

Complaint to TGA: BioCharger (unknown ARTG number) Advertising by Pete Evans

To: The Therapeutic Goods Administration (TGA) Regulatory Practice and Support Division

Via website form: <https://www.tga.gov.au/advertising-complaints-and-outcomes>

Complaint author: Mal Vickers

Mal Vickers



Date: 12 April 2020

The product advertised: BioCharger

Category: Medical Device. ARTG number unknown, probably not included.

Sponsor: PETER EVANS CHEF PTY LIMITED

Executive Summary

I submit this is a medium (or greater) priority level complaint. TGA has issued a consumer warning about 'false and misleading advertising' of COVID-19 related products.¹ The advertiser is a well-known celebrity chef with a large Facebook following. Therefore, there is greater potential to cause harm in the community. I assert, the celebrity is causing harm by:

- Spreading misinformation about the treatment and/or prevention of COVID-19.
- Encouraging the purchase of a 'BioCharger', which is a medical device. The advertising of this device encourages people to believe they are protected from infection, or effectively treated for COVID-19. Exposure to this advertising may cause individuals to disregard the best available advice, behave irresponsibly and put themselves and the community at risk.
- Users of the device are encouraged to sit in groups and use the device. This is contrary to current social distancing recommendations.
- Detriment through substantial financial loss (\$14,490) for the purchase of an ineffective medical device.

Using his large following, the celebrity is facilitating the supply of an unregistered medical device in Australia. The *Therapeutic Goods Act 1989*², section 41MI states:

Criminal offences for importing, exporting, supplying or manufacturing a medical device not included in the Register [ARTG]

It appears that the device is simply programmed to produce pretty colours, nothing more. I am unaware of any credible information which supports the use of the BioCharger.

¹ <https://www.tga.gov.au/media-release/tga-issues-warning-about-illegal-advertising-relating-covid-19>

² <https://www.legislation.gov.au/Details/C2020C00028>

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Pete Evans promotes himself as an expert on health and medical issues. Due to the potential for harm in the current pandemic, I suggest that the sponsor should be contacted as a matter of urgency.

It appears that a journalist may have already submitted a complaint to the TGA about this issue.^{3,4,5,6} Regardless, I would like to strengthen that complaint by adding that a criminal offence may have been committed, not simply a *low priority* breach of the advertising Code. I consider it would be appropriate to take strong action to reduce the possibility of a recurrence.

I would like to obtain a TGA reference number for the issue.

Publications:

- <https://peteevans.com/products/>
- <https://biocharger.com/pete-evans/>
- <https://www.facebook.com/pg/paleochefpeteevans/posts/> (Note, the video was live streamed to Facebook followers. An edited segment of the live-streamed video can be found here: <https://twitter.com/i/status/1248196647449792513>)
- (and elsewhere)

Advertisements accessed by complainant: 11/04/2020

Sponsor details:

PETER EVANS CHEF PTY LIMITED

ACN 154 703 867

Australian Proprietary Company, Registered: SOUTHBANK VIC 3006

Email: enquiries@peteevans.com

Pete Evans can also be contacted via his agent:

Music Theatre Australia

Lvl 1, 10 Dorcas St, South Melbourne, Vic 3205 AUSTRALIA

Phone: +61 3 8679 6055 Email: Enquiries@MusicTheatreAustralia.com.au

http://www.musictheatreaustralia.com.au/component/entertainers/pete_evans/7144

³ <https://thenewdaily.com.au/entertainment/celebrity/2020/04/11/pete-evans-anti-corvid-quack-machine-slammed/>

⁴ <https://www.abc.net.au/news/2020-04-11/ama-hits-out-at-pete-evans-coronavirus-treatment-claim/12141490>

⁵ <https://www.news.com.au/lifestyle/health/health-problems/coronavirus-tga-investigating-15000-product-pete-evans-claims-fights-covid19/news-story/0a8a29bba13dbc3d9eedf0ac7d7592d8>

