



18 March 2013

Mark Hanna
58c Alfred St
Onehunga
Auckland
Email: mark@honestuniverse.com

Dear Complainant,

Re: Innate Health Website Advertisement - Complaint 13/012

Please find enclosed for your information a copy of the Decision concerning the above Complaint.

We request that you do not communicate the result to the media. Our usual procedure is to send the formal Decision to the media after we have forwarded it to you. This Decision will be released on 27 March 2013.

Please do not hesitate to contact me should you require any further information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alison Hopkins', is written over a large, light-colored circular scribble.

Alison Hopkins
Complaints Manager



COMPLAINT NUMBER	13/012
COMPLAINANT	M. Hanna
ADVERTISER	Innate Health
ADVERTISEMENT	Innate Health Website
DATE OF MEETING	5 March 2013
OUTCOME	Upheld

SUMMARY

The Innate Health website (<http://www.innatehealth.co.nz/7722.html>) stated a health report was one of the services offered by the Advertiser. Under the "Health Report" section of the website, the "Quantum Magnetic Analyser Report" was promoted. The description stated an analysis of the body's magnetic field could be processed, resulting in a "sub-health" diagnosis.

The Complainant expressed concern the advertisement for this service made various untrue claims. They were of the view that the advertisement appeared as though the service was intended to diagnose disease, but the description in the advertisement of how the service allegedly works employed scientific language in an entirely inappropriate manner.

The Complaints Board said the language used in the advertisement did not contain any phrasing likely to soften the claims made, and did not contain any information about seeking medical advice. It also gave the impression that the Quantum Magnetic Analyser Report would diagnose a person of any of the ailments described. The Complaints Board noted the Advertiser had not presented information in order to substantiate the claims made in the advertisement. The Advertiser stated that research to substantiate the claims was freely available on the internet, and consumers were able to find this information easily. However, the Complaints Board was of the view that indicating the existence of scientific tests was not sufficient substantiation given the strength of the claims. It stated that relying on consumers to do their own research on the internet did not constitute substantive research.

In the absence of adequate substantiation provided in the response coupled with the level of claims being made, the Complaints Board considered the advertisement was misleading, and the claims in the advertisement had not been proved to its satisfaction. It also considered the advertisement did not observe the high standard of social responsibility required given the target audience was entitled to rely on the veracity of the claims. It ruled to uphold the complaint.

[Advertisement to be removed]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

The Chairman directed the Complaints Board to consider the advertisement in terms of Principles 2 and 3 of the Therapeutic Products Advertising Code. This required the Complaints Board to consider whether the advertisement was truthful and balanced, whether the claims were valid and have been substantiated and whether the advertisement observed a high standard of social responsibility.

The Complaints Board noted the Complainant's views on the advertisement, including concern the advertisement for the service made various untrue claims. The Complainant said the advertisement appeared as though the service was intended to diagnose disease, but the description in the advertisement of how the service allegedly works employed scientific language in an entirely inappropriate manner that appears to have been designed in order to take advantage of the ignorance of their prospective clients. The Complainant considered that from the description given in the advertisement, it seemed entirely implausible that the service was able to produce a medical diagnosis of any sort, especially not one that could be used as a basis for reliable medical advice.

The Complaints Board noted the advertisements for this product had been removed from the Advertiser's website in the interim, but considered it was in the interest of the consumer that the issues raised by the Complainant be addressed, particularly given the diagnostic nature of the product and strength of the claims.

Further, the Complaints Board noted that it was not an arbiter of scientific fact, but it was able to establish a position based on the prima facie nature and type of evidence before it. Accordingly, in the instance before it, there was a requirement for the Advertiser to provide conclusive proof in respect of the absolute and strong claims being made. It further reiterated its requirement for all advertisements offering therapeutic products or services to observe a high standard of social responsibility as consumers with health requirements relied on such products and services for their well-being.

Turning to the advertisement, the Complaints Board considered the explanation of Quantum Magnetic Analyser Report. It said that the language used in the advertisement did not contain any phrasing likely to soften the claims made, and did not contain any information about seeking medical advice or continuing medical treatment prescribed by a registered health professional. Further, it noted the advertisement gave the distinct impression that the Quantum Magnetic Analyser Report would diagnose a person of any of the ailments described, ranging from bad temper to dizziness and depression. The Complaints Board said that even if there had been a disclaimer, that alone would not remove the responsibility to provide substantiation.

Turning to the response, the Complaints Board noted the Advertiser had not presented information in order to substantiate the claims made in the advertisement. The Advertiser stated that research to substantiate the claims was freely available on the internet, and consumers were able to find this information easily. However, the Complaints Board was of the view that indicating the existence of scientific tests was not sufficient substantiation given the strength of the claims. It stated that relying on consumers to do their own research on the internet did not constitute substantive research. However, the Complaints Board noted and acknowledged the Advertiser stated a disclaimer ought to have been on the website.

In the absence of adequate substantiation provided in the response coupled with the level of claims being made, the Complaints Board considered the advertisement was misleading, and the claims in the advertisement had not been proved to its satisfaction. It also considered the advertisement did not observe the high standard of social responsibility required given the target audience was entitled to rely on the veracity of the claims.

As such, the Complaints Board ruled the advertisement did not observe a high standard of social responsibility required of advertisements of this type and could mislead consumers. Therefore, the Complaints Board ruled that the advertisement as in breach of Principle 2 and 3 of the Therapeutic Products Advertising Code.

Accordingly, the Complaints Board ruled to uphold the complaint.

Finally, the Complaints Board noted that the Therapeutic Advertising Pre-Vetting Service (TAPS) was a user-pays service available to all advertisers making therapeutic 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 www.anza.co.nz.

