

William Alderson
Homeopathy: Medicine for the 21st
Century
Poppyseed Cottage
High Street
Stoke Ferry
Norfolk
PE33 9SF

Please Quote: A10-139800/JN

21 March 2011

Dear Mr Alderson

Your advertising

Thank you for your letter of 1 March.

We have noted the points you have made in relation to the “Response” section of the Draft Recommendation and have made some amendments to the document.

1. We note your comments but consider the CAP Code and supplementary Help Notes and AdviceOnline entries make clear the definitions you refer to. We understand that H:MC21 do not market a specific homeopathic product and do not believe we have implied that it is not legally recognised. We do not believe our assessment could be extrapolated to conclude the Law and/or the NHS are in breach of the CAP Code. In any event we have not seen advertising claims for homeopathy by either.

2. We note your concern that the ASA has not demonstrated that it has made its decisions based on available scientific knowledge. The ASA takes advice from CAP literature when considering health and beauty claims. The CAP Help Notes and AdviceOnline entries state what is needed from the substantiation for such claims and we base our analysis of evidence on these requirements. We understand you believe at Evidence Based Medicine is the wrong paradigm for examining evidence for homeopathy but this is the basis upon which we consider all claims for health and beauty products and this is clear from CAP literature.

We appreciate that you believe the complainants have an interest in the outcome of the complaint and as such should be identified in the Draft Recommendation. It is clear that the complainants disagree with the claims in the ad and we accept that it may be the case that they are part of an organisation or group that could gain from the outcome of this investigation.

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

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However, all we can do is ask them confirm if this is case. However, it may well be the fact that they are members of the public who 'blog' about a variety of issues, including their beliefs about homeopathy and these individuals are unlikely to fall under the category of someone having a "an obvious interest in the outcome of the complaint". We will contact the complainants and ask them to confirm their position. However, I am sure you appreciate we cannot investigate the identity of a member of the public who wishes to make a complaint.

4. The ASA considers a claim may be factually correct yet worded in such a way that it is denigratory. We must consider claims from the point of view of the average consumer who is likely to see the ad and we believe our assessment accurately reflects that interpretation.

5. We note your concerns about the ASA's understanding and representation of your response. We have made some changes to the response section of the Draft Recommendation which we believe accurately reflects your response to the challenges. We have also made changes to the wording of the assessments section to make clear our evaluation of the evidence and to make the subsequent recommendations clear.

We apologise for the errors in referring to H:MC21 as HMC:21 and for misspelling Mr Alderson's name in previous correspondence. This was an oversight.

6 – 17

We have amended the response section of the Draft Recommendation and believe it accurately reflects your responses and the evidence that has been submitted.

18. We note your comments about the removal of challenge 11. However, we do not consider that this is the same type of claim as that which is highlighted in challenge number 1, which is claim for efficacy of homeopathy as a whole, as opposed to a more general claim about the opposition to homeopathy.

We note your comments that the evidence was not referenced in the remaining issues concerning claims about the opposition to homeopathy, but noted those claims were more specific and so specific evidence was needed to substantiate them.

19-30

We have considered the additional evidence and comments you have provided and have made some changes to the Draft Recommendation. We believe our

assessments make clear the reasons for recommending that the complaints are upheld (or not upheld). I will response to points you have made.

19. We understand you believe that the large amount of information and data supplied substantiates the claim. We also note CAP has not specifically examined the evidence that had previously been submitted to it by the Faculty of Homeopathy and the Society of Homeopaths. However, we understand that the Evidence Check document supersedes the trials to which you refer and included the input from a large number of individuals and organisations and is the most appropriate, recent, and independent review of evidence for homeopathy to date.

We believe the assessment makes clear how the ad breaches the Code clauses listed.

20. We note the additional information you have supplied. We believe the CAP Help Notes make clear the type of evidence we would expect to see to substantiate claims for the efficacy of homeopathy. We consider that in order to substantiate the claim in the ad (as it would be interpreted by readers), the trials would need to show that any reduction in symptoms following homeopathic treatment had been clinically assessed. We note the assessment was based on self assessment and therefore was unable to objectively demonstrate that the reduction in conventional medicine was as a result of the homeopathic treatment they received.

We consider our assessment makes clear the reason why we are recommending that this complaint should be upheld and that if a claim has not been substantiated (as we are recommending in this instance) then that claim is therefore misleading.

21. We note it was your intention was to demonstrate that RCT trials are unsuitable for assessing homeopathy. However, we do not consider this is how the average reader is likely to interpret it. We therefore consider that our assessment makes clear our reasoning for recommending that the complaint is upheld.

22. We note your comments. However, we believe the assessment makes clear the reasons why we are recommending that this complaint is upheld.

24. We note the ad is quoting from another source. However, regardless of how reputable a source, it is the advertiser who must hold documentary evidence to substantiate the claim that is being made. We therefore consider

that our assessment makes clear our reasoning for recommending that this complaint is upheld.

25. We note your comments. However, we believe the assessment makes clear the reasons why we are recommending that this complaint is upheld.

26. We note your comments. We have made some changes to the assessment section to make clearer our reasons for recommending that this complaints upheld.

27. We note your comments. However, we also note the information you have supplied on Trick or Treatment had not been independently assessed and therefore consider that our assessment make clear our reasons for recommending that the complaint is upheld.

28. We note your comments. However, we consider that our assessment makes clear our reasons for recommending that the complaint is upheld.

29. We note your comments. We have made some changes to our assessment to make clearer our reasons for recommending that this complaint is upheld.

30. We note your comments. We have made some changes to our assessment to make clearer our reasons for recommending that this complaint is upheld.

The report is a draft recommendation and the decision and wording will rest entirely with the Council, who may see things differently.

Please ensure you have made all the points that you want to make. We shall consider written comments on the factual accuracy of the draft if we receive them by 29 March. We can also give you the opportunity to put a written document for the attention of the ASA Council which would be presented when they consider the case. We will provide a representation to Council providing it is no more than two A4 pages in length.

The complainants will also receive a copy of the draft recommendation today.

If we change the draft recommendation materially as a result of comments we receive, we shall tell you. If no material changes are needed, the draft recommendation will be forwarded to the Council for consideration.

We shall write to you again to tell you the Council's decision and the publication date for the final report. Please treat the draft recommendation as confidential until the final report is published.

Yours sincerely

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