⁶ <https://www.9news.com.au/national/pete-evans-15-thousand-bio-charger-claims-can-treat-covid19-tga-investigates/a027d207-77da-41e5-aef2-08e5b47766f7>

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Attempts to locate the device on the ARTG:

Advanced ARTG search

Contents	Type
Keyword <input type="text"/>	Therapeutic good type <input type="text" value="Any"/>
ARTG ID <input type="text"/>	ARTG category <input type="text" value="Any"/>
Product name <input type="text" value="BioCharger"/>	Class (device or biologicals) <input type="text"/>
Active ingredients <input type="text"/>	Date
Sponsor name <input type="text"/>	Start date after <input type="text" value="Day"/> <input type="text" value="Month"/> <input type="text" value="Year"/>
Product included in the Black Triangle Scheme? <input type="radio"/> Yes <input checked="" type="radio"/> No	Start date before: <input type="text" value="Day"/> <input type="text" value="Month"/> <input type="text" value="Year"/>

[Cancel](#) [Advanced Search](#)

Comment: The above search for the product name finds zero results. Search undertaken 11 April 2020.

Advanced ARTG search

Contents	Type
Keyword <input type="text"/>	Therapeutic good type <input type="text" value="Any"/>
ARTG ID <input type="text"/>	ARTG category <input type="text" value="Any"/>
Product name <input type="text"/>	Class (device or biologicals) <input type="text"/>
Active ingredients <input type="text"/>	Date
Sponsor name <input type="text" value="PETER EVANS CHEF"/>	Start date after <input type="text" value="Day"/> <input type="text" value="Month"/> <input type="text" value="Year"/>
Product included in the Black Triangle Scheme? <input type="radio"/> Yes <input checked="" type="radio"/> No	Start date before: <input type="text" value="Day"/> <input type="text" value="Month"/> <input type="text" value="Year"/>

[Cancel](#) [Advanced Search](#)

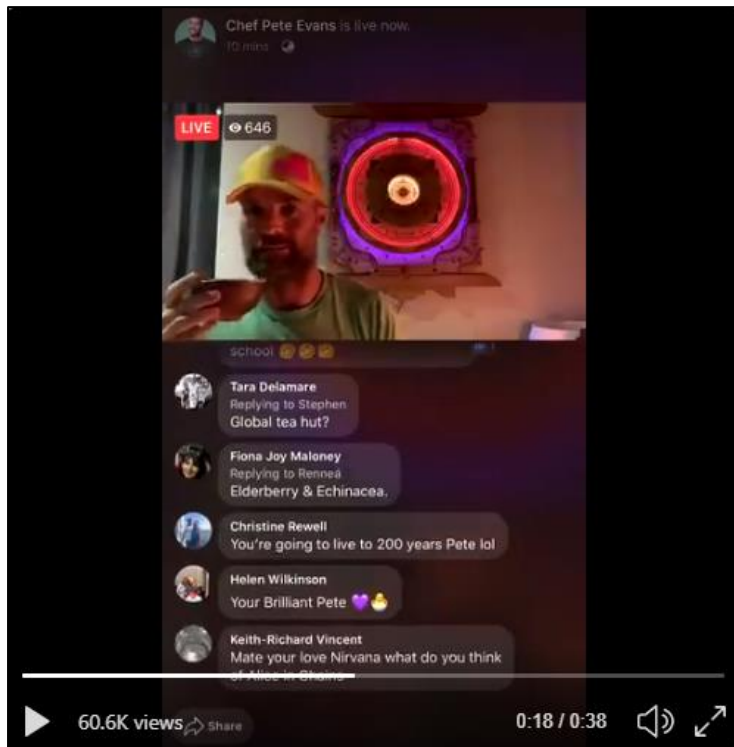
Comment: The above search for the sponsor name finds zero results. Search undertaken 11 April 2020. As there is no entry for either the product name or the sponsor name on the ARTG, it appears unlikely that the device has been included on the ARTG. Could the TGA please confirm this?

