

# ASA RULINGS:

## Osteopathy and Chiropractic

This document contains the results of a simple search of the ASA website, conducted on 22nd May 2017, for Rulings relating to osteopathy and chiropractic.

It includes rulings where complaints were not upheld, but does not include complaints which were “Informally Resolved”.

For more detailed information, or a more recent search, visit the ASA website at:

<https://www.asa.org.uk/codes-and-rulings.html>

ASA Adjudication on:  
**Phil Parker Group Ltd**  
*Upheld in part Internet (on own site) 22 August 2012*

**Background**

Summary of Council decision:

Four issues were investigated of which two were Upheld and two were Not upheld.

**Ad description**

The website [www.lightningprocess.com](http://www.lightningprocess.com), for a complementary therapy course known as the Lightning Process, included a landing page that displayed links titled:

"CFS/ME",  
"FM/Chronic Pain",  
"Multiple Sclerosis",  
"IBS/Digestive issues",  
"Food/Chemical Intolerances",  
"Eating Disorders",  
"Addiction",  
"Depression",  
"Phobias/Anxiety/Stress",  
"Low Self Esteem" and  
"OCD".

Each link directed readers to a page headed "The Phil Parker Lightning Process for [relevant condition]" which featured information including a link to a "Find A Practitioner" page.

The "CFS/ME" page of the website included the statements "Our survey found that 81.3 %\* of clients report that they no longer have the issues they came with by day three of the LP course" and "The Lightning Process is working with the NHS on a feasibility study, please click here for further details, and for other research information click here".

The Frequently Asked Questions (FAQ) page stated "Q. Is it similar to any other therapy? A: No, the Lightning Process is a training programme and although it is designed with an expert knowledge of osteopathy, NLP and life coaching, it's not the same as these or any other approaches. The Lightning Process is completely unique ... Q. Why isn't the Lightning Process available on the NHS? A: We have discussed the role of the Lightning Process in the NHS with a number of NHS consultants, and have taken their advice that for the time being its three day format and the particular way it looks at language and health, it's best catered for in a non medical setting. We are looking at ways, including our work with research groups, to make the LP available on the NHS for the future".

**Issue**

Hampshire Trading Standards challenged whether:

1.the CFS/ME page, and in particular the claim "Our survey found that 81.3%\* of clients report that they no longer have the issues they came with by day three of the LP course", misleadingly implied that the Lightning Process could treat or cure CFS/ME;

2. the claim on the FAQ page that "The Lightning Process is completely unique" could be substantiated; and
3. the references to the NHS on the website misleadingly implied that the Lightning Process had been endorsed by the NHS.
4. The ASA challenged whether the pages dedicated to each of the conditions listed on the landing page misleadingly implied that the Lightning Process could treat or cure those conditions.

## **Response**

Phil Parker Group Ltd (Phil Parker Group) said Phil Parker was a statutory registered osteopath, psychotherapist and hypnotherapist and that he was therefore suitably qualified to work with people who suffered from the conditions mentioned. They stated that every Lightning Process (LP) practitioner had been personally trained by Phil Parker and his faculty and that they were all clinical hypnotherapists qualified to work with a range of psycho-therapeutic processes.

They stated that the LP was a training programme which looked at how individuals could influence their own health and wellbeing. They believed the website made it clear that LP was a non-medical training programme and therefore not a cure or a treatment. They were of the strong opinion that the Code rules on medical treatments should not be applied to the LP, because it did not market or define itself as a medical or health product. They did not believe validation of the effectiveness of a training programme required the same evidence base as medicines or medical treatments. They nevertheless provided evidence which they believed demonstrated that the LP could assist those who suffered from various conditions. They provided a copy of their own "LP Outcome Measures Research" and "LP Snapshot Survey" and abstracts of a number of other studies which they believed were relevant to the application of LP for the conditions listed on the website.

1. Phil Parker Group said many of their clients considered themselves free of ME after doing the LP course and had been signed off as healthy by their doctor since completing it.

They said no biochemical marker could be identified as a measure of change for people with CFS/ME and that self-reporting questionnaires were therefore among the most generally accepted ways of documenting change. They said a pilot study conducted with the International Centre For Wellness Research and the LP Outcome Measures Research demonstrated that the LP was an appropriate method for teaching people the tools to assist them with their CFS/ME. They also provided details of surveys conducted by the ME association, the Brighton and Sussex Medical School and the Sussex & Kent CFS/ME Society as well as their own Snapshot Survey. They pointed out that they had included a disclaimer linked to the Snapshot Survey results which stated "Our Snapshot Feedback Survey has been designed as a tool to collect data from clients as to whether they feel they have gained any benefit from attending the Lightning Process course. Although the data was collected from over 1000 people, the results are naturally subjective. Lightning Process practitioners are not medically trained and are therefore relying on client information about their diagnoses, symptoms and issues that they bring to the course".

2. Phil Parker Group said the LP had been designed solely by Phil Parker. They said he had no direct knowledge of cognitive behavioural therapy (CBT) or graded exercise therapy (GET) but that they believed GET encouraged a pacing approach to generally increasing the patient's exercise capacity, which was completely unlike the LP, which was not an exercise therapy.

They stated that CBT was a very broad field with very few accepted standard prescribed approaches, whereas the LP was a standardised training programme which meant a visit to a practitioner anywhere

in the world should result in receiving the same training, material, tools and coaching. They said one of the core CBT approaches was a conscious evaluation, engagement and self-analysis of how the individual had been thinking about something; a recognition of how that might not have been the best way of thinking about it and a consideration of other ways of thinking. They explained that this was very unlike the LP approach which worked in training the individual to recognise any unhelpful ways of thinking; to disengage, avoid self-analysis and immersion in those ways of thinking and instead utilise a set of specific and standardised LP questions and physical movements to create new approaches to situations.

3. Phil Parker Group said the first reference to the NHS on the website was in relation to the feasibility study that they had undertaken with a specialist CFS/ME service for children based at the Royal National Hospital for Rheumatic Diseases, which was an NHS hospital. They said the only other reference to the NHS was in the answer to the FAQ "Why isn't the Lightning Process available on the NHS?" They did not believe any information on the website contained an express or implied claim that LP had been endorsed by the NHS but said they were prepared to remove the reference to attempting to make the LP available on the NHS in future from the FAQ page.

