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ACCC

An important message from Advanced Allergy Elimination, which has now changed its name to Allergy Pathway

False, misleading and deceptive conduct by

Advanced Allergy Elimination and its Director

Following action by the Australian Competition and Consumer Commission (ACCC), the Federal Court of Australia has declared that Advanced Allergy Elimination Pty Ltd (AAE) contravened the *Trade Practices Act 1974* (the TPA) by making false, misleading and deceptive representations*.

AAE made the representations in relation to its ability to test for, identify and treat allergies. The representations were made at certain times between 8 July 2008 and 10 July 2009 in statements published and adopted on its website at www.aaeclinics.com.au, in brochures it published and provided to consumers and in advertisements it caused to be published in newspapers and on the radio.

The Court has declared that AAE's conduct contravened the TPA because the following representations it made were either **not true** or were **misleading or deceptive**:

1. AAE can test for and identify an allergen for a person; **(AAE cannot do this; immunologically mediated allergies such as coeliac disease or food allergies can only be diagnosed by skin prick testing or a special blood test and AAE does not perform these tests)**
2. AAE can cure or eliminate virtually all allergies or allergic reactions, or successfully treat a person's allergies or allergic reactions; **(AAE cannot do this; many allergies, including food allergies, cannot be cured or successfully treated)**
3. AAE's treatment is safe and/or low risk, and following treatment it is safe for a person to have contact with an allergen; **(as AAE cannot cure, eliminate or successfully treat allergies, it may be unsafe or even potentially life**

threatening to recommence contact with the allergen).

The Court has also declared that AAE's director, Mr Paul Keir, was since October 2008, directly or indirectly knowingly concerned in or party to AAE's conduct referred to above.

AAE and Mr Keir have given undertakings to the Court that they will refrain from engaging in similar conduct for a period of 3 years.

AAE agreed to court orders that it publish corrective notices including this notice and implement a trade practices compliance program. As part of its orders, the Court also required AAE and Mr Keir to pay costs to the ACCC.

* Specifically, the Court declared that the AAE contravened sections 52, 53(aa), 53(c) and 55A of the TPA. Section 52 of the TPA prohibits conduct that is misleading or deceptive or is likely to mislead or deceive while section 53 prohibits the making of certain false representations about goods or services. Section 55A prohibits conduct liable to mislead the public as to the nature, the characteristics and the suitability for their purpose of services.