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Details of the claims made:

Pete Evans: "It's programmed with a thousand different recipes, there's a couple on there for **Wuhan corona virus**, that you may be interested in."

From: <https://twitter.com/i/status/1248196647449792513>



Comment: the above video was originally live streamed at: <https://www.facebook.com/pg/paleochefpeteevans/posts/>


From: <https://peteevans.com/products/>

CHARGE YOUR LIFE. CHANGE YOUR LIFE.

BioCharger

The BioCharger is a hybrid subtle energy revitalisation platform that works to optimise your health, wellness, and athletic performance by aligning and balancing the energy of every cell in your body.

[LEARN MORE](#) [PURCHASE](#)



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From: <https://peteevans.com/product-range/biocharger/>

PeteEvans
HEALTHY EVERYDAY


BioCharger

The BioCharger NG is a hybrid subtle energy revitalisation platform. Four transmitted energies stimulate and invigorate the entire body to optimise and improve potential health, wellness, and athletic performance. The BioCharger NG is completely non-invasive, and has proven to restore strength, stamina, coordination and mental clarity.

Pete joins the BioCharger Advocate group to help raise awareness of the BioCharger and alternative modalities. Purchase your BioCharger through peteevans.com using the link below to receive a special discount price.

The Energies

The Energies used in the BioCharger are Light, Frequencies & Harmonics, Pulsed Electromagnetic Fields (PEMFs), and Voltage. These are all natural energies found in nature – so just as you feel at your optimal self after spending time outside in the sun, on the beach or hiking in the woods – you're able to bring those experiences indoors by using the BioCharger.

A photograph of the BioCharger NG device. It consists of a white, rectangular base with a control panel on the front featuring a small digital display and a red button. On top of the base is a clear cylindrical chamber containing a glowing, multi-colored liquid (red, orange, yellow, green, blue, purple) that appears to be emitting light. A small white circle with a plus sign is overlaid on the top right of the chamber.

From: <https://peteevans.com/product-range/biocharger/>

Benefits

- Energy: The BioCharger will revitalise your body, so you can perform at peak levels all day, every day.
- Focus: The BioCharger helps align your mind and body, sharpening your mental clarity so that you can perform more efficiently and effectively.
- Recovery: Whether it's a workout, an injury, stress, or the bumps and bruises of everyday life, the BioCharger platform will help facilitate a quicker bounce-back.
- Sleep: The BioCharger delivers restorative energy waves that will realign your mind and body, promoting more restful, renewing sleep.
- Performance: Getting the most out of your body requires true effort, and quick recovery. Just 15 minutes a day with the BioCharger can propel you toward your new personal best.
- Flexibility: The BioCharger helps to improve mobility and flexibility, accelerate muscle recovery, and reduce stiffness in joints.

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From: <https://biocharger.com/pete-evans/>

SPECIAL PRICING FOR PETE EVANS FOLLOWERS

BioCharger NG Subtle Energy Platform **\$14,990**

The world's only digital subtle energy platform that consistently generates the frequencies your body needs to re-energize, refocus & recover.

VIP PACKAGE **FREE (over \$4,000 value)**

- Access to myCloud; a cloud-based platform with over 1,000+ recipes
- Personalized Recipe Consultation
- Free Ikea Cart
- Ongoing Software Updates

PETE EVANS DISCOUNT **- \$500**


\$500 off your order with code PeteE500

\$14,490

That is a \$5,000 savings for Pete Evans customers. Don't Hesitate. Purchase today!

