

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

Please Quote: A10-139800/JN

29 July 2011

Dear Mr Alderson

Thank you for your letter of 11 July and the additional documentation you have provided.

We have considered all the comments that you have made in your letter. However, we consider that both H:MC21 and the ASA Executive have already made our respective positions clear on the majority of the issues that are under investigation and as such, do not think it would add to this investigation process if we were to repeat those arguments. However, I will try and respond the main issues that you have raised.

We note the points you have made about CAP and its position on Homeopathy. These issues would need to be raised directly with CAP because although the ASA adjudications are the basis upon which CAP advice is given, the advice to the industry comes from CAP directly. We note you have made various references to evidence that was submitted to CAP in 2008. Again this is not something that the ASA cannot comment on as it was not submitted as evidence in the context of an ASA investigation with regard to specific claim(s) in a specific ad.

We agree that CAP Advice is not binding on the ASA Council and as such you were invited to respond to all of the issues of complaint concerning the evidence for homeopathy and to provide evidence to substantiate the claims (where that was the challenge). We therefore also agree that this and any investigation carried out by the ASA must be accurate and based on evidence presented. We consider however that in many instances it is not feasible to include all the arguments from both the advertiser and the Executive and as such, the Draft Recommendation consists of a summary of the arguments on both sides as opposed to all of the evidence and available arguments that form part of the entire investigations process.

Chairman Rt Hon Lord Smith of Finsbury • **Chief Executive** Guy Parker
ASA Council (Non-broadcast) Louisa Bolch • Sally Cartwright • Rachel Childs • Elizabeth Fagan • David Harker • Gareth Jones • John Mayhead • Andrew Motion • Martin Narey • Hamish Pringle • Ruth Sawtell • Anthony Wilkes

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

With regard to the issue of the evidence for homeopathy in general, the ASA can only examine the specific claims that are made in the ad and to examine whether they are in line with the rules outlined in the CAP Code(s). It is for this reason that we consider that it is not appropriate to use the Draft Recommendation to analyse the arguments for and against the evidence for homeopathy. We appreciate that in the first instance the Executive indicated that it had yet to see evidence to support claims for the efficacy of homeopathy. However, we consider that the investigations process provided H:MC21 the opportunity to provide evidence to substantiate the advertising claims and that the assessments in the Draft Recommendation are based on the evidence that has been provided in response to the challenges. There is no suggestion in the Draft Recommendation that homeopathy is anything other than legal and had been available on the NHS since its inception. However, we do not agree with your conclusion that this automatically results in evidence that homeopathy in general is efficacious in treating “chronic illness”, which is the claim that is made in the ad.

We consider that our position on what is meant by “consensus” has been made clear and that it is not contentious to state there is no agreement across the majority of the scientific community about the evidence for homeopathy. It is not for the ASA to provide evidence that no consensus exists, however we believe it is apparent from the evidence presented in this case that there are disagreements over the evidence for homeopathy. We note your comments concerning the issue of commercial interests. However, the ASA has considered the evidence you have provided in response to each challenge and has objectively considered that evidence under the CAP Code.

We appreciate that you disagree with the ASA’s reliance on RCT’s to support health claims. However, this is our position and it is the same for advertising claims made for any health-related treatments. We consider that the terms that have been used in the Draft Recommendation are clear. We are not attempting to argue from a scientific point of view, but to make clear why we consider the evidence presented is not sufficient to substantiate the specific claims that have been made in the ad under the rules of the CAP Code.

The language that you refer to in your letter as ‘Slanting’ is absolutely standard ASA language and can be seen in nearly all ASA adjudications. We appreciate your concerns about how you believe it may be viewed externally, however, as the regulatory authority who is ultimately making a decision about whether an ad breaches the CAP Code, the language is accurate, transparent, consistent and fair.

We note the points you have made with regard to the misrepresentation of evidence, I would like to point out that we have attempted to summarise your detailed responses in such a way that the most pertinent points were presented, whilst addressing the other points through our correspondence. Therefore, although we are not in a position to extensively extend the response sections in the Draft Recommendation we have made some further changes to both the response and the assessment sections of the Draft Recommendation.

I do not intend to point out each of the changes we have made in relation to each of the points detailed in your letter. However, I can confirm the following:

- We have slightly expanded your response on issue one to include a clear statement that homeopathy is not due to the placebo effect and that you believe this argument has no scientific basis.
- We have included references to the Complimentary Medicine Research Group at the University of York, wherever necessary.
- We have referred to Bristol study as an “outcome study”.
- We have expanded your response on issue 3.
- We have drawn a more detailed response from your letters and added it to the response on issue 7.
- We have almost completely re-written your response to section 8. Please note that due to the large amount information supplied this has been summarised and that we will not be included some of the claims as these are likely to denigrate if published in the Final Adjudication.
- We have slightly expanded your response to issue 9 and 12.
- We have removed some of the references to the conclusions of the House of Commons Science and Technology Committee in the assessment sections.
- We have slightly expanded the reference to the reported success in the Bristol outcome study.
- We have slightly expanded our reasoning for the assessment on point 4.
- We have expanded our reasoning for the assessment on point 6 and 9.
- We note your comment with regard to whether Professor Ernst fell under the definition of those who could be ‘denigrated’ under the Code and following advice have changed this to a Not Upheld recommendation on this point. The same applies to issue 12 because neither the report nor the Committee fall under that definition.

We consider that this case must now be considered by the ASA Council and that there is nothing to be gained from repeating the arguments that we are both making with regard to the many points that form this investigation.

However, we are also very much aware that Council is being asked to make a significant decision on some very complex arguments and on interpretations of advertising claims that may be finely balanced. Therefore, rather than submitting the case to Council members to consider individually (which is normally the case), we will ask Council as a whole to discuss the case when in meets in on 9 September.

You are still invited to submit a two page A4 submission to Council and understand that you wished to only submit this once you had received the final version of the Draft Recommendation. In order for that submission to be considered by Council when it discusses this case then it must be supplied to me by 5 September.

Yours sincerely

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