

26 September 2018

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Official Information Act #18.046 Homeopathic Products

1. We refer to your request made under the Official Information Act 1982 of 29 August 2018 for the following information:
 - 1.1. The number of complaints received by the Commerce Commission (Commission) relating to homeopathic products, between 16 March 2017 and 22 August 2018;
 - 1.2. the number of self-initiated investigations made by the Commission into homeopathic products, between 16 March 2017 and 22 August 2018;
 - 1.3. the names of the parties complained about or investigated between 16 March 2012 and 16 August 2018, and the specific claims made that triggered the complaint or investigation; and
 - 1.4. the action and corresponding outcome taken in relation to each of the complaints or investigations made between 16 March 2012 and 16 August 2018.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).
3. In our letter sent to you on 28 August 2018, we requested that you reduce the scope of your initial request (made on 22 August 2018), in consideration of the fact that we have already provided substantially similar information in a prior OIA response (#16.133).
4. On 29 August, you agreed to the changes proposed in our letter. Accordingly, this response should be read alongside OIA response #16.133, which is publically available at <https://fyi.org.nz/request/5560-homeopathic-products-fair-trading#incoming-18724>

The Commission's complaints screening process

5. When a consumer contacts the Commission with a complaint or enquiry about a trader, this is logged in the Commission's database.
6. The Commission receives thousands of complaints every year. Each complaint is initially assessed by the Enquiries Team on the basis of the information provided. When conducting the initial assessment, the Enquiries Team considers:
 - 6.1. the likelihood of a breach of the relevant legislation (Fair Trading Act 1986, Credit Contracts and Consumer Finance Act 2003, and the Commerce Act 1986);
 - 6.2. the Commission's Enforcement Response Guidelines;¹ and
 - 6.3. the Commission's strategic priorities and resourcing constraints.
7. The Commission has the power to act on complaints, but is not required to take action in relation to all possible breaches of the legislation that we enforce.
8. In determining whether to act on a complaint, the Commission applies a set of publically available enforcement criteria.² These criteria take into account the public interest, the seriousness of the conduct, the extent of the detriment and the Commission's resources.
9. If a complaint is deemed to meet certain criteria, it is considered and reviewed by a panel of managers from within the Competition and Consumer Branch. The panel decides which complaints are to be prioritised for further consideration.
10. This process enables us to identify complaints that best reflect our current enforcement priorities. The outcomes of the process are not final and we may revisit any complaint at a later stage, should we wish to reconsider the issues it presents.

Our response

11. We have decided to grant your request.
12. We searched our complaints databases using the following keywords: "*homeopathy*", "*homeopathic*", and "*homeopath*", within the two periods specified at paragraphs 1.1 to 1.4 above.
13. The Commission has received **1** complaint relating to homeopathic products between 16 March 2017 and 22 August 2018.
14. The Commission has not made any investigations into homeopathic products since 16 March 2017; self-initiated or otherwise.

¹ <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-response-guidelines/>

² <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-criteria/>

15. **Attachment A** contains details of all complaints about homeopathic products received between 16 March 2012 and 16 August 2018, including: the relevant trader(s), the reason for each complaint, and the outcome of each complaint.
16. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response.
17. Please note the Commission intends to publish this response to your request on its website. Personal details will be redacted from the published response.
18. If you have any questions in regards to this request, please do not hesitate to contact us at uia@comcom.govt.nz

Yours sincerely



Rosie Brown
OIA Coordinator

Released under the Official Information Act 1982

Attachment A

NFA = “No further action”

Complaint: ENQ0291325	Trader(s): Hobsonville Pharmacy & Pharmacies generally
Issue(s): Concerns claims about the efficacy of homeopathic products in the pharmacy industry generally. The complainant specifically mentions pharmacies’ endorsement of a product called Naturo Pharm.	
Outcome: Assessed NFA at first instance.	

Complaint: ENQ0298669	Trader(s): Chris Rhodes Naturopathic Limited
Issue(s): Concerns alleged false claims on the trader’s website, including claims that a “Kinetic Energy Analyser” device “tests the organs, glands, viruses, chemicals, vitamins and minerals” of patients. And claims that the trader has been practising on children and elderly patients for 26 years.	
Outcome: Assessed NFA by screening panel.	

Complaint: ENQ0501421	Trader(s): Unichem & pharmacy industry generally
Issue(s): Concerns alleged claims about the efficacy of homeopathic products, generally. Specifically complained about the Unichem website, which states that Bach Rescue Remedy drops “[p]rovides relief from feelings of: anxiety, nervous tension, stress [...]. The complainant points out that the ingredients include: rock rose, cherry plum, impatiens, and ethanol.	
Outcome: Assessed NFA by screening panel.	