From: <https://biocharger.com/science-behind-biocharger/>

Science Behind the BioCharger



The Science Behind The BioCharger NG

Comment: Recommendation for group usage of the BioCharger

It appears that the BioCharger originates in the US⁷. PETER EVANS CHEF PTY LIMITED is marketing the device to an Australian audience. The claims made by BioCharger US have already been critiqued

⁷ <https://biocharger.com/> (Note the USA phone number)

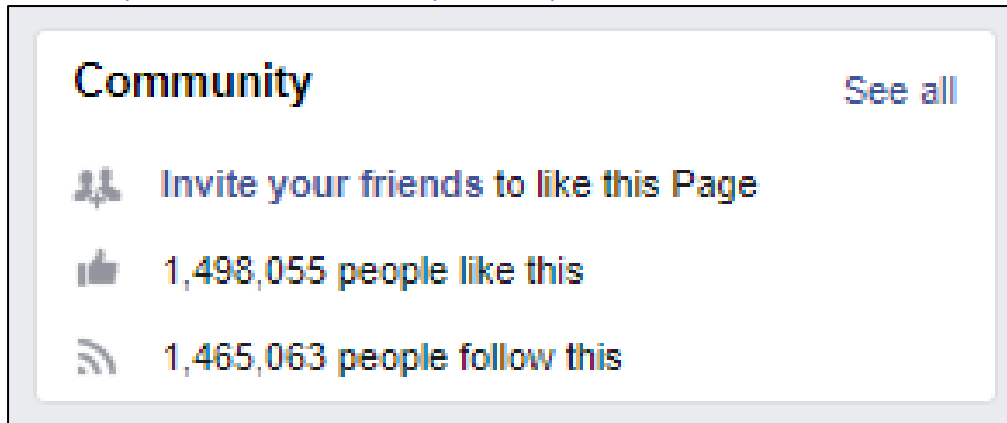
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by US retired GP Harriet Hall.⁸ Dr Hall concludes “If you have money to waste and want to try an expensive placebo, you could buy a BioCharger. If you prefer science and reality to pseudoscience and fantasy, you will have to look elsewhere.”

Further background evidence:

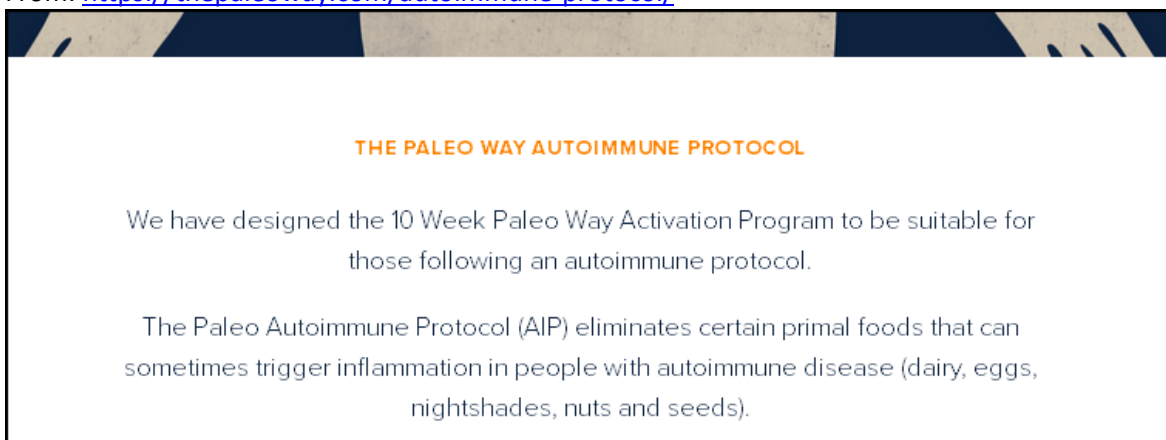
The following screenshots are provided as background information only. They substantiate claims made about Pete Evans’ popularity and his attitude to medical science.

From: <https://www.facebook.com/paleochefpeteevans/>



Comment: The ‘Chef Pete Evans’ Facebook page has more than 1.4 million followers.