4. Phil Parker Group reiterated their view that, because LP was a training programme, it could not cure anything. They said the website did nothing more than accurately and responsibly offer general information about conditions that the LP might be of some use for.

They said the statement on their website that read "We have seen a number of people with all the different types of MS reporting impressive results when using the LP" was accurate and that they had documented results from a proof of concepts study carried out in conjunction with the Multiple Sclerosis Resource Centre (MSRC), as well as their LP Outcome Measures Study and individual testimonials. They said the studies supported the fact that LP was an appropriate and documented approach to teaching people tools to assist them to some degree with their MS. They also stated that the evidence provided in relation to LP and ME/CFS formed part of an evidence base that showed brain training approaches could influence the key systems that needed support in people with MS. They said there was overwhelming evidence that brain-training approaches were suitable for IBS/ Digestive issues and food intolerances. They provided several abstracts of studies which looked at the role of hypnotherapy in the treatment of people with IBS. They believed those showed that hypnotherapy had a positive impact on the symptoms of IBS and that the LP, which trained participants in self-hypnosis and other brain training techniques, was therefore an appropriate approach to teaching people tools to assist them to some degree with their IBS. They believed that the research mentioned in relation to ME/CFS showed the effect of brain training techniques on the function of the immune system and supported the idea that the mind could dampen heightened immune responses such as chemical sensitivities.

They provided links to two studies which looked at the application of hypnosis in the treatment of anorexia, which they believed supported the claim that LP was an appropriate and documented approach to teaching people tools to assist them to some degree with their eating disorders. They provided an abstract of a study which documented techniques of brain training in supporting ex-addicts in recovery and they said the positive outcomes from the LP Outcome Measures Research supported the use of LP for addiction. They also provided an abstract of a study that investigated the comparative effectiveness of hypnosis and CBT on depression and they believed the study and the results of their own Snapshot Survey supported the fact that the LP was an appropriate and documented approach to teaching people tools to assist them to some degree with their depression.

They stated that a number of the conditions referred to on the landing page, including anxiety, stress, phobias, OCD, low self-esteem and FM/chronic pain were accepted as being within the remit of psychosomatic practitioners. They reiterated that all LP practitioners were clinically trained hypnotherapists and could therefore refer to those conditions, so long as there was no promise of cure.

They added that many of those conditions had also been shown to be affected positively by the LP Outcome Measures Study.

### **Assessment**

The ASA noted that Phil Parker Group referred to LP as a training programme rather than a therapy and that none of the pages of the website expressly stated that LP could cure a specific medical condition. However, we noted that each page of the website stated "Welcome to this site, I do hope these pages [or "which I hope"] will answer some of your questions about [medical condition] and the Lightning Process (LP)". We noted that each page included a disclaimer that stated "Due to the nature of the [Lightning Process] training we cannot guarantee results as everyone is different, however we have received a considerable amount of positive feedback from clients with the varied symptoms that many people with [medical condition] can experience" and that the pages for CFS/ME, IBS/digestive issues, food and chemical intolerances, depression, FM/chronic pain, phobias/anxiety/stress and OCD included an introduction to a customer testimonial which explained the positive experience those customers had with the LP.

We considered that references to the LP and its potential benefit for those who suffered from the named medical conditions constituted objective claims for medical efficacy and that the Code rules specific to medical treatments were therefore applicable. Because neither CAP nor the ASA had previously seen evidence that the LP could be effective in treating the medical conditions listed, we considered that a high level body of relevant evidence was needed to prove the claims.

#### **1. Upheld**

We considered that visitors to the website were likely to understand from the statements such as "I hope these pages will answer some of your questions about this illness [CFS/ME] and about the Lightning Process (LP)", "Our survey found that 81.3%\* of clients report that they no longer have the issues they came with by day three of the LP course" and "Due to the nature of the training the Lightning Process cannot guarantee results as everyone is different, however we have received a considerable amount of positive feedback from clients with the varied symptoms that many people with chronic health issues experience" that the symptoms of their CFS/ME were likely to be gone by the end of the three-day LP course and that they would have gained the knowledge to help them prevent those symptoms returning (with support from time to time from their LP practitioner).

Although we acknowledged that self-assessment questionnaires were commonly used to assess outcome measures in trials relating to CFS/ME, we noted that the LP Outcome Measures Study was not controlled and had been designed only to provide preliminary outcome measures which could be used to support an application for funding for a larger-scale randomised control trial (RCT).

Although we had not seen the full study, we understood that the pilot study conducted with the International Centre For Wellness Research reported positive results from a sample of 17 participants. However, we understood that the study was not controlled and had concluded that further investigation was necessary, with a larger sample size with wider inclusion criteria.

We had seen only a summary of the LP Snapshot Survey. We had no reason to doubt the accuracy of the reporting. However, we noted that participants need only have been self-diagnosed to participate in what was a self-assessment survey which was not controlled. Similarly, we noted that the trials conducted by the ME Association, the Brighton and Sussex Medical School and the Sussex & Kent CFS/ME Society reported positive results but were self-assessment studies and had not been controlled. We considered that those studies and surveys did not constitute a suitably robust body of evidence to demonstrate the effectiveness of the LP in the treatment of CFS/ME. Because of that, we concluded that the CFS/ME page of the website was likely to mislead.

On this point, the website breached CAP Code (Edition 12) rules **3.1** (Misleading advertising), **3.7** (Substantiation) and **12.1** (Medicines, medical devices, health-related products and beauty products).

## 2. Not upheld

We understood that GET and CBT were the two treatments for CFS/ME used within the NHS. We understood that GET was a structured exercise programme that aimed to increase gradually how long a person could carry out a physical activity. We understood that the LP involved only low intensity physical movements, the purpose of which were not to expand the body's capacity for exercise, and we considered that it therefore differed significantly from GET.

Although we considered that there appeared to be similarities between CBT and the LP, in that both attempted to provide people with new ways of thinking about the issues presented by their illness, we noted LP incorporated elements of hypnosis and meditation, as well as low intensity physical movement, and we considered that it therefore differed sufficiently from CBT to be regarded as "unique".

On this point, we investigated the website under CAP Code (Edition 12) rules **3.1** (Misleading advertising) and **3.7** (Substantiation), but did not find it in breach.

