

## ADVERTISING STANDARDS COMPLAINTS BOARD

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DECISIONMeeting 20 February 1996Complaint 95/326

Complainant: I St George-Wellington School of Medicine

Advertisement: Chelation Therapy

**Complaint:** An advertisement for Chelation Therapy was published in The Dominion. The advertisement contained the statements "Abate Ageing", "Average health can shorten your life by 20 years", "Acclaimed Worldwide" and "Has improved the quality and enjoyment of life for thousands...".

The Complainant said:

"I wish to complain formally about this advertisement because

1. Chelation therapy does not abate ageing.
2. The statement "average health can shorten your life by 20 years" is nonsense.
3. Chelation therapy is not acclaimed worldwide - in fact in scientific circles it is rejected as ineffective.
4. It does not improve health or the quality of life.
5. The advertisement, by using names such as "NZ College of Preventative Health and Medicine" and "NZ Medical Foundation Ltd" seeks a kind of spurious validity through the use of names which sound official and established - which they are not."

The relevant provision was Rule 2 of the Advertising Code of Ethics which states (in part)

"**Truthful Presentation** - Advertisements must not contain any statement or visual presentation which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive, is likely to deceive or mislead the consumer, or makes false and misleading representation..."

The advertiser said:

“1. Chelation Therapy by reducing arterial plaque deposits and chelating toxic heavy metals and other chemicals from the hard and soft storage tissues of the body improves circulatory capacity which increases the entire functional capacity of the body and blunts the effects of age related diseases and illnesses.

2. The purpose of the hundreds of millions of Dollars of Taxpayer and other private funds that are expended annually to provide and maintain medical training establishments and facilities, provide experimental research and development funds and facilities. Establish programmes and legislation to reduce alcohol, tobacco, drug and other deleterious substance abuse, promote better nutrition and reduce obesity, promote safer sex, improve melanoma screening and educate the public to the dangers of exposure to the sun, promote awareness to diabetic conditions and better diabetic control, increasing fitness and exercise capacity, conducting immunisation programmes etc., etc., and the list goes on and on, must surely be the improvement in the average status of the general health of the public with accompanying improvement in the quality and enjoyment of life with increase in the life expectancy of the individual.

It must then follow that if ‘average health can shorten your life by 20 years’ is, as the complainant contends “nonsense” then such expenditure should be discontinued and the organisations and programmes disbanded including the faculty from which this complaint has originated.

Everyday we see the results and benefits that accrue from such programmes and we hold the educational and research organisations established within N.Z. in high esteem and, of course, such an action could not be sanctioned or subscribed to by our organisation.

3. There are now in excess of 4,000 clinics and medical practitioners providing chelation therapy facilities throughout the U.S.A. These clinics have been responsible for the treatment of several million patients. Chelation therapy is now available throughout the United Kingdom, various parts of Europe, the Scandinavian countries and Canada.

To our knowledge there are at least twenty clinics and/or registered medical practitioners providing the therapy throughout New Zealand and we are reliably informed that over the past 17 - 18 years that the therapy has been available, more than 20,000 New Zealanders have undertaken chelation therapy.

Chelation Therapy is widely used in hospitals throughout the world and in our own hospitals it is used in cases of heavy metal and other poisoning and toxicity such as lead, arsenical, copper, cyanide and iron poisoning and accumulation.

A number of chelating agents are available in both i.v and injectable form and oral form and available for use under our health benefits scheme and are referred to in New Ethicals Catalogue reference see ‘CHELATING AGENTS’ which include;

- B.A.L.(dimercaprol) Inj.
- D-Penammine (penicillamine) Tabs.
- Kelocyanor (di-cobalt edetate) Inj.
- Calcium Disodium Versenate Inj.

Desferal (desferroxamine)  
Sodium Edetate (EDTA)  
Sodium Calcium Edetate

As with any medical intervention the effectiveness of the therapy or procedure will vary from patient to patient and the notion that chelation therapy is rejected generally in all scientific circles is at the very least, fanciful. It may very well be that in the circle of scientists subscribed to by the complainant the therapy is rejected as being ineffective and this is a perfectly valid situation in scientific circles where varying schools of thought pervade.

4. The overwhelming evidence of improvement in health and quality of life is well documented in numerous papers, journals and other publications throughout the world and there are thousands of testimonials from patients who have experienced such benefits and improvements .

5. The N.Z. College of Preventive Health and Medicine was founded in 1974 and has diligently pursued the aims and goals as set out under its founding charter since that date. The N.Z. Medical Foundation Limited is a duly incorporated Company under the Companies Act 1993.

The format of the advertisement which is the subject of this complaint has been used by us in various publications throughout New Zealand for several years and this is the first occasion that there has been complaint.

Cognizant of the Statutory requirements as contained in the Medicines Act 1981 and its Regulations and Amendments in relation to advertising, considerable discussion was undertaken with the Health Department both in Auckland and Wellington to ensure that the format of the advertisement complied with the provisions of the Act and accordingly this advertisement does not breach the provisions of this Enactment."

The Board considered each of the statements in turn.

**"Abate Ageing" "Average Health Can Shorten Your Life By 20 Years"**

The Board was of the view that these claims had not been substantiated and therefore were misleading. The Board was concerned that statements of this nature could raise false hopes and expectations. The Board noted that while it may be acceptable to make such statement by way of personal opinion, in the context of an advertisement it was an overstatement which would mislead the consumer.

**"Acclaimed Worldwide" "Has Improved The Quality And Enjoyment Of Life"**

The Board was of the view that these statements were puffery and not claims capable of substantiation. The Board noted that these statements were fair comment on the advertiser's behalf and were unlikely to deceive or mislead the consumer.

**"NZ College of Preventative Health and Medicine" "NZ Medical Foundation Ltd"**

The Board was of the view that the advertiser had substantiated the use of these names.

Accordingly the Board ruled to uphold the complaint on the statements "Abate Ageing" and "average health can shorten your life by 20 years."

**Decision:** Complaint **Upheld** (in part)

SAURDAY 20 & SUNDAY 21 NOVEMBER - 7 till 4 pm

**ABATE AGEING**  
**AVERAGE HEALTH CAN SHORTEN**  
**YOUR LIFE BY 20 YEARS**  
**CHELATION THERAPY**  
**ACCLAIMED WORLDWIDE**

HAS IMPROVED THE QUALITY AND ENJOYMENT OF LIFE  
FOR THOUSANDS SUFFERING FROM THE COMPLICATIONS  
OF CIRCULATORY IMPAIRMENT AND AGE RELATED  
DISEASES AND ILLNESSES

**AFFORDABLE CHELATION THERAPY IN**  
**TABLET FORM**

IS NOW AVAILABLE FOR YOUR CONVENIENT USE AT HOME  
IMPROVE YOUR HEALTH AND QUALITY OF LIFE

*FOR FREE INFORMATION*

**PHONE TOLL FREE**

**0800 828-333**

or write to:

**NZ COLLEGE OF PREVENTATIVE HEALTH AND MEDICINE**  
**PO BOX 56-256, DOMINION RD, AUCKLAND.**

*IN CONJUNCTION WITH*  
**NZ MEDICAL FOUNDATION LTD**

BLR20400PDC

Dom 26/11/95

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