

DECISION

FIRST INSTANCE JURY

ID	A-033
Complaint by	Consumer. Forwarded to CARO by the Competition and Consumer Protection Service of the Ministry of Energy, Commerce, Industry and Tourism with the request to examine the case and inform the Service of the results of our procedure.
Advertiser	Greylane Ltd
Product	Waveex
Media	TV
Discussed on	Monday 14 December 2015
Decision issued	Wednesday 23 December 2015

Issue:

The complaint received by the Competition and Consumer Protection Service was filed by a consumer who claims that this is a misleading advertisement. The complaint can be translated as follows:

«A sticker named Waveex is advertised. Valued at €20, it can be attached to one's mobile phone and prevent radiowaves from penetrating the human body. This is not the case and the ad is misleading».

Copy of the TV ad (GR)	Copy of the TV ad (ENG)
Αναρωτηθήκατε ποτέ πόση ακτινοβολία εκπέμπουν τα κινητά τηλέφωνα ή άλλες ασύρματες συσκευές; Η έκθεση στην ακτινοβολία προκαλεί πονοκεφάλους, αϋπνίες και πολλές άλλες αρνητικές επιπτώσεις στον οργανισμό και ειδικά στα παιδιά. Τώρα με το WAVEEX όλα αυτά ανήκουν στο παρελθόν. Μειώνει τις κορυφώσεις των μαγνητικών πεδίων αποτρέποντας έτσι την ακτινοβολία να καταπονεί τον ανθρώπινο οργανισμό. Απλά το κολλάτε πάνω στη συσκευή και έχετε άμεση προστασία για όλο το 24ωρο. WAVEEX. Η προστασία της υγείας μας. Ζητείστε το στα φαρμακεία και σε επιλεγμένα καταστήματα.	Have you ever wondered how much radiation mobile phone or other wireless devices emit? Exposure to radiation causes headaches, insomnia and many other negative effects to the human organism and especially to children. Now with WAVEEX all these belong to the past. WAVEEX levels out the peaks of magnetic fields thus preventing radiation from stressing the human organism. Simply stick WAVEEX on the device and you have immediate protection throughout the day. WAVEEX. Protection for our health. Available at pharmacies and selected stores.

Summary of Advertiser's Response:

Point 1

While in full agreement and subscribing to the need for a circumspect and effective consumer protection, we state the following:

The subject Complaint is unsubstantiated and wrong:

- It states **EUR 20**, whereas our ad states **EUR 19.90**;
- it uses the term **sticker** (inferring to a cheap adhesive), whereas in our ad the term is not used at all;
- it states **preventing radiowaves from penetrating the human body**, whereas our ad reads **... preventing radiation from stressing the human organism**;
- it states that **this is not the case** and calls the ad misleading without any explanation, support or substantiation.

Point 2

- GREYLANE ordered the production of the ad with Chrystal Recording Studios Ltd, a reputable producer recommended by CAPITAL TV; the ad was accepted by CAPITAL TV without any reservations or comments and broadcasted from April to July 2015.
- GREYLANE at all times had valid substantiation which proves that the marketing communication is true and honest (CARO - Article 8).

Point 3 / Information submitted

- The Certificate IIREC - Report 11/2014 dated 30th January 2014 has been actualised by Report 21/2015 dated 9th February 2015; it shows identical findings and is herewith submitted;
- Video of Dr. Martin Blank, Department of Physiology and Cellular Biophysics, Columbia University (*shown to Jury Committee, transcript also given*);
- Desk Research: «The influence of electromagnetic radiation on human tissue with special consideration of the effect of magnetic field gradients»;
- Excerpt from SUNDAY MAIL, 13th December 2015, «Excessive use of multimedia can harm children's health».
- TV – RIK 1 «MAZI» on 10th December 2015. Moderator Elita Michaelidou / Guest Dr. Stella Michaelidou. «How harmful are the Wi-Fi and other electronic devices?»
(Focus: Pregnant women and children / Responsibility to apply “the precautionary principle”).

Point 4

- It should be noted that in several languages, the terms radiation (ακτινοβολία) and emission (εκπομπή) are often misleadingly used irrespective of their scientific definition.
- With reference to the summary made available to us by email dated 4th November 2015, the esteemed opinion does not appear to address the issue of low-frequency fields and paraphrases it as «not of concern to official bodies». We respectfully disagree.
- The measuring results (based on the range of a mentioned device Teslameter FM 302) are considered inconclusive; we also respectfully disagree and refer to the Inspection Certificate Bureau Veritas and IIREC.

Point 5

- Compliance with all statutory rules of the Cyprus Advertising Code:
GREYLANE firmly believes that the WAVEEX ad complies with all statutory rules of Cyprus Advertising Code, in particular Articles 1, 3b, 5a, 6c and 8.
- Statement on Page 2 of email dated 4th November 2015:
We also respectfully disagree with the alleged demand that our ad of 30 seconds length has the obligation to educate the consumer about differentiations between other dangers in this complex world of ours and to protect him from possibly incomplete «deductions».

