



MIRACLE CURES AND MAGIC POTIONS

The quick-fixes that didn't

According to research, almost half the Australian population—42 per cent—use complementary and alternative medicine.

Its popularity can be attributed to many factors. Some people get little satisfaction from conventional treatments and complementary and alternative medicine, or CAM, can offer something different.

Others have less faith in traditional medicines or science and are seeking greater control over their lives—fuelled by the abundance of information on the internet.

Then there are the 'green' movements that prefer to use only organic and non-chemical treatments.

By its very definition, CAM generally lacks solid evidence and is unlikely to have been through a process of clinical trials or other scientific tests.

That's not to say CAM is ineffective. But it does open up the opportunity for people seeking relief from serious illnesses or conditions to be taken in by shonky operators offering quick fixes and magic potions.

As a regulator the ACCC seeks to try to protect people—often susceptible or very vulnerable people—from their own gullibility or desperation.

The Australian Consumer Law, which the ACCC enforces, requires businesses to be accurate and truthful when they market their products and services.

They must not make false claims about a product's quality, history, performance, benefits or origin.

But the reality is, they sometimes do.

Allergy cures

An allergic reaction can be severe and in some cases may lead to death. Claiming to be able to test for, identify and treat a person's allergies and underplaying the associated risks is very dangerous.

In 2009 Allergy Pathway said it could identify allergens, could cure or eliminate almost all allergies or allergic reactions and could successfully treat them, and claimed its treatment was safe. None of it was true.

Allergy Pathway was ordered to write to customers about its conduct and to place corrective advertisements.

Last year, other traders claimed they could treat allergies by testing the resistance of the person's arm muscle to pressure applied while holding a vial of the suspected allergen. In June the two companies and two individuals were penalised \$185 000 by the Federal Court for their misleading claims.

Cancer cures

The NuEra companies told terminally ill people their RANA system could cure cancer, or could reverse, stop or slow its progress.

Despite costing up to \$35 000, it could not. The RANA system was also asserted to be based on accepted science.

The Federal Court described the conduct by the company as being of the most reprehensible kind, cynically and heartlessly exploiting cancer victims at their most vulnerable. The company was restrained from engaging in any further conduct.

The ACCC also undertook court proceedings with other companies making misleading cancer cure claims in 2010 and again last year.

General health

Giraffe World's negative ion mats cost \$2900 and supposedly emitted negative ions that alleviated the suffering of people with arthritis, asthma, heart problems, insomnia and stress.

In 1999, when the ACCC took it to court, the company argued that the case was more than just a defence of its mats; it was a battleground between conventional and alternative health care systems.

As well as its product being proved to be a sham—it did not emit negative ions nor produce any health benefits—the company was found guilty of pyramid and referral selling and the ACCC took action to recover debts for the many hundreds of duped customers.

Multiple health cures

Products on Michael Desveaux's Transformation 2012 website were said to cure everything from herpes and hepatitis, prostate and ovarian cancer, MS and arthritis to erectile dysfunction, alcoholism and AIDS—all 'without harming the body's cells'.

In 2003 the ACCC detected Mr Desveaux's false and misleading claims during a worldwide internet sweep for misleading claims about health products.

The case was particularly insidious because it targeted the most vulnerable of people—those with serious illnesses with no known cure. There was a real risk that people would stop conventional treatments in place of these products, which had no known benefits.

The ACCC took Mr Desveaux to court and accepted court undertakings that he would

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provide refunds to his customers, as well as permanent injunctions restraining him from engaging in similar conduct.

He now has a disclaimer on his website that states:

Transformation 2012 makes NO claims in the area of health for a variety of reasons, on any of our advertised products. The Natural Health products here are not intended to diagnose, treat, cure, or prevent any disease. They are for educational and research purposes only.

Fitness claims

Power Balance claimed its rubber bands improved strength, balance and flexibility, and 'worked positively with the body's natural energy field'.

The claims were not supported by any credible evidence, which the company admitted after the ACCC took it to court.

The case was particularly high profile because many celebrities and leading sportspeople wore or promoted the bands—David Beckham, P Diddy, even Kate Middleton.

The company was ordered to offer refunds, publish corrective ads and remove the words 'performance technology' from its brand.

Weight-loss claims

Undoubtedly the best-known weight-loss scam the ACCC has dealt with is the Sensaslim case, the oral spray that was claimed to have been tested by more than 11 000 people in an internet trial by a research group that did not exist.

Sensaslim also falsely claimed that an obesity specialist gave it his unqualified support and that franchisees were already making substantial money from it. The company is now in liquidation and the matter is still before the courts.

Before Sensaslim there was SwissSlim.

In the late 1990s the Swiss Slimming and Health Institute advertised extensively, claiming people could lose weight quickly and easily sitting wrapped in cold bandages.

Its clients did lose weight, but mainly due to the harsh detox diet they were put on as part of the program.

The ACCC took action on behalf of more than 1000 clients who were enticed to join the program. The judge described the information given to clients as 'all a nonsense'.

The court froze assets held by the institute and its director, which were used for part-refunds for clients.

No matter what the product or how a business promotes it—whether through advertising, packaging or endorsements—the information they provide must be accurate and truthful.

Consumers are entitled to know what they are spending their hard-earned cash on.

