

ASA Adjudication on Forest Gate Homeopathic Practice

Forest Gate Homeopathic Practice

484 Katherine Road
Forest Gate
London
E7 8DP

Date:

12 July 2006

Media:

Television, Press general

Sector:

Health and beauty

Number of complaints:

1

Complaint Ref:

116411

Ad

Advertising for Forest Gate Homeopathic Practice (FGHP) was shown on Channel S and in a Bengali newspaper. Channel S provided a copy of the TV ad along with a translation of the Bengali voice-over. It showed people walking into the practice and waiting. Different men were shown talking to people across a desk and in one scene a man appeared to be writing out a prescription. In another he was holding up a packet of what appeared to be medicine. Another man was shown opening a glass-fronted medicine cabinet full of bottles and packets. At the end of the ad on-screen text said "Consultant - MD Alim Uddin B.S.Y (D.HOM) F.B.I.H" The voice-over included the phrases: "Provides treatment for most critical diseases and illnesses."; "100% natural with no side effects. Safe for everyone to use."; and "Don't waste your time, rush to Forest Gate Homeopathic Practice now." The ASA obtained a translation of the press ad and were advised that it said: "Experienced Bangladeshi doctor, educated in Britain, treats and advises patients of all kinds with complex and critical diseases. Here, you will be able to speak with comfort and assurance in English, Bengali and Sylheti about all the secrets related to your disease. At present, being sexually impotent, many live a life of unhappiness. Homeopathic treatment is indispensable for a permanent solution of such problems. So, get rid of your depression and make your life sweet and beautiful. The diseases treated here are: Eczema, psoriasis, rheumatism, heartburn, migraine, hay fever, headache, leucorrhoea, asthma, allergy, tonsillitis, gastric ulcer, hair loss, piles, impotency, cure of obesity, infertility and every chronic or new diseases of men, women and children."

Issue

1. A competitor, London Free Homeopathic Health Centre, said the ads were misleading as they implied the advertiser was licensed to practice in the UK.

The ASA challenged whether the TV and press ads:

2. gave the impression of medical professional advice and
3. made medicinal and therapeutic claims regarding the treatments or referred to a particular ailment.

We challenged whether the TV ad suggested:

4. that there were no side-effects from the treatments and
5. the treatments were safe or effective because they were 'natural'.

We also challenged whether the press ad:

6. failed to advise readers to consult a doctor if symptoms persisted;
7. used fear or anxiety to promote medicines or recovery from illness and
8. claimed to cure impotence by stating "Homeopathic treatment is indispensable for a permanent solution of such problems"

Response

1. We did not receive a response from Channel S or FGHP on this point.
2. Channel S said that following a similar previous investigation by the ASA they had ensured that any misleading material was removed from the TV ad.

FGHP said they did offer a professional service and were allowed to highlight that fact in the media according to the homeopathic code of ethics.

3. FGHP said the claims in the ads regarding illnesses were based on their own experience in practice and that nothing had been exaggerated.
4. FGHP said there were no side effects from homeopathic treatment.
- 5., 6., 7. & 8. We did not receive a response from Channel S or FGHP on these points.

Assessment

1. Complaint not upheld

The ASA were advised by the Health Professions Council and the General Medical Council that there were nine regulatory bodies in total that covered health related services in the UK. None of these regulated Homeopathy and as such homeopathic practitioners did not require any particular qualification to set up a homeopathic practice. We were also advised by the British Homeopathic Association that, although their own members were required to be registered with a statutory professional body, there were no specific regulatory requirements for homeopathic practitioners to have any particular qualifications or be affiliated with a statutory body. We

understood that a license was not currently required to practice homeopathy in the UK and therefore did not consider the ad misleading on this point.

On this point, we considered the TV ad under CAP (Broadcast) TV Advertising Standards Code rules 5.1 (Misleading advertising) and 5.2.3 (Qualifications) but did not find it in breach.

On this point, we considered the press ad under CAP Code Clause 7.1 (Truthfulness) but did not find it in breach.

2. Upheld

We considered both ads implied the men providing the treatment were "doctors" offering medical professional advice. The TV ad showed people being offered advice in a situation that looked very much like a doctor's surgery. The voiceover further implied that professional advice was being offered. The press ad said "Experienced Bangladeshi doctor ..." and therefore also gave the impression of professional medical advice. We reminded FGHP of their obligation to comply with the CAP Codes.

On this point, the TV ad breached CAP (Broadcast) TV Advertising Standards Code rules 5.1 (Misleading advertising) and 8.1.2 (Impressions of professional advice and support).

On this point, the press ad breached CAP Code Clauses 7.1 (Truthfulness) and 50.17 (Medicines).

3. Upheld

We noted the ads claimed that FGHP "Provides treatment for most critical diseases and illnesses." Furthermore the press ad included a list of such illnesses and referred to sexual impotence and critical diseases. We considered the ads had made medicinal and therapeutic claims and referred to specific ailments which was not permitted by the Codes.

On this point, the TV ad breached CAP (Broadcast) TV Advertising Standards Code rules 5.1 (Misleading advertising) and 8.2.2 (b) (Homeopathic medicinal products).

On this point, the press ad breached CAP Code Clauses 7.1 (Truthfulness), 50.4 and 50.7 (Health and beauty products and therapies) and 50.19 (Medicines).

4. Upheld

The CAP (Broadcast) TV Advertising Standards Code states that "No advertisement for a medicinal product may suggest it has no side effects". We considered the claim 'no side-effects' breached the Code.

On this point, the TV ad breached CAP (Broadcast) TV Advertising Standards Code rule 8.2.12 (Side effects).

5. Upheld

The CAP (Broadcast) TV Advertising Standards Code does not permit ads for a medicinal product to suggest that its safety or efficacy are due to it being "natural". We therefore considered the claim "100% natural with no side effects. Safe for everyone to use." breached the Code.

On this point, the TV ad breached CAP (Broadcast) TV Advertising Standards Code rule 8.2.14

('Natural' products).

6. Upheld

The CAP Code states that "Marketing communications (for homeopathic products) should include a warning to consult a doctor if symptoms persist." As the press ad did not include this information it breached the Code.

On this point, the press ad breached CAP Code Clause 50.19 (Medicines).

7. Upheld

We considered that by referring to unhappiness and depression in relation to sexual impotence the press ad focused unnecessarily on fear and anxiety to promote FGHP's service. It therefore breached the CAP Code.

On this point, the press ad breached CAP Code Clauses 50.14 (Medicines) and 9.1 (Fear and distress).

8. Upheld

We considered that by stating "Homeopathic treatment is indispensable for a permanent solution of such problems" when referring to sexual impotence the press ad implied that a cure was guaranteed and was therefore in breach of the CAP Code.

On this point, the press ad breached CAP Code Clause 50.4 (Health and beauty products and therapies).

Action

The advertising must not be published or broadcast again in its current form. The advertiser should seek CAP Copy Advice before publishing future non-broadcast advertising.

[delicious](#) [digg](#) [reddit](#) [facebook](#) [stumbleupon](#)

[Previous](#)[Next](#)