anza.co.nz/taps>. It is recommended that therapeutic and health advertisements use the TAPS process to help with code compliance. In addition to the user-pays service, TAPS also provides a number of [Guidelines](#) at no charge. These guidelines provide information to help advertisers understand legislative and code compliance requirements.

Outcome

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

Advertisement to be removed and not used again in its current form.

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 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

New Zealand Herbals advertises 3 types of testing/services which have no credible scientific proof of efficacy. IRIDOLOGY <https://nzherbal.co.nz/treatment/iridology-nzherbal/> How does Iridology work? There are more than 28,000 nerve fibres in the human eye and each one is directly connected to the brain. The brain is in direct contact with all the nerves and cells of the body and as such any defect within the body will show up in the iris. Acute conditions show up as a white mark in the fibres of the iris and is generally associated with pain and inflammation. The darker the mark becomes the more serious the condition (with a black spot indicating a chronic disease). As the body heals itself the spots on the iris often fade and the overall look and clarity of the iris changes. Iridology can also help to determine areas of genetic weakness. The way in which the fibres of the iris are connected together also indicates the general genetic strength of the person. A person whose fibres are located sparsely tends to have a weaker genetic background than one whose fibres are tightly packed. None of the 3 tests they advertise have any credible scientific evidence which proves they are effective for diagnosis of anything, including nutritional deficiency. Complaint: I submit that this advertiser has information on their website which is in breach of PRINCIPLE 2: TRUTHFUL PRESENTATION: Rule 2 (a) Truthful Presentation

Appendix 2

RESPONSE FROM ADVERTISER, NEW ZEALAND HERBALS LIMITED

This complaint is nonsense. I have been practicing for over 40 years. Have seen to date around 30,000 patients and have an unblemished record with high levels of success and credibility.

I understand that testimonials are considered anecdotal – I don't

Please see two presentations and NO I will not stop telling my truth and when it comes to Iridology that is who I am, it's what I do and my main method of analysis and it works and it's true and authentic

You would think this guy / organisation would have something better to do during these difficult times!?