## 3. Not upheld

We noted that the NHS was referred to on the FAQ page of the website, where an explanation was offered as to why LP was not available on the NHS. Although we considered that the FAQ page implied that it was for practical reasons rather than reasons of documented medical effectiveness that the LP was not available on the NHS, we did not consider that it implied the LP had been endorsed by the NHS. Although we noted that the LP was working with only one NHS hospital on a study intended to determine whether it was possible to recruit young people with CFS/ME into a study to compare specialist medical treatment with specialist medical treatment plus the LP, we noted that the website provided a prominent link to further information and we therefore concluded that the reference to the feasibility study did not imply that the LP had been endorsed by the NHS.

On this point, we investigated the website under CAP Code (Edition 12) rule **3.1** (Misleading advertising), but did not find it in breach.

## 4. Upheld

We considered that visitors to the website would interpret the customer testimonials, the results quoted from the LP Snapshot Survey and the other claims made for the LP on the MS, IBS/digestive issues, food and chemical intolerances, eating disorders, addiction, depression, FM/chronic pain, phobias/anxiety/stress, low self-esteem and OCD pages of the website to mean that the LP could be effective in treating those conditions.

We noted that the LP Outcome Measures Study showed a positive impact of the LP for those who suffered with MS, addiction, depression, FM/chronic pain, anxiety, low self-esteem, OCD and conditions classed as "Other/Unknown". However, as we noted at point 1 above, we did not consider that study to be strong evidence of the effectiveness of the LP.

We noted that the other study we had seen that looked specifically at the effectiveness of the LP in treating MS was also not a controlled clinical trial. The majority of the study abstracts we received looked at the performance of treatment methods other than the LP for different conditions and we had not seen an extrapolation by an appropriate expert of the findings from those studies that demonstrated

they could be relevant in support of the claims for the LP, which was identified as a unique process which, while drawing from elements of osteopathy and hypnotherapy, did not hypnotise participants or involve any physical manipulation. In the absence of adequately controlled trials relating specifically to the impact of the LP in the treatment of people with MS, IBS/digestive issues, food and chemical intolerances, eating disorders, addictions, depression, FM/chronic pain, phobias/anxiety/stress, low self-esteem and OCD, we considered that the website was likely to mislead consumers regarding the benefits of the LP in the treatment of people with those conditions.

In addition to the fact that we had not seen robust evidence in support of the efficacy claims, we noted that the CAP Code stated that ads should not contain references to medical conditions for which medical supervision should be sought because of the risk that it might discourage readers from seeking essential treatment for those conditions. We noted that the ad made reference to conditions including MS, eating disorders, addiction, depression and OCD and we acknowledged that depression and OCD were generally regarded as conditions capable of being treated under the supervision of suitably qualified psychosomatic practitioners. We understood that Phil Parker was a registered hypnotherapist, osteopath and psychotherapist, however, we noted that the website was intended to direct prospective customers to find their local LP practitioner. We noted that LP practitioners need only be trained in hypnotherapy and could therefore practice without having attained the necessary qualifications to treat those conditions.

Because Phil Parker Group had not supplied evidence to show that the LP could treat MS, eating disorders, addiction, depression and OCD and because reference to them could discourage readers from seeking essential treatment under the supervision of a suitably qualified health professional for them, we concluded that the claims were misleading for that reason also.

On this point, the website breached CAP Code (Edition 12) rules **3.1** (Misleading advertising), **3.7** (Substantiation) and **12.1** and **12.2** (Medicines, medical devices, health-related products and beauty products).

### **Action**

The claims on the website should not appear again in their current form. We told Phil Parker Group to ensure they did not make medical claims for the LP unless they were supported with robust evidence. We also told them not to refer to conditions for which advice should be sought from suitably qualified health professionals.

CAP Code (Edition 12)

**12.1** **12.2** **3.1** **3.7**

ASA Adjudication on:  
**Chiropractic Life**

*Upheld Internet (on own site) 06 May 2015*

**Ad description**

The website [www.chiropracticlifehove.com](http://www.chiropracticlifehove.com) featured the biography of Helen Martin which stated, "I was pain free and considered myself to be active and healthy when I had my first Chiropractic adjustments. Because of this I didn't notice any real difference in pain levels or range of movement and yet subtle changes were taking place! I stopped getting hay fever - which had plagued me as a child and consequently removed the need for prescription strength anti-histamines. I became less allergic to strong smells and cats and started to become uncomfortable sleeping on my front which is the very worst sleeping position for the spine! It was obvious to me that these changes were due to the adjustments I was receiving and that pressure was being taken off my nervous system to enable it to function better."

**Issue**

The complainant challenged whether the ad implied that Chiropractic could treat hay fever was misleading and could be substantiated.

**Response**

Chiropractic Life acknowledged receipt of the complaint, but did not provide a substantive response.

**Assessment**

**Upheld**

The ASA noted that the ad included the text "when I had my first Chiropractic adjustments ... I stopped getting hay fever - which had plagued me as a child ... It was obvious to me that these changes were due to the [Chiropractic] adjustments" and we considered consumers would therefore consider that Chiropractic treatment could alleviate hay fever. However, we did not receive any evidence in the form of clinical trials to substantiate that claim. Because we had not seen adequate evidence that Chiropractic was an effective treatment for hay fever, we concluded the ad was misleading and had not been substantiated.

The ad breached CAP Code (Edition 12) rules **3.1** (Misleading advertising), **3.7** (Substantiation) and **12.1** (Medicines, medical devices, health-related products and beauty products).

**Action**

The ad must not appear again in its current form. We told Chiropractic Life to avoid making claims that Chiropractic could treat hay fever in the absence of adequate evidence.

CAP Code (Edition 12)

**12.1**   **3.1**   **3.7**

ASA Adjudication on:  
**Kingsbridge Chiropractic Clinic**  
*Not Upheld Internet (on own site) 12 November 2014*

**Background**

Summary of Council Decision:

Two issues were investigated, both of which were Not upheld.

**Ad description**

A website for Kingsbridge Chiropractic Clinic, [www.kingsbridgechiropractic.co.uk](http://www.kingsbridgechiropractic.co.uk), included an FAQ page which stated "Is Chiropractic safe? Chiropractors are neuro-musculoskeletal specialists, trained as primary healthcare practitioners - meaning that no matter what the ailment, each patient will receive the appropriate care or referral as necessary".

**Issue**

The Nightingale Collaboration challenged whether the reference to "primary healthcare practitioners":

1. misleadingly implied that chiropractors held general medical qualifications, and that they were able to treat a wide variety of conditions and act as a primary contact for anyone with health concerns to enable them to access other medical services as required; and
2. was likely to discourage essential treatment for conditions for which medical supervision should be sought.

