



Advertising Standards Authority
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William Alderson
Homeopathy: Medicine for the 21st Century

Please Quote: A10-139800/JN/Id

info@hmc21.org

By Post and Email

24 November 2010

Dear Mr Alderson

Your advertising – Homeopathy cares

We have received a complaint about your advertising and we welcome your help to resolve it. We are enclosing with this letter a summary of the complaint and all the necessary information about it to enable you to provide a full response.

Who we are

The ASA investigates complaints to ensure that non-broadcast marketing communications comply with the British Code of Advertising, Sales Promotion and Direct Marketing (the CAP Code, Editions 12), prepared by the Committee of Advertising Practice (CAP). We also investigate complaints to ensure that TV and radio advertising complies with the CAP (Broadcast) Codes and BCAP Code. The Government, the Office of Fair Trading and the Courts recognise the ASA as the “established means” of regulating non-broadcast advertising.

The investigations process

We will consider the complaint under CAP Code, (Edition 12) rules 1.3 (Social responsibility), 3.1 (Misleading advertising), 3.6 (Subjective claims), 3.7 (Substantiation), 3.11 (Exaggeration) 12.1, 12.2 and 12.10 (Medicines, medical devices, health-related products and beauty products (attached)). Marketing communications must comply with all other relevant rules, among which are the underlying principles (also attached). You can read or download the full Code on the CAP website, www.copyadvice.co.uk, and the ASA website, www.asa.org.uk. Further details of our investigations procedure are enclosed.

We intend to deal with the complaint as a formal investigation, which means it will be considered by the ASA Council. We will draft a recommendation for the Council based on your response to us. Once the Council has made a decision, the adjudication will be published on our website.

Chairman Rt Hon Lord Smith of Finsbury • **Chief Executive** Guy Parker
ASA Council (Non-broadcast) James Best • Louisa Bolch • Sally Cartwright • Elizabeth Fagan • Gareth Jones • John Mayhead • Andrew Motion • Colin Philpott • Ruth Sawtell • Anthony Wilkes • Diana Whitworth • Neil Watts

The Advertising Standards Authority Limited, registered in England No 733214, Mid City Place, 71 High Holborn, London WC1V 6QT.

What you need to do

We have received six complaints from members of the public, all of whom have challenged the majority of the claims that have been made in the ad. We think that there are two potential ways of investigating those complaints under the CAP Code (Edition 12). The complainants believe many of the claims are misleading and cannot be substantiated, or alternatively have challenged that they are irresponsible, or denigratory. We consider that there are two options available to you during this investigation.

Option 1

One of the attached complaint notifications detail all of the claims that we have received complaints about and which we consider to be worthy of investigation. The claims which have been challenged have been split into three categories to indicate the type of information/response we expect you to supply. Claims 1- 4 concern claims which we consider require substantiation, claims 5-9 are considered to be potentially misleading because of the way in which they are likely to be interpreted by consumers, and claims 10-13 are considered to be potentially irresponsible or denigratory. We recommend that you respond to all the points, providing evidence where necessary. Because the ASA /CAP has yet to see significant medical evidence for the efficacy of homeopathy (see attached CAP AdviceOnline entries) you are advised that the substantiation required for points 1-4 would have to be both significant and robust. I have attached the CAP Helpnote on the kind of evidence we would need to see in order to substantiate the types of the claim that you are making. With regard to the format of the substantiation, we would expect you to provide the copies of any trial or documentation and do not consider references to documents or hyperlinks to evidence to be sufficient to satisfy the requirement for substantiation .

Option 2

As stated above, we think that all of the thirteen claims are potentially a problem under the Code. However, with your co-operation we think we can lessen the size of the investigation by reducing the number of challenges and therefore the amount of information that you are being asked to supply. Although we would still need to investigate the significant claims about efficacy (points 1-4) along with some of the claims which may be considered to be misleading, we could remove the other challenges from the investigation providing that you give your written assurance that these claims will not appear again in any future ads for HMC:21. For the remaining challenges we would expect you to provide the robust substantiation (explained in Option 1) along

with your response to the challenges that claims in the ad were misleading. The shorter version of the complaint notification is also attached.

As well as addressing the complaint, please cover the following points when you prepare your response:

- Check that your company's legal name and address are listed correctly at the top of the complaint notification. If they are incorrect, please let us know.
- Let us know the name of your advertising agency or any other company that prepared the advertising on your behalf.
- If the advertising we have enclosed with this letter is incomplete, please send us a complete version, preferably by e-mail. If the copy is difficult to read, please send us a better copy.
- Let us know what plans you have for future use of your advertising. A media schedule would be especially useful.
- If the ASA Council upholds the complaint, its ruling might affect the acceptability of similar ads in other media, including broadcast. We are telling you this now so you are aware of the potential ramifications of this investigation. Let us know now if you are using (or intend to use) similar claims or ads in other media.

Your response deadline

The ASA's effectiveness depends on resolving complaints fairly and swiftly. An unreasonable delay in responding to our enquiries may be considered a breach of the CAP Code. So that we can conclude this matter as soon as possible, please respond in writing, to janetn@asa.org.uk by **1 December** indicating whether you intend to take Option One or Option Two. Regardless of which option you choose, the full response including any substantiation, should be supplied within five working days (8 December). If you need more time, we may be able to agree a short extension, but you will need to contact us within the deadline to explain why you are unable to respond sooner and agree a timetable for your response.

If you are not the right person to deal with this letter please tell us and pass the letter on to someone who is. If we do not receive a reply from you by 8 December, it is likely that we will need to add that to the other issues that we are investigating with you and which will form part of any formal published adjudication.

We are also sending a copy of this correspondence to the New Statesman for their information and will be asking for their comments on the issues surrounding social responsibility (points 10-13).

Thank you for your co-operation. We look forward to hearing from you.

Yours sincerely

Janet Newell
Investigations Executive
Email: janetn@asa.org.uk
Tel: 020 7492 2148

cc: New Statesman

Advertising Codes

For complaints relating to non-broadcast ads and other marketing communications published up to and including 31 August 2010, the ASA will adjudicate under the old CAP Code (Edition 11). Ads published on or after 1 September 2010 will be considered under the new CAP Code (Edition 12). From 1st March the Code will also apply to marketing communications online, including advertisers' own marketing communications on their own websites and marketing communications in other non-paid-for space under their control, such as social networking sites like Facebook and Twitter.

For complaints relating to broadcast ads transmitted up to and including 31 August 2010, the ASA will adjudicate under the CAP (Broadcast) TV Advertising Standards Code or the CAP (Broadcast) Radio Advertising Code. Ads transmitted on or after 1 September 2010 will be considered under the BCAP Code.

We shall use your contact details, together with other information from or about you, to deal with the complaint. We may contact you to assess the quality of our services or to give you information about our activities, which might interest you. If you do not want to be contacted for that purpose, please let our Data Protection Officer know at the above address or by e-mail at data.protection@asa.org.uk. For further information about our Data Protection Policy please refer to our website www.asa.org.uk.