From: <https://thepaleoway.com/autoimmune-protocol/>



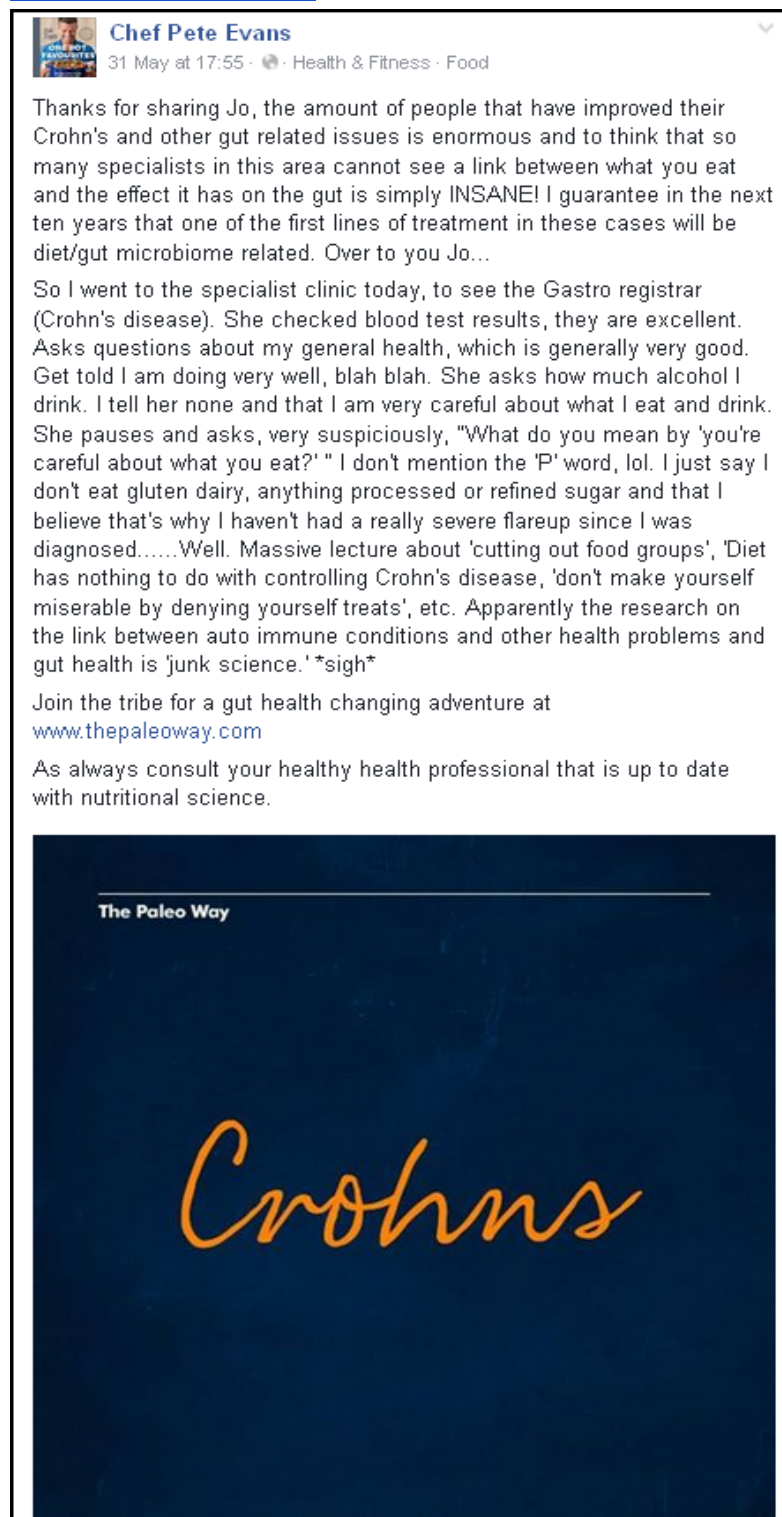
Comment: Evans offers a course which implies he is knowledgeable in relation to “autoimmune” disease.