**Response**

1.& 2. The chiropractor who operated Kingsbridge Chiropractic Clinic said they were a member of the British Chiropractic Association (BCA), which was the largest association for chiropractors in the UK. They said the statement "Chiropractic is an independent primary healthcare profession" was commonly used by the BCA in their promotional material. They said the BCA stated in their leaflets that Chiropractic was a primary healthcare profession which specialised in the diagnosis, treatment and management of musculoskeletal conditions that were due to mechanical dysfunction of the joints and muscles, particularly of the neck and back. They also said the statutory regulator for chiropractors, the General Chiropractic Council (GCC), included the term "Chiropractic is an independent primary healthcare profession" in their Code of Practice and Standard of Proficiency. They did not believe that their use of the term implied that chiropractors held general medical qualifications.

**Assessment**

1. & 2. Not upheld

The ASA understood that the term "primary healthcare practitioners" was not protected and did not have a fixed definition. We acknowledged, however, that the term "primary healthcare" was generally used in the health sector to refer to the first point of contact for the public to access healthcare in the community, such as GPs, dentists and optometrists. We considered that the average consumer was likely to have an awareness that chiropractic focused on musculoskeletal conditions and considered that, in the context of the ad, consumers were likely to understand the term "primary healthcare practitioners" to refer to their ability to access chiropractic treatment directly, without referral. We did not consider

the term implied that chiropractors held general medical qualifications, that they were able to treat a wide variety of conditions (beyond musculoskeletal conditions) or that they could act as a primary contact for those with general health concerns. We also did not consider the term was likely to discourage essential treatment for conditions for which medical supervision should be sought. We therefore concluded the claim did not breach the Code.

We investigated the ad under CAP Code (Edition 12) rules **3.1** and **3.3** (Misleading advertising) and **12.2** (Medicines, medical devices, health-related products and beauty products), but did not find it in breach.

Action

No further action necessary.

CAP Code (Edition 12)

**12.2** **3.1** **3.3**

ASA Adjudication on:  
**Advanced Wellness Chiropractic Clinic**  
*Upheld Directory 01 May 2013*

**Ad description**

A local directory ad for the Advanced Wellness Chiropractic Clinic stated "Would you like ... A re-charged nervous system, Increased energy levels, Improved immune function, A healthy toned body? Chiropractic gives you great health without costly drugs or surgery".

**Issue**

A GP challenged whether the claims were misleading and could be substantiated.

**Response**

Advanced Wellness Chiropractic Clinic (Advanced Wellness) said the ad had been withdrawn and replaced with one that stated "Chiropractic ... focusing on wellness and illness prevention, without the use of drugs or surgery! Your nervous system controls everything including your immune system, your energy levels and your emotional state". They said their ad did not claim to treat any condition.

The advertiser said research had revealed that the nervous system controlled well-being and responded to continual changes in the environment and adapted accordingly, providing its best survival response. If the nervous system overloaded, it responded to its best ability, however, continued overloading caused an unbalanced neurological pattern to develop and recent research identified changes in brain waves before and after spinal adjustments, akin to rebooting a computer. They said the adjustments sent signals to the brain to reset muscle behaviour patterns. As the nervous system controlled all body functions, including the immune system, chiropractic care had a positive effect on this aspect of health. Subluxations – misalignments of the spine – that caused compression and irritation to the spinal joints and nerve pathways affected the body's organ systems that resulted in stress on the body which could result in a poorly coordinated immune response. They said resolving a subluxation had been shown to boost the coordinated responses of the nervous system and therefore the immune system and one study had shown that stressful conditions led to altered measures of immune function and increased susceptibility to a variety of diseases. They said an additional study showed that a thoracic adjustment, applied to a subluxated area, found that white blood cell count rose significantly.

Advanced Wellness said a detailed assessment was offered to all new patients, which assessed several aspects of their health and included various tests. After reviewing the findings, they said they could ascertain the cause of potential problems and why the patient had experienced low energy, fitness issues, carried excessive weight or decreased immune function. Patients were then reassessed one month after the initial examination that assessed objective and measureable changes in their health. They said areas in question were addressed through personalised lifestyle advice with health classes on nutrition, exercise and stress. There was no quick fix to these health problems and they had not suggested chiropractic care was the sole answer. They said chiropractic care, a healthy lifestyle that included exercise and nutritional modification, had led to claimed improvements in thousands of their patients. They routinely asked patients, via a questionnaire, about their own subjective and objective improvements. Patients regularly reported health changes such as increased energy levels, improved sense of wellbeing and improved sleep.

They said the statement "Chiropractic gives you great health without costly drugs or surgery" reinforced the World Federation of Chiropractors policy statement "Chiropractic is a healthcare discipline which

emphasises the inherent recuperative power of the body to heal itself without the use of drugs or surgery" and the focus of chiropractic was not on sickness but on prevention via wellness to achieve optimal health for an individual.

## **Assessment**

### **Upheld**

The ASA noted the advertiser had amended the ad. However, we did not consider the revision was significantly different from the initial ad in order to comply with the CAP Code.

Advanced Wellness submitted several abstracts to studies that examined the efficacy of chiropractic treatment on prevention of heart attacks, reduction in blood pressure, body surface electromagnetic field and neck pain. We did not assess these as we did not consider they related directly to the advertised claims and because it was not possible to assess the trials in full.

We acknowledged the additional, full trials submitted. However, one trial included a small sample size and another related to inflammatory disease. Due to these factors, we therefore considered they could not be applied to the general population or that they supported the claims made.

One trial considered the effects of chiropractic treatment on serum thiol levels which we understood was used, in some instances, to assess nutritional intervention, cancer assessments and anti-ageing status. We were concerned about the rigor of the trial as it omitted details that related to how participants were randomised and the inclusion/exclusion criteria. We also noted one sub-group underwent chiropractic treatment over 52 to 312 weeks and considered this wide time-frame may not reflect the length of time a consumer would undertake treatment. The trial also omitted details of the participants' results and did not take into consideration other influences on the immune system such as current health and illness, whether acute or chronic, diet and supplements, which we understood could affect the immune system. We were concerned that these additional variables could influence immunity other than the nervous system. Furthermore, the advertiser had not demonstrated that the absence of chiropractic treatment led to increased vulnerability to infection.

