

Media Release

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Commerce Commission issues advice to alternative allergy treatment providers

The Commerce Commission is urging alternative health providers to review their claims about diagnosing and curing allergies, particularly to food, to ensure they do not breach the Fair Trading Act.

Following a complaint from the New Zealand Clinical Immunology and Allergy Group, and Allergy New Zealand, the Commission examined claims and impressions created by a sample of providers in the industry. The complaint alleged that some providers were claiming, among other things, to be able to diagnose and cure allergies, however they use methods that are not medically accepted on the basis of sound clinical and scientific evidence.

“The Commission’s view is that allergies can only be diagnosed on the basis of clinical history and symptoms, confirmed if necessary by either a skin prick test, blood test or oral food challenge – all of which should only be performed by an appropriately qualified medical practitioner,” said Commerce Commission Competition Manager, Greg Allan. “We also accept the weight of medical opinion that there is no known cure for food allergies and this is not reflected in the claims being made by some in the industry.”

In reaching these views, the Commission has relied on the findings of the Federal Court of Australia in 2009 (*ACCC v Allergy Pathway Pty Ltd*) and information supplied by the New Zealand Clinical Immunology and Allergy Group, and Allergy New Zealand.

“People seeking relief from a variety of health conditions may be misled by some alternative health practitioners into thinking that they suffer from allergies when they do not. They may also be led to believe that their allergy can be cured. Both situations could harm the health of these people. We are also concerned that some people may be put at risk of anaphylactic shock, which

is life-threatening, or may fail to seek medically accepted treatments for their allergies,” said Mr Allan.

“It is particularly important in the area of health that consumers are able to trust the information they are given. This should be the case whether claims are made in advertising, pamphlets, on websites or in person,” said Mr Allan.

The Commission expects alternative health practitioners who are working in the area of allergy testing and treatment to review their materials, advertising and websites. This is to ensure they are not giving the impression they can cure allergies, or that they can diagnose allergies using methods that have not been medically accepted.

Future complaints about practitioners found to be misrepresenting what allergies they can diagnose or cure may result in the Commission taking enforcement action.

Background

Under the Fair Trading Act 1986, individuals can be fined up to \$60,000 and companies can be fined up to \$200,000 for breaches of the Act.

The Federal Court of Australia found against Allergy Pathway Pty Ltd in August 2009 in a case taken by the Australian Consumer and Competition Commission. The case can be found here: <http://www.austlii.edu.au/au/cases/cth/FCA/2009/960.html>

The court made a subsequent ruling in 2011 over Allergy Pathway Pty Ltd’s failure to comply with undertakings given in relation to the 2009 case. The case can be found here: <http://www.austlii.edu.au/au/cases/cth/FCA/2011/74.html>

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