⁸ <https://sciencebasedmedicine.org/biochargers-claims-are-too-silly-to-take-seriously/>

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From:

<https://www.facebook.com/paleochefpeteevans/photos/a.170871629672898.39746.169278773165517/1039614802798572/>



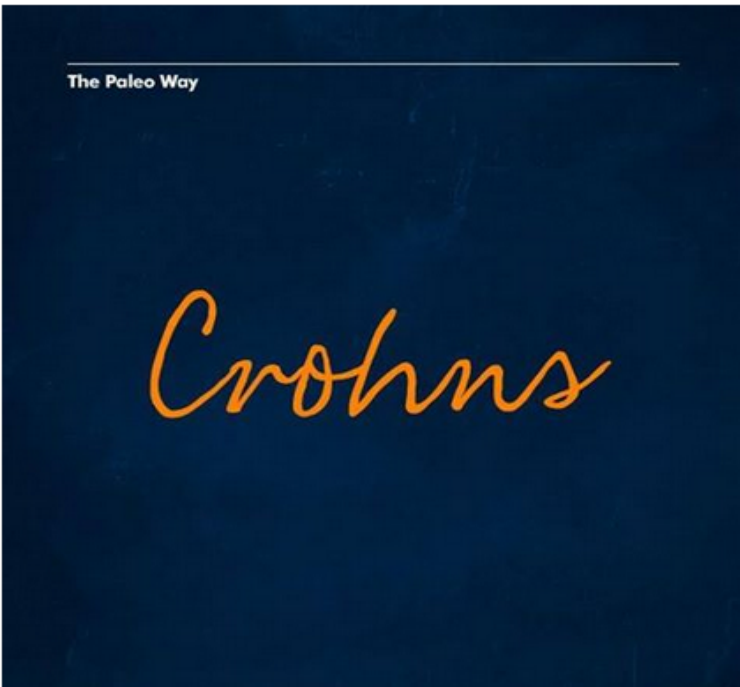
Chef Pete Evans
31 May at 17:55 · Health & Fitness · Food

Thanks for sharing Jo, the amount of people that have improved their Crohn's and other gut related issues is enormous and to think that so many specialists in this area cannot see a link between what you eat and the effect it has on the gut is simply INSANE! I guarantee in the next ten years that one of the first lines of treatment in these cases will be diet/gut microbiome related. Over to you Jo...

So I went to the specialist clinic today, to see the Gastro registrar (Crohn's disease). She checked blood test results, they are excellent. Asks questions about my general health, which is generally very good. Get told I am doing very well, blah blah. She asks how much alcohol I drink. I tell her none and that I am very careful about what I eat and drink. She pauses and asks, very suspiciously, "What do you mean by 'you're careful about what you eat?' " I don't mention the 'P' word, lol. I just say I don't eat gluten dairy, anything processed or refined sugar and that I believe that's why I haven't had a really severe flareup since I was diagnosed.....Well. Massive lecture about 'cutting out food groups', 'Diet has nothing to do with controlling Crohn's disease, 'don't make yourself miserable by denying yourself treats', etc. Apparently the research on the link between auto immune conditions and other health problems and gut health is 'junk science.' *sigh*

Join the tribe for a gut health changing adventure at www.thepaleoway.com

As always consult your healthy health professional that is up to date with nutritional science.



Comment: Evans questions expert advice about Crohns disease. A testimonial is shared from a follower named Jo. In the testimonial Evans is credited with preventing Crohns disease 'flareups'. The 'Crohns' graphic design was probably added by Evans to the post. This is evidence that Evans considers his advice to be of greater worth than medical experts in relation to Crohns.

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From: <https://thepaleoway.com/blog/why-paleo/>

genome over the last few hundred generations, and especially within the last dozen or so.

It's a good bet that there isn't a single person reading this who doesn't have some form of symptom or health complaint, or who doesn't at least know someone suffering from cancer, heart disease, diabetes, autoimmunity or some form of mental illness. My guess is that this is why you are reading this.

Welcome to the modern world.

Comment: Implied expertise in relation to: "cancer, heart disease, diabetes, autoimmunity" and "mental illness".