We noted the advertiser's argument that chiropractic treatment involved more than just physical manipulation of the spine. It also included lifestyle and nutritional advice, which we understood could influence factors such as energy and muscle tone. However, we considered that more objective claims relating to a re-charged nervous system and improved immune function were likely to be considered breakthrough claims which would need a high level of evidence to support them. We did not consider self-reporting of improved immune function was sufficient to support such claims.

We noted the advertiser's point that the claim "Chiropractic gives you great health without costly drugs or surgery" was taken from a secondary source. However, we did not consider this a sufficient basis in order to make the claim. We acknowledged that chiropractic treatment could contribute to general health, but noted the claim made broad references to surgery and drugs which could be interpreted as an alternative to these options when this would not always be the case. We also considered the claim "costly drugs or surgery" was misleading as treatment would be offered in most cases, by the National Health Service. We therefore concluded that the claims were misleading.

The ad breached CAP Code (Edition 12) rules **3.1** (Misleading advertising), **3.7** (Substantiation) and **12.1** (Medicines, medical devices, health related products and beauty products).

## **Action**

The ad must not appear again in its current form. We told Advanced Wellness Chiropractic Clinic to ensure medical claims were based on robust evidence in future.

CAP Code (Edition 12)

12.1   3.1   3.7

ASA Adjudication on  
**The Chiswick Chiropractic Clinic**  
*Upheld Internet (on own site) 18 December 2013*

**Background**

**Summary of Council decision:**

Three issues were investigated of all of which were Upheld.

**Ad description**

A website, happyspine.co.uk, for The Chiswick Chiropractic Clinic, featured text on the home page that stated "THE CHISWICK CHIROPRACTIC CLINIC CHIROPRACTIC - ACUPUNCTURE - MASSAGE Servicing and correcting spines since 1997".

Further text stated "Dr Sykes, Chiropractor."

Text on the About Us page stated "Dr Jason Sykes BSc, DC. Chiropractor since 1996 The principle (sic) chiropractor and clinic owner is DR Jason Sykes BSc, DC. After graduating with a degree in Biology from the University of Surrey, Jason went to California to study for a his [sic] Doctor of Chiropractic degree. He graduated from LCC-W in 1996. And has been practising in Chiswick since 1997. Jason was fortunate in that his father was and still is a chiropractor. 'I got a really good perspective, from an early age, on how chiropractic can turn peoples [sic] lives around and put them back on to the road of functioning fully' He has a keen interest in structural correction of the spine. ie correcting posture distortions / displacements. (the cause of most back and neck pain) The technique used in the clinic is the most scientifically validated posture correction technique. It is called Chiropractic Biophysics (CBP) Jason continues to take postgraduate training courses in the USA and UK to be able to bring you the most up to date and efficient procedures. Jason is a member of the British Chiropractic Association and fully registered with the General Chiropractic Council."

Text on the "What Makes Us Different" page stated "People usually come to see us for one or more of the following reasons: Headaches Pins and Needles ... Sciatic Pain ... 'Patch care' or Correction care ? The technique we use is called CBP (Chiropractic Biophysics). It is a chiropractic technique that focuses on restoring the normal spinal shape (posture). CBP is a researched based technique which we feel offers the best method of reducing the chances of not only a recurrence of your discomfort but also reducing the rate of wear and tear. CBP is a corrective technique rather than just offering temporary pain relief ... \* In some cases, although pain relief is usually possible, correction may not be. This is often the case if the spine has suffered too much degeneration. \*\* structural rehabilitation, as opposed to functional".

**Issue**

1. The complainant, a medical doctor, challenged whether the ad misleadingly implied that the advertiser was a medical doctor.

The complainant also challenged whether:

2. the claim "The technique used in the clinic is the most scientifically validated posture correction technique. It is called Chiropractic Biophysics (CBP)" was misleading and could be substantiated; and

3. the efficacy claims on the "What Makes Us Different page" were misleading and could be substantiated.

### **Response**

1. The Chiswick Chiropractic Clinic believed the ad made clear that the term 'Doctor' was used to refer to the 'doctor of chiropractic degree' that Dr Sykes held. They said each reference to the term 'Doctor' was accompanied by the description 'chiropractor'. They said the title of the website made clear they were a chiropractic clinic. They also said Dr Sykes' biography made clear that his qualifications included a biology degree and a doctor of chiropractic degree.

2. The Chiswick Chiropractic Clinic said the technique had been referred to in 100 peer reviewed studies and articles. They provided a list of those studies and articles. They also said the technique was being taught in six chiropractic colleges in the USA. They therefore believed the claim had been substantiated.

3. The Chiswick Chiropractic Clinic said the ad did not state that they could treat the conditions stated in the ad; rather they said it stated accurately the reasons that people visited the clinic. They acknowledged that they did not hold robust clinical evidence to demonstrate the efficacy of chiropractic services in treating sciatica or pins and needles. However, they argued that variations of those conditions were treated by chiropractors regularly.

### **Assessment**

#### **1. Upheld**

The ASA noted the home page included text that stated "Dr Sykes, Chiropractor." We considered that readers were likely to infer from the reference to "Dr" that Dr Sykes held a general medical qualification.

The "About Us" page referred to Dr Skyes' study for his Doctor of Chiropractic degree, his membership of the British Chiropractic Association and his registration with the General Chiropractic Council. The page also included the text "DC", which we understood was a courtesy title meaning "doctor of chiropractic", beside Dr Sykes' title. We considered that information suggested that Dr Sykes held chiropractic qualifications. We nevertheless considered that, because the term "Dr" was also included on the "About Us" page, readers were likely to infer that Dr Sykes held a general medical qualification, as well as chiropractic qualifications.

Because we understood Dr Sykes did not hold a general medical qualification, we concluded that the use of the word "Dr" was likely to mislead. On that basis, we concluded that the ad breached the Code. On this point, the ad breached CAP Code (Edition 12) rules **3.1** (Misleading advertising), **3.7** (Substantiation).

#### **2. Upheld**

We considered consumers would understand the claim 'The technique used in the clinic is the most scientifically validated posture correction technique' to mean that a comprehensive review of all posture correction techniques had been conducted and concluded that CBP was considered the most effective.

