
Court finds Homeopathy Plus! vaccine claims misleading

23 December 2014

The Federal Court has found that Homeopathy Plus! Pty Ltd (Homeopathy Plus!) and its director, Ms Frances Sheffield, engaged in misleading conduct and made false or misleading representations regarding the effectiveness of the whooping cough vaccine and homeopathic remedies as an alternative in breach of the Australian Consumer Law.

The Homeopathy Plus! website contained statements to the effect that the whooping cough vaccine is “unreliable at best” and “largely ineffective” in preventing whooping cough, and that homeopathic remedies are a proven safe and effective alternative for the prevention of whooping cough.

The Court found that Homeopathy Plus! and Ms Sheffield engaged in misleading and deceptive conduct and made false or misleading representations by publishing statements on the Homeopathy Plus website to the effect that:

- the whooping cough vaccine is short lived, unreliable and no longer effective;
- the vaccine may not be the best solution for, of limited effect, and is unreliable at best in protecting against whooping cough; and
- the vaccine is largely ineffective in protecting against whooping cough,

when in fact the whooping cough vaccine is effective in protecting a significant majority of people from contracting whooping cough.

The Court also found that Homeopathy Plus! and Ms Sheffield engaged in misleading and deceptive conduct and made false and misleading representations to the effect that there was an adequate foundation in medical science for the statement that homeopathic treatments are a safe and effective alternative to the whooping cough vaccine, when in fact no such foundation exists and the vaccine is the only treatment currently approved for use and accepted by medical practitioners for the prevention of whooping cough.

“Representations that may mislead consumers about the effectiveness of medical products or treatments are of significant concern to the ACCC,” ACCC Commissioner Sarah Court said.

“In this case, there was a real risk that consumers might be influenced by the representations not to use the whooping cough vaccine and instead to rely solely on homeopathic products for the prevention of whooping cough. This is against the advice of medical professionals and the Commonwealth Department of Health.”

The matter returns to court on 4 February 2015 to set a timetable for further evidence on penalties and other remedies. The ACCC is seeking injunctions and pecuniary penalties, in addition to the declarations already made by the Court.

Background

Whooping cough is a highly infectious respiratory disease which is most serious in young children. The Australian Government Department of Health recommends children receive the whooping cough vaccine as part of routine childhood immunisation.

In April 2012, Homeopathy Plus! removed representations from its website at the request of the ACCC, after the ACCC had expressed concerns they were misleading. Similar claims were then reinstated in January 2013, after which the ACCC instituted proceedings against Homeopathy Plus! and Ms Sheffield.

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