

# Complaint Notification

## Subject To Confirmation

**Babylon Healthcare Services Ltd**  
60 Sloane Avenue, London SW3 3DD

Media: In-game (apps)  
Agency:  
Complaint Ref: A18-475116  
Complaints: 1



### AD DESCRIPTION

The GP at Hand app from Babylon Healthcare Services, seen 30 November 2018, featured a section headed “Tests & Kits” from which users could order blood tests focused on the function of different parts of the body. The list included “Monitor Liver Check that your liver is fully supporting your body” and “Monitor Bone Are your bones healthy and strong? Check they’re in shape”. Clicking on those items took users through to further information about the tests.

The “Monitor Liver” page stated “The liver is one of the body’s most important organs. Monitoring your liver helps you to know that it is in in good shape. The liver is a vital organ that produces quick energy when you most need it and fights infections; these tests show whether your liver is performing at its best [...] Tests include: - Liver function test: Bilirubin, ALP, AST, ALT, LDH, Gamma-GT, Protein, (total) Albumin”.

The “Monitor Bone” page stated “Your bones provide structure for your body, and act as a framework for muscle attachments which allows body movements. Our tests help you to ensure they are in the best shape possible and can detect the early signs of any problems. Included are measures for your: - Vitamin D (this vitamin controls calcium and phosphate levels in the body; it’s vital for keeping bones and teeth healthy) - Calcium & Phosphate (vital for healthy bones, and the levels in your blood give a good indication of numerous health issues) - ALP (this measures the activity of your bones cells and can also indicate liver disease)”.



### ISSUE

1. The complainant, a GP, who understood that the “Monitor Liver” blood tests might not detect conditions such as cirrhosis or cancer of the liver, challenged whether the claims about that test misleadingly implied that it could confirm that a person’s liver was healthy.
2. The complainant, who understood that the “Monitor Bone” blood test might not detect osteoporosis, also challenged whether the claims about that test misleadingly implied that it could confirm that a person’s bones were healthy.



### RELEVANT RULES

We will consider the complaint under the following rules. Marketing communications must comply with all other relevant rules, among which are the underlying principles. You can access the full Code via the link below.

## **Misleading advertising**

**3.1** Marketing communications must not materially mislead or be likely to do so.

### **Substantiation**

**3.7** Before distributing or submitting a marketing communication for publication, marketers must hold documentary evidence to prove claims that consumers are likely to regard as objective and that are capable of objective substantiation. The ASA may regard claims as misleading in the absence of adequate substantiation.

### **Exaggeration**

**3.11** Marketing communications must not mislead consumers by exaggerating the capability or performance of a product.

### **Medicines, medical devices, health-related products and beauty products**

**12.1** Objective claims must be backed by evidence, if relevant consisting of trials conducted on people. Substantiation will be assessed on the basis of the available scientific knowledge.

Medicinal or medical claims and indications may be made for a medicinal product that is licensed by the MHRA, VMD or under the auspices of the EMA, or for a CE-marked medical device. A medicinal claim is a claim that a product or its constituent(s) can be used with a view to making a medical diagnosis or can treat or prevent disease, including an injury, ailment or adverse condition, whether of body or mind, in human beings.

Secondary medicinal claims made for cosmetic products as defined in the appropriate European legislation must be backed by evidence. These are limited to any preventative action of the product and may not include claims to treat disease.