Whilst we noted the advertiser's comments that the technique had been referred to in 100 peer reviewed studies and articles and that the technique was being taught in six chiropractic colleges in the

USA, we were concerned that we had not seen sufficient evidence to show that the technique was regarded as the most effective posture correction technique.

On that basis, we concluded that the claim had not been substantiated and therefore breached the Code.

On this point, the ad breached CAP Code (Edition 12) rules **3.1** (Misleading advertising), **3.7** (Substantiation) and **12.1** (Medicines, medical devices, health and beauty products).

### 3. Upheld

In the context of a website which offered chiropractic services, we considered consumers would understand the claim 'People usually come to see us for one or more of the following reasons' and subsequent reference to medical conditions to mean that the advertiser could treat those conditions. We noted CAP had seen evidence to demonstrate that chiropractors could treat headaches arising from the neck. However, we considered consumers would understand the reference to 'headaches' to mean that the advertiser could treat headaches in general. Because we had seen no evidence to demonstrate that and because we had seen no evidence to demonstrate the efficacy of chiropractic services in treating sciatica or pins and needles, we concluded that the claims had not been substantiated and therefore breached the Code.

On this point, the ad breached CAP Code (Edition 12) rules **3.1** (Misleading advertising), **3.7** (Substantiation) and **12.1** (Medicines, medical devices, health and beauty products).

### **Action**

The ad must not appear again in its current form. We told the Chiswick Chiropractic Clinic to ensure future ads made clear that Dr Sykes was not a medically qualified doctor. We also told the Chiswick Chiropractic Clinic to ensure they held robust documentary evidence to support claims in future.

CAP Code (Edition 12)

**12.1** **3.1** **3.7**

ASA Adjudication on:  
**Zeetech Services Ltd t/a Canterbury Spine and Health**  
**Practice**

*Upheld Internet (on own site) 19 March 2014*

**Background**

Summary of Council decision:

Two issues were investigated, both of which two were Upheld.

**Ad description**

The website [www.idealspinecentre.co.uk](http://www.idealspinecentre.co.uk) promoted Chiropractic services provided by "Dr Christian H E Farthing".

A web-page link was headed "MEET THE DOCTOR". Text on that web page stated "Dr Christian H. E. Farthing was born & raised in Tumut, Australia ... he attended the University at the Royal Melbourne Institute of (RMIT) Technology in Melbourne. In 1997 he gained a double degree in Bachelor of Applied Science (Clinical Science) and Bachelor of Chiropractic Science and swore an oath to become a Doctor of Chiropractic ... Dr Farthing is not a Chiropractor, Osteopath or Medical Doctor ... Dr Christian H. E. Farthing graduated with a double degree to become a chiropractor ... From 1996 to 2000 Dr Farthing completed post-graduate work in spinal correction, whilst working as a profession locum in practices throughout Australia". Further text on that web page continued to refer to "Dr Farthing" and further text in the "About us" section referred to "Dr Christian".

A link headed "A to Z conditions" led to a web page headed "The A to Z of conditions - Chiropractic Research" and listed ailments and conditions. Each ailment and condition provided a link to a web page which gave details of a case study related to the treatment of that ailment or condition.

**Issue**

The complainant challenged whether:

1. the use of the term "Dr" in relation to Christian Farthing was misleading; and,
2. the ad misleadingly implied that Chiropractic could treat the listed ailments and conditions, and whether those implied claims could be substantiated.

**Response**

Zeetech Services Ltd t/a Canterbury Spine and Health Practice did not provide a formal response to the ASA.

**Assessment**

The ASA noted that the website address ended co.uk and considered that it therefore addressed British consumers. We also noted that the Canterbury Spine and Health Practice was located in the UK and understood that was where its treatment services were predominantly offered. We noted that the Scope of the CAP Code stated: "(I) The Code applies to: h. Advertisements and other marketing

communications by or from companies, organisations or sole traders on their own websites, or in other non-paid-for space online under their control, that are directly connected with the supply or transfer of goods, services, opportunities and gifts, or which consist of direct solicitations of donations as part of their own fund-raising activities".

We considered that the website [www.idealspinecentre.co.uk](http://www.idealspinecentre.co.uk) was UK media directly connected with the supply of services. The advertising claims therefore fell within the ASA's remit.

## 1. Upheld

The ASA considered that the title 'Dr' should not be used in ads unless the practitioner held a general medical qualification or unless it was made clear that the title was a courtesy title only, recognised by an appropriate body, and that the practitioner did not hold a general medical qualification. We noted we had not seen supporting documentary evidence that the term "Dr", as it appeared in the ad, was a courtesy title recognised by an appropriate body.

Moreover, although we noted that the ad stated "Dr Farthing is not a Chiropractor, Osteopath or Medical Doctor", we noted that that text was located in the middle of a large passage of text and considered that it was insufficiently prominent, in the context of the numerous and repeated references to "Dr" within the ad, to adequately qualify those claims. We also noted that the ad did not state that the title was a courtesy title.

We therefore concluded the use of the term "Dr" in relation to Christian Farthing, as it appeared in the ad, was misleading.

On that point, the claims breached CAP Code (Edition 12) rules **3.1** (Misleading advertising) and **3.7** (Substantiation).

## 2. Upheld

We noted the website featured a list of conditions and ailments headed "The A to Z of conditions - Chiropractic Research" and which provided a link to details of case studies related to the treatment of each ailment or condition. We considered that, in the context of a website offering Chiropractic services, consumers would understand that the list was setting out those ailments and conditions for which Chiropractic was a treatment and which the advertisers could therefore treat. Because we considered we had not seen sufficient evidence in support of the implied efficacy claims that the advertisers could treat the listed conditions and ailments, we concluded that the inclusion of a list of conditions and ailments was likely to mislead.

On that point, the claims breached CAP Code (Edition 12) rules **3.1** (Misleading advertising), **3.7** (Substantiation) and **12.2** (Medicines, medical devices, health-related products and beauty products).

## Action

The claims must not appear again in their current form. We told the advertisers not to use the title "Dr" in their marketing, unless the practitioner was medically qualified or the ad made clear that the practitioner did not hold a general medical qualification and that the title was a courtesy title only, provided it was also recognised by an appropriate body. We told the advertisers not to imply that Chiropractic could treat ailments and conditions unless they held supporting evidence for those claims.

CAP Code (Edition 12)

**12.2** **3.1** **3.7**

ASA Adjudication on:  
**BodyWell Group**  
*Upheld Internet (on own site) 12 February 2014*

**Background**

Summary of Council decision:

Three issues were investigated, all of which were Upheld.

