

Sent: 06 August 2011 12:29

Dear Janet Newell

We have received the fifth version of the Draft Recommendation.

We have noted that there are still serious problems with its factual accuracy, both as regards the summaries of our responses and the arguments used in the assessments. As you are aware, we cannot provide a comprehensive breakdown of these inaccuracies until September, but we wish to draw your attention to the following points in particular at this time:

- *Issue 1:* You have included a new reference to “a substantial review of over 100 placebo controlled trials”, but you have provided no details or citation, and we challenge the validity of this ‘evidence’.
- *Issue 2:* You have re-worded your assessment, but it still fails to address the fundamental issues of accuracy we raised.
- *Issue 4:* You have continued to limit the response to mention of a single comparison of figures when our evidence was based on a total of four separate comparisons.
- *Issue 6:* You have further extended your interpretation of what “some readers” might think and how they might act without any indication of the numbers of such readers or any evidence for this view.
- *Issue 7:* You have removed all mention of our supporting evidence from the Cabinet Member for Health in the Scottish Parliament.
- *Issue 8:* You have censored our response to such an extent as to make it impossible for us to validate our defence, and you have attributed a sweeping statement to us which we have not made.

We do not believe that we can deal with all the inaccuracies and other issues in the two pages permitted us for our supplementary document for the ASA Council. Because of this, the Draft Recommendation will mislead the ASA Council as regards fundamental aspects of this case, and, as a result, we cannot see how the Council will have a legitimate basis for discussion of the complex issues or the for reaching an informed decision, and so any decision reached by the Council will necessarily be flawed. For these reasons we cannot accept the Draft Recommendation as presented.

Yours sincerely

Paul Burnett
Chairman, H:MC21

(Sent by myself on this occasion as William Alderson is currently away)