



Australian  
Competition &  
Consumer  
Commission

# NewsRelease

Attn: Health, consumer writers

## ACCC settles proceedings against Australian Biologics

The Australian Competition and Consumer Commission has settled, by consent, its proceedings against Australian Biologics Testing Services Pty Ltd and its director, Ms Janette Burke.

The ACCC had instituted proceedings in the Federal Court, Sydney, alleging that representations made in brochures and on Australian Biologics' website in 2001 and part of 2002 were false, misleading, and deceptive. The ACCC alleged that the representations were not supported by scientific (or medical) testing.

Australian Biologics provides medical services including Thermography, Live Blood Analysis and the Bolans Clot Retraction Test. It promoted these services in printed brochures and on the Internet.

Australian Biologics and Ms Burke have undertaken to the court not to make 29 specific claims as to the efficacy of the services. The court also ordered that Australian Biologics forward a notice to all practitioners who referred patients to Australian Biologics and to all patients who used the services of Australian Biologics between 1 July 2001 and 2 July 2004.

The ACCC alleged that Australian Biologics did not have reasonable grounds for making a number of specific statements about Thermography, Live Blood Analysis and the Bolans Clot Retraction Test. Examples of the representations were:

- that thermography tests can assess the condition of a patient with regard to the strain he is able to bear before he may be subject to an operation or vaccination
- that thermography is suitable for diagnostic purposes in the cardiac field
- that the Bolans Clot Retraction Test indicates specific function of the heart or ovary or prostate or other human organ
- that the Live Blood Analysis test provides valuable information about a body's digestive and immune system systems.

Australian Biologics and Ms Burke have agreed that these tests are not diagnostic tests and the results of such tests are not indicative of a specific medical condition.

"Where claims are made about the efficacy of medical testing services they should have a supportable scientific basis", ACCC Chairman, Mr Graeme Samuel, warned today. "The ACCC is of the view that such scientific support should be of a high standard such as articles published in peer reviewed magazines.

"This is even more important in relation to medical claims which can have a serious impact on a person's wellbeing.

"In this case the ACCC considered it important that any misleading impression about the services in the minds of patients should be corrected".

The ACCC alleged that Australian Biologics breached section 52 of the Trade Practices Act 1974, which prohibits corporations from engaging in misleading or deceptive conduct; section 53(c), which prohibits corporations from representing that goods or services have sponsorship, approval, performance characteristics, accessories, uses or benefits they do not have; and section 55A, which prohibits corporations from engaging in conduct likely to mislead the public about the nature, characteristics, suitability or quantity of services.

### Further information please contact

- Mr Graeme Samuel - Canberra, Chairman, (02) 6243 1129
- Ms Lin Enright, Director, Public Relations, (02) 6243 1108, (0414) 613 520

Release # MR 125/04

Issued: 15<sup>th</sup> July 2004