DESCRIPTION OF ADVERTISEMENT

The Innate Health website (<http://www.innatehealth.co.nz/7722.html>) stated a health report was one of the services offered by the Advertiser. Under the "Health Report" section of the website, the "Quantum Magnetic Analyser Report" was promoted. The description and explanation of the services included the following:

"A non-invasive testing at the cellular level when our health is not in good condition, our body will automatically give out certain alarms, such as easy fatigue, body aches, insomnia, lack of appetite, depression, anxiety, stress, fear, bad temper, palpitation, dizziness, inertia, and so on. People who have these symptoms are determined to be in sub-health condition. The World Health Organisation estimates that 10% of adults worldwide belong to this group.

Is sub-health detectable? The answer is yes. No longer will there be a need for ultrasonic, nuclear magnetic resonance or radiography.

Quantum Magnetic Analyser collect the weak magnetic field sensors of frequency and energy from the human body through the hand grip sensor. The instrument magnifies your body functions and the computer process the information collected and compares against the standard spectrum. According to the results, the therapist is able to make an analytic judgment for the person and put forward standard advice for any preventive treatment that may be required."

COMPLAINT FROM M. HANNA

The website of Innate Health Ltd (<http://www.innatehealth.co.nz>) contains an advertisement for a "Quantum Magnetic Analyser Report" (<http://www.innatehealth.co.nz/7722.html>).

I am concerned that the advertisement for this service makes various untrue claims. It appears as though the service is intended to diagnose disease, but the description in the advertisement of how the service allegedly works employs scientific language in an entirely inappropriate manner that appears to have been designed in order to take advantage of the ignorance of their prospective clients.

Here is the paragraph that attempts to detail how the service works:

"Quantum Magnetic Analyzer collect the weak magnetic field sensors of frequency and energy from the human body through the hand grip sensor. The instrument magnifies your body functions and the computer processes the information collected and compares with the diseases on record which are installed inside the instrument and compares against the standard spectrum. According to the results, the therapist is able to make an analytic judgement for the person and put forward standard advice for any preventive treatment that may be required."

The Therapeutic Services Advertising Code applies to this advertisement as it fits the description of a therapeutic service as "therapeutic, medical or health services or services which claim a therapeutic purpose", specifically using the following interpretation of the ASA's definition of therapeutic use: "use in or in connection with... diagnosing... a disease... in humans"

Most importantly, this advertisement is in breach of Principle 3 (particularly Guideline 3(a)) of the Therapeutic Services Advertising Code and both Basic Principle 3 and Rule 2 of the Advertising Code of Ethics, as from the description given in the advertisement it seems entirely implausible that the service is able to produce a medical diagnosis of any sort, especially not one that could be used as a basis for reliable medical advice, as is claimed in the advertisement.

Secondarily, this advertisement is in breach of Principle 4 of the Therapeutic Services Advertising Code and Rule 2 of the Advertising Code of Ethics (by exploiting the consumers' lack of knowledge), as the scientific terminology used in the advertisement is used in a nonsensical manner. It appears that the language was written to sound scientific while lacking in any actual substance and thereby take advantage of their prospective clients' ignorance of the terminology used. Ignoring grammatical errors, the following phrases in particular use scientific terminology in an inappropriate manner:

- "Quantum Magnetic Analyzer collect the weak magnetic field sensors of frequency and energy from the human body through the hand grip sensor."
- "magnifies your body functions"
- "compares with the diseases on record which are installed inside the instrument and compares against the standard spectrum"

The advertisement of this service is also in breach of Principle 2 of the Therapeutic Services Advertising Code and Basic Principle 4 of the Advertising Code of Ethics, as advising consumers to rely upon a spurious service for medical diagnoses and medical advice is highly irresponsible.

This advertisement is also in breach of the Advertising Code of Ethics Basic Principle 5 as it makes the following (unjustified) claim: "No longer will there be a need for ultrasonic, nuclear magnetic resonance or radiography in helping clients target their health conditions."

RELEVANT CODE

Therapeutic Products Advertising Code

Principle 2 - Advertisements must be truthful, balanced and not misleading. Claims must be valid and have been substantiated.

Principle 3 - Advertisements must observe a high standard of social responsibility.

RESPONSE FROM ADVERTISER, INNATE HEALTH

Complaint 13/012, Is an electronical instrument that is used as a tool to read a persons health state. I believed I was providing an honest description of how it works as I had learnt from the manufacturer's explanation of how it function. Possibly I should have stated a medical disclaimer, disclosure that it does not replace the need for orthodox medical treatment or services. I will do so in future regardless if it is required or not. When submitting' Quantum Magnetic Analyser Report into search engine on Internet I received 177,000 results and 3,700,000 results can be found in NZ search engine (Quantum Magnetic Analyser Report NZ). I believe that if someone was interested in this service they would also do a internet search to learn more about the service and make their own judgement if they wanted to do it or not. However I have removed said content in question from Innate Health web site until this complaint has been addressed.

Note: This response has been edited. Comments regarding other complaints have been removed.



Quantum Magnetic Analyzer Report \$25

- Home
- METAbolic Therapies
- Massage Therapies
- Health Report
- News
- Links
- Contact

A non-invasive testing at the cellular level when our health is not in good condition, our body will automatically give out certain alarms, such as easy fatigue, body aches, headaches, insomnia, lack of appetite, depression, anxiety, stress, fear, bad temper, palpitation, dizziness, inertia, and so on. People who have these symptoms are determined to be in sub-health condition. The World Health Organization estimates that 10% of adults worldwide belong to this group.

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