Additional information

- Greylane is the exclusive licensee for Waveex in Cyprus, Greece, Egypt, Iran, Kuwait, Bahrain, Iraq, Oman, Qatar, Saudi Arabia and the United Arab Emirates.
- Waveex is a circuit (protects a process), not a chip (performs a process), made of 7 paste of silver. It has not been patented.
- It took governments and official organizations many years to put a framework for protection from high frequency radiation. Currently there is no framework for protection from low frequencies.
- The product is marketed internationally for about 4 ½ years with reasonable amount of success. It is marketed in some European countries but also in other countries such as China, India, Brazil, Mexico etc.
- In Cyprus the product is available at MTN, Electroline and selected pharmacies.
- Cyprus is the only European country where TV was used to promote the product. There has not been any other TV commercial in Europe.

Jury Assessment:

For the purposes of this decision, the jury proceeded on the assumption that Waveex actually impacts on the low frequency fields as is the claim by Waveex. However, it is noted that the jury has no technical means to review the information submitted by Greylane to that end and the professors at the University of Cyprus did not test Waveex to either prove or disprove that claim.

1. The jury notes that it was established in the discussion that Waveex impacts **solely** on the low-frequency fields produced by the battery of our cell phone. It does not have any impact at all on the high-frequency radiation emitted by the antenna of the cell phone.
2. The jury notes that the average consumer has listened to/read numerous media reports on mobile phone radiation. It understands that this media reporting focuses on the high-frequency radiation. The article in the Sunday Mail (13 Dec 2015) which was brought to the jury's attention by Mr. Schwarz, also refers to frequencies where Waveex has no impact (see full official report by the Press and Information Office at <http://www.moi.gov.cy/moi/pio/pio.nsf/All/2977EE9BFADECC11C2257F18002914A9> which states explicitly in paragraph 4 that «Η Μη Ιονίζουσα Ακτινοβολία ραδιοσυχνοτήτων (30kHz-300 GHz) που περιλαμβάνει και τις εκπομπές ασύρματων συσκευών, σύμφωνα με τον Παγκόσμιο Οργανισμό Υγείας (2011), έχει ταξινομηθεί ως «πιθανώς» καρκινογόνος κατηγορίας 2B για τον άνθρωπο»).).
3. The Introduction to the United Nations EMF Appeal Delivered by Martin Blank also seems to refer to high frequency radiation not impacted by Waveex. See for example references such as:
 - Before Edison's light bulb, there was very little electromagnetic radiation in our environment. The levels today are very many times higher than natural background levels and are growing rapidly because of all the new devices that emit this radiation.
 - We are putting cellular antennas on residential buildings, and on top of hospitals, where people are trying to get well.
4. The jury is of the opinion that the average consumer who is concerned about radiation from cell phones -and has listened to/read numerous media reports on radiation emitted by mobile phones- would assume, based on the wording of your ad, that WAVEEX impacts on the high frequency (HF) range referenced in general literature and/or the media. It is highly unlikely that the average consumer would be able to deduce from the ad that WAVEEX impact is solely on low-frequency fields produced by the battery which are not referenced in general literature and/or the media.
5. The jury is particularly worried that -based on the wording of the ad, that with the use of Waveex «headaches, insomnia and many other negative effects to the human organism and especially to children ... belong to the past»-, consumers may permit the excessive use of mobile devices by their children without knowing the crucial fact accepted at the procedure regarding the impact of Waveex solely on low-frequency fields.
6. The jury is also worried that if a consumer chose to further investigate the impact of Waveex after viewing the TV ad -e.g., by reading the product brochure or reading the FAQ on the website-, he/she would be even more confused by claims such as:

«Why are the legal limits for mobile radiation insufficient?

The legally defined specific absorption rate (SAR) only protects our bodies against the influence of high-frequency radiation. But our organism actually uses low frequencies for internal communication. The frequencies that our cell phones emit in this range interfere with this communication – continuously.

Conclusion: it is proven that the actual damage caused during the use of mobile devices takes place in this area. WAVEEX is the only technology in the world that expands its protection to include low-frequency radiation and thereby makes it easier for our bodies to tolerate in the long-term.

Why is WAVEEX recommended especially for children and adolescents?

The use of WAVEEX is generally recommended for everyone regardless of their ages. However, the brains of children and adolescents have not finished growing yet and it can be assumed that the negative effects associated with mobile radiation also have a negative impact on the human brain in the long term.

What distinguishes WAVEEX from other “health chips” for cell phones currently on the market?

Our competitors primarily aim to reduce the legally defined SAR levels. However, these SAR levels only protect our bodies against the influence of high-frequency radiation. The WAVEEX technology is unique in expanding this protection to a biological level. This is possible by positively changing the low-frequency magnetic fields that are being formed. These low-frequency waves are the ones that can cause physical harm with the long-term use of mobile devices.

In addition, all of the effects of WAVEEX are reproducible and clearly verified by expert reports – unlike those of the competition.»

7. Given the above, the jury considers that the claims in the TV advertisement are in breach of **articles 3, 5a, 5b(i)** of the Code of the Cyprus Advertising Regulation Organization. They should therefore be **amended -in all media and advertising communication, including the website-** within **5 working days** for the TVC and the Cyprus website. For the brochure, the timeframe is 25 working days.
8. Finally, the Committee would like to exercise its right (Article 5, paragraph λ of its rules of operation) to **review any new claim before the latter is aired/published so as to confirm compliance**. The decision on compliance will be taken within **five working days of the receipt of the proposed changes**. *The jury is of the opinion that any amendment should ensure that the average consumer would in no way infer that Waveex has any impact on high frequency radiation.*