Complaint: ENQ0322326	Trader(s): Homeopathy Centre
Issue(s): Concerns alleged claims that homeopathy’s ability to “stimulate the body’s own healing mechanism” for use in relation to short term illness or infections (including bladder infection, flu, cold, sore throat, ear infection or minor injury), any illness which does not have a name or specific causation (such as chronic pain or chronic fatigue).	
Outcome: Assessed NFA by screening panel.	

Complaint: ENQ0511295	Trader(s): Miers Labrotories Limited
Issue(s): Concerns alleged claims relating to the trader’s No-Jet-Lag product. The complainant points out that the active ingredients are present at a “40c concentration level”.	
Outcome: Assessed NFA at first instance.	

Complaint: ENQ0312754	Trader(s): My Café Homeopathy
Issue(s): The trader had refused to comply with an order from the Advertising Standards Authority, for unsubstantiated claims the home-based homeopathy can be used to treat: drowning, fainting, head injuries, broken bones, increasing immunity, croup, mumps, measles and chicken-pox.	
Outcome: Assessed NFA at first instance.	

Complaint: ENQ0318231	Trader(s): Homeopathy Hub
Issue(s): Concerns allegedly unsubstantiated representations on the trader's website, including the following:	
<p>"Safe, effective, natural medicine for adults and children"</p> <p>"Homeopathy is an effective and scientific system of medicine that assists the natural tendency of our body to heal itself. Homeopathic medicines are easy to take and effective for all ages, even during pregnancy. They can be safely used alongside conventional medicines."</p> <p>"Homeopathy is useful in mental and emotional as well as physical complaints. For example homeopathy is very effective with fertility and menstrual problems, during pregnancy and labour, mastitis, UTIs, lactation problems, baby colic and digestive disorders, coughs, colds and infections but also consider homeopathy for migraines, arthritis, depression, anxiety and behavioural problems. The list is endless."</p> <p>"Effective No side effects Not Addictive Work at dynamic plane Holstic"</p> <p>"What homeopathy can help with:</p> <ul style="list-style-type: none"> - Acute illness, childhood illnesses - Chronic disease management - Family planning, pregnancy, birthing, nursing - Ear infections - Heart disease - High blood pressure - Chronic fatigue - Sleep disturbances - Difficulty concentrating - Lack of confidence - Depression, stress, anxiety - Difficulty relaxing - Difficulty with decision making - Irritability, anger, behavioural issues" 	

“There is almost unlimited help available in the homeopathic medicine chest for life’s multitude of stresses whether they are:

- PHYSICAL: aches and pains, colds and coughs, digestive disorders
- MENTAL: exhaustion, poor memory and concentration, negative thought patterns
- EMOTIONAL: depression, grief, resentment after abuse”

Outcome: Assessed NFA at first instance. Sent to screening panel for visibility.

Complaint: ENQ0283567 | **Trader(s):** New Zealand health Shop Limited

Issue(s): Concerns the trader’s (television) claims that homeopathic remedies can assist sleep.

Outcome: Assessed NFA at first instance.

Complaint: ENQ0300581 | **Trader(s):** Pharmacybrands Limited T/A Unichem Pharmacies (complaint refers to an unspecified franchisee of the trader)

Issue(s): Whilst seeking cold & flu medicine, the complainant was directed to homeopathic remedies by one of the trader’s staff members (specifically a product called Codral). He/she claims that the staff member claimed that homeopathic products are “safer than traditional medicines because they have no molecules”.

Outcome: Assessed NFA by screening panel.

Complaint: ENQ0315755 | **Trader(s):** Yellow Pages

Issue(s): The complainant points to several advertisements for alternative medicine related goods and services listed by third parties the trader’s publication (specifically referencing Apex Natural Healthcare and The Therapeutic Centre’s advertisements for homeopathic products). The trader allegedly refuses to remove these.

Outcome: Sent to screening panel – referred to Advertising Standards Authority. NFA.

Complaint: ENQ0281208 | **Trader(s):** The HCG Diet

Issue(s): The complainant states the trader was featured on a radio show, in which one of the presenters claimed to have lost weight on a homeopathic diet. He/she further cites the following copy on the trader’s website: “proven weight loss”, “fast”, “safe”, “all-natural”, “FDA Approved Lab”, and “most effective and most trusted”. He/she believes that these claims are misleading and dangerous.

Outcome: Forwarded to Medsafe. NFA.

Complaint: ENQ0296115 | **Trader(s):** Weleda (New Zealand) Limited

Issue(s): Concerns allegedly unsubstantiated representations about homeopathic remedies, including claims that the “30C Arnica” “Assists in the healing of bruised and sprained tissues and muscles. For all soft tissue injuries”.

Outcome: Sent to screening panel. NFA.

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Information Act 1982