**Ad description**

Claims on [www.bodywellgroup.co.uk](http://www.bodywellgroup.co.uk) promoted Chiropractic services.

A web page was headed "A-Z of Conditions". Text stated "All too often the current healthcare system is set-up to merely relieve symptoms, with little understanding of the actual problem, and never exploring the true cause. Ailments become more chronic and a solution is rarely found. In accordance with the ASA and the CAP Code - edition 12 (September 2010), the team of health specialists at the BodyWell Group do not claim to treat any of the conditions below because signs and symptoms are your body's way of telling you that something is wrong or your body is adapting and changing. It serves no-one, including you, to chase the symptom and treat it. It does however make more sense to the chiropractors and health professionals at BodyWell to address the cause". Ailments and conditions were listed below the text.

Text on the "Meet The Team" web page stated "Christian Farthing\* Doctor of Chiropractic (Australia) Spinal Health Specialist Osteomyologist (UK) B.AppSc(ClinSc); BCSc; FCBP; M.A.O. 'Helping you is my No. 1 priority to become as healthy as you want to be'". The "Professional Profile" stated "Dr. Christian Farthing (Doctor of Chiropractic in Australia)\* is a Spinal Wellness Specialist ... Dr Christian has more than 20 years' experience in Chiropractic ... He elected not to study medicine and become a medical doctor because he felt that it does not get to the root cause of problems". The text continued to refer to "Dr, Christian".

Text on the "About Us" web page stated "Dr. Christian & the General Chiropractic Council" and referred to "Dr. Christian".

**Issue**

The complainant challenged whether:

1. the use of the term "Dr" in relation to Christian Farthing was misleading; and
2. the ad misleadingly implied that Chiropractic could treat the listed ailments and conditions, and whether those implied claims could be substantiated.
3. The ASA challenged whether the website misleadingly implied that the claims had been endorsed by the Advertising Standards Authority (ASA).

**Response**

1. BodyWell Group stated that they had made a number of changes to the website.
2. They stated that the page on which the list of health conditions appeared was not available to members of the public. They said that the purpose of providing an A-Z of conditions was not to imply that they could treat any condition. It was simply a list of conditions to provide information as a point of reference rather than providing treatment for the condition. They stated there was a very clear statement in every section which stated, "The health professionals and chiropractors at the BodyWell Group in Canterbury do not treat asthma or other breathing problems because difficulty breathing and other symptoms associated with these conditions are your body's way of telling you that you have something wrong. It serves no-one, including you, to chase the symptom and treat it. It does however make more sense to our practitioners to address the cause and we are able to provide you with a diagnosis. By using Digital X-rays, Digital Nerve Scans and specific Wellness testing, we will be able to provide you advice to help you gain a solution to your condition, even if that means referring you to the most appropriate medical expert if necessary".
3. They stated that the claims had been removed.

### **Assessment**

#### **1. Upheld**

The ASA noted that some changes had been made to the website and a number of claims had been removed after BodyWell Group had been made aware that a complaint had been raised to the ASA. Although we understood that further changes were planned, we noted that the website made reference to "Dr Christian". We understood that that related to Dr Christian Farthing.

We noted that the one section of the website, which had since been removed, listed Christian Farthing's qualifications and stated "Doctor of Chiropractic (Australia)". We considered that the title 'Dr' should not be used in ads unless the practitioner held a general medical qualification or unless it was made clear that the title was a courtesy title only, recognised by an appropriate body, and that the practitioner did not hold a general medical qualification. We noted we had not seen supporting documentary evidence that the term "Dr", as it appeared in the ad, was a courtesy title recognised by an appropriate body.

Moreover, although we acknowledged that the ad stated "he elected not to study medicine and become a medical doctor", we noted that that text was located in the middle of a large passage of text and considered that it was insufficiently prominent, in the context of the numerous and repeated references to "Dr" within the ad, to adequately qualify those claims or make clear that he did not hold a general medical qualification. We also noted that the ad did not state that the title was a courtesy title. We therefore concluded the use of the term "Dr" in relation to Christian Farthing, as it appeared in the ad, was misleading.

On that point, the ad breached CAP Code (Edition 12) rules **3.1** (Misleading advertising) and **3.7** (Substantiation).

#### **2. Upheld**

We noted that the page was not intended to be available to members of the public, but understood that, when the complaint was raised, public access was available and the list had been visible. We considered that, in the context of a website offering Chiropractic services, consumers would understand that a list of "A-Z of Conditions" set out those ailments and conditions for which Chiropractic was a treatment and which the advertisers could therefore treat. We noted we had not seen any evidence in support of

the implied efficacy claims that BodyWell Group could treat the listed conditions and ailments.

We also considered that any claims indicating that the practitioners did not treat the "A-Z of Conditions" listed contradicted the implied efficacy claims.

Because we had not seen evidence for those implied efficacy claims, we concluded that they were misleading.

On that point, the ad breached CAP Code (Edition 12) rules **3.1** (Misleading advertising), **3.7** (Substantiation) and **12.2** (Medicines, medical devices, health-related products and beauty products).

### 3. Upheld

We considered that consumers would infer from the claim "In accordance with the ASA and the CAP Code - edition 12 (September 2010), the team of health specialists at the BodyWell Group do not claim to treat any of the conditions below ..." that the ASA had formally considered the website's claims and had adjudicated that they were in line with the advertising Code. Because that was not the case, we concluded that the website misleadingly implied that its claims had been endorsed by the ASA.

On that point, the ad breached CAP Code (Edition 12) rule **3.49** (Endorsements and Testimonials).

### **Action**

The claims must not appear again in their current form.

CAP Code (Edition 12)

**12.2** **3.1** **3.49** **3.7**

**ASA Ruling on:**  
**Elwin Street Ltd**  
*Not Upheld Internet (on own site) 08 February 2017*

**Ad description**

Two ads for a cookbook author, seen on 15 September 2016.

- a. An author biography, seen on the Amazon website stated “Dr Stephan Domenig is the Medical Director at The Original F.X. Mayr Health Center (sic) ... He is fully trained in Mayr theory with certifications in general and emergency medicine, orthomolecular medicines, applied kinesiology, chronobiology and chiropractics”.
- b. The website [www.alkalinecure.com](http://www.alkalinecure.com), stated “The Author ... Dr Stephan Domenig is the Medical Director of the original F.X. Mayr clinic in Corinthia, Austria ... I first studied medicine over twenty-one years ago ... Medical school told me everything I wanted to know about diseases and illnesses from a genetic or biochemical standpoint, but there was nothing about what it means to be healthy ... I live with my wife, who is also a medical doctor”.

