

COMPLAINT NUMBER	22/109
ADVERTISER	Radiant Health
ADVERTISEMENT	Radiant Auckland, Radio
DATE OF MEETING	19 April 2022
OUTCOME	No Grounds to Proceed

Advertisement: The Radiant Health radio advertisement promotes weight loss products and programmes. The advertisement is narrated by a man telling a personal story of being diagnosed with pre-diabetes. He says he spoke to his doctor about a "treatment plan" which involved losing weight, stating that "losing weight can slow, stop and even reverse the development of diabetes". He encourages the listener to go to imready.co.nz for more information.

The Chair ruled there were no grounds for the complaint to proceed.

Complaint: This radio ad was played on Newstalk ZB on 6th April at 11:20 am.

There is extremely inaccurate and misleading information in this ad.

1) Firstly the ad states "My dad died of diabetes"

No one has ever died of diabetes. They, unfortunately, pass away of complications from other health conditions.

2) Secondly there is no indication of which type of diabetes the ad is referring to.

Type 1 and Type 2 diabetes are two very different conditions. Type 1 is an autoimmune disease while Type 2 is influenced by lifestyle.

This is therefore extremely misleading when the ad states "losing weight can slow, stop and even reverse the development of diabetes" without indicating which Type of diabetes they are referring to.

I would recommend they indicate in all of their advertising that they are targeting Type 2 diabetics because you can't cure Type 1 diabetes by losing weight and this is very misleading and upsetting.

Please let me know what the next steps are to rectify this misleading communication.

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

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 was concerned the advertisement contained false and misleading information. The Complainant said the advertisement falsely implies that diabetes causes death and is misleading as it suggests losing weight can cure both type 1 and type 2 diabetes.

The Chair reviewed the advertisement. She said the advertisement was targeted to people with pre-diabetes or people concerned about their weight. She said the average consumer listening to the advertisement would understand the message that Radiant Health can help if you are pre-diabetic and/or looking to lose weight.

The Chair said she considered the general reference to “diabetes”, as opposed to the specific type of diabetes, did not affect the consumer takeout of the advertisement. She believed most consumers would be aware of the difference between type 1 diabetes, an autoimmune condition, and the more common type 2 diabetes, which is developed and is lifestyle-related. The Chair also took into account the advertisement made it clear the steps taken to lose weight were in consultation with a Doctor. She therefore did not consider the omission caused the advertisement to reach the threshold to breach the Code.

The Chair confirmed that the advertisement was not in breach of Principle 2 or Rule 2 (b) of the Advertising Standards Code.

The Chair ruled there were no grounds to proceed with the complaint.

Chair’s Ruling: Complaint **No Grounds to Proceed**

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.