**Issue**

The complainant challenged whether the ads misleadingly implied that the author was a medically qualified doctor, registered with the General Medical Council.

**Response**

Elwin Street Ltd, the publisher of the author’s books, who also controlled the websites’ content, said that they understood Stephan Domenig held the relevant medical doctor qualifications from his home country, Austria. They said that because he was an author and was not practising as a medical doctor in the UK, they did not consider it necessary for him to have registered with the General Medical Council (GMC). Elwin Street provided a copy of a university certificate which they said confirmed that Stephan Domenig had qualified as a medical doctor.

**Assessment**

**Not upheld**

The ASA noted that the ads made several references to the author’s medical qualifications, such as the use of the title ‘Dr’, “I first studied medicine over twenty-one years ago” and “I live with my wife, who is also a medical doctor”. We considered that consumers would understand those clear statements to mean that Stephan Domenig had completed the necessary educational requirements to call himself a medical doctor. In addition, while consumers would have expected the author to be appropriately qualified, we did not consider that they would have considered it necessary for him also to be registered with the GMC in the context of ads for books, particularly as he was not engaged in or promoting a medical practice.

We considered the certificate provided by the advertiser and noted that it confirmed that Stephan Domenig had been awarded a medical doctorate from an Austrian university.

Because we had seen evidence that the author had successfully completed a medical doctoral programme we concluded the ad had not breached the Code.

We investigated the ad under CAP Code (Edition 12) rules **3.1** (Misleading advertising) and **3.7** (Substantiation), but did not find it in breach.

### **Action**

No further action necessary.

CAP Code (Edition 12)

**3.1** **3.7**

ASA Ruling on:  
**Marie Atlas Ltd t/a marieatlas.co.uk**  
*Upheld Internet (on own site) 20 November 2013*

**Background**

Summary of Council decision:

Three issues were investigated, of which all were Upheld

**Ad description**

A website, [www.marieatlas.co.uk](http://www.marieatlas.co.uk), for Pain Treatment, Prevention and Self-Healing due to misaligned atlas [bone] stated:

"We Have an Amazing 90% Success Rate treating the Following Symptoms ... Whiplash ... Neck pain ... neck stiffness ... Migraine ... Tmd/Tmj [Temporomandibular Joint Dysfunction] ... AtlasPROfilax®: An Astonishing 100% Natural Method For Pain Treatment, Prevention and Self-Healing. Could This Method Get Rid Of Back Pain, Whiplash, Neck Pain, Frozen Shoulders, Shoulder Pain, Migraine, Vertigo etc.? ... If you suffer from recurring back pain, migraines and headaches, a stiff neck, joint pain in the hips and or knees, rotation of the hips, repetitive strain injury, jammed spinal nerves, trapped nerves, a difference in leg length, there is now new hope ... The Method is called AtlasPROfilax® and it's a strategic and non-chiropractic massage which is applied to the short musculature of the neck. In only one application, safely and permanently, the Atlas bone returns to its correct position. Old patterns clear and the entire system begins to function to its fullest potential ... AtlasPROfilax® CAN HELP WITH THE FOLLOWING: Back problems including trapped nerves, scoliosis, Stiff neck ... Temporal mandibular disorder (TMD or TMJ) ... Migraines and headaches ... Anxiety and depression ... Blood pressure - hypertension ... Displaced pelvis ... Knee pain ... Frozen Shoulders ... Discrepancy between the length of the legs ... Whiplash ... Muscle contractions ... Chronic fatigue ... Fibromyalgia ... A balance problem ... Tinnitus ... Slipped disc ... Scoliosis ... Shoulder pain ... Trapped nerves".

A subsequent web page titled "Method", stated "A subsequent appointment to re-check the Atlas and offering additional support for the self-healing process is essential and included in the price. I use a powerful device called Scenar which works on the cellular level, helping the cells to get rid of the negative memory, so that they can release tensions and pains. THE SELF-HEALING PROCESS ... When the Atlas is in its correct position, the brain can function undisturbed. This promotes a feeling of harmony, setting self-healing and regenerative processes on course throughout the body ... After the relocation of the Atlas by the AtlasPROfilax® Wellness treatment, a person responds according to their individual physical and psychological condition. Healing is immediately initiated and many symptoms are relieved. While others, especially those whose bodies have never functioned correctly or with full capacity may require more patience".

**Issue**

The complainant challenged whether:

1. the efficacy claims for AtlasPROfilax; and

2. the claims that realignment of the atlas bone could alleviate the conditions listed, were misleading and could be substantiated.
3. The ASA challenged whether the website discouraged essential treatment for conditions for which medical supervision should be sought.

### **Response**

MarieAtlas.co.uk (Marie Atlas) responded to the ASA's initial enquiries, but did not provide a substantive response to the complaints.

### **Assessment**

#### 1. & 2. Upheld

We noted that Marie Atlas had not provided evidence to support the efficacy claims for the AtlasPROflax treatment or that the listed conditions could be relieved by realignment of the atlas bone. We therefore considered that the claims had not been substantiated and concluded that they were misleading.

On this point, the website breached CAP Code (Edition 12) rules **3.1** (Misleading advertising), **3.7** (Substantiation) and **12.1** (Medicines, medical devices, health-related products and beauty products).

#### 3. Upheld

We were concerned that the ad made efficacy claims for conditions for which medical supervision should be sought and that we had not seen evidence that the services that Marie Atlas offered took place under the supervision of a suitably qualified health professional. We therefore concluded the website breached the Code.

On this point, the website breached CAP Code (Edition 12) rules **3.1** (Misleading advertising), **3.7** (Substantiation), **12.2** and **12.3** (Medicines, medical devices, health-related products and beauty products).

### **Action**

The website must not appear again in its current form. We told Marie Atlas not to make efficacy claims in the absence of robust evidence and to ensure their website did not discourage essential treatment for conditions for which medical supervision should be sought. We referred the advertiser to the CAP Compliance team.

CAP Code (Edition 12)

**12.1** **12.2** **12.3** **3.1** **3.7**