

What is the ASA?

The Advertising Standards Authority (ASA) is a body set up to make sure advertisers do not make untruthful claims for their products. They respond to complaints from members of the public by investigating the advertisement and deciding whether or not the complaint was justified. We agree with this aim.

What has happened?

In 2010 H:MC21 published an advert arguing for an increase in existing spending on homeopathy on the NHS. Homeopathy has always been part of the NHS. HMC21's advertisement was aimed at health providers, and was published in a 'Care' supplement to the *New Statesman* journal. Examples of homeopathy's success in practice were drawn from studies conducted by national health services and involving thousands or millions of people.

Six people complained about the advert, and two of these later admitted that they were from a pressure group which specifically uses the ASA to campaign against homeopathy and other complementary and alternative medicine (CAM). Prior to the formation of this campaign group, the ASA had very few complaints about homeopathy.

Discredited evidence

The ASA has claimed that "a substantial review of over 100 placebo controlled trials showed no convincing evidence that homeopathy was superior to placebo". On this basis the ASA has argued that our evidence in support of homeopathy was misleading. The review is known as Shang et al., and it was published in the *Lancet* in 2005. Its conclusion was actually based on only eight trials, and other researchers have shown that there is no good explanation for the selection of these eight trials. In fact, almost every other selection of 'best quality' trials would have supported claims for homeopathy. The failure to explain the selection process breached the *Lancet's* guidelines for such studies. The ASA has been repeatedly made aware of these facts.

Inappropriate arguments

The ASA has gone on to endorse the position that the only valid evidence in medicine comes from randomised controlled trials (RCTs), and that evidence from patients' experience is not valid. This is a central argument of those opposed to homeopathy and other CAM therapies. It has no scientific or medical foundation, and it is dangerous. The Medicines and Healthcare products Regulatory Agency (MHRA) – the government regulator – operates a 'yellow card scheme' to record problems with pharmaceutical drugs in practice, and it gathers information from patients (as well as from carers and medical practitioners) because the MHRA recognises that patients have first-hand knowledge of the effects of treatments.

Every drug which is withdrawn has been 'proved' to work and to be safe through RCTs before being used. It is information from patients which has led to the withdrawals. In 2008 the NHS spent around £2 billion on the adverse effects of prescribed drugs. In the same year in the USA prescribed drugs almost overtook road accidents as the single biggest cause of premature deaths. The ASA's position is in conflict with the MHRA; it undermines the 'yellow card scheme'; and it is a threat to all patients, especially to those using conventional medicines. Ironically, those using homeopathy have no problem. We do not know of any evidence of a death being caused by homeopathic medicines.

Inappropriate expertise

The ASA finally brought in "an expert in homeopathy" during our appeal against the original decision. This expert provided no evidence of any qualification, training or even experience of homeopathy, despite the ASA's requirement that experts have proper expertise. He did have extensive experience in conventional pharmacology, with a specific interest in the development of drugs from plants, a discipline ideologically and commercially opposed to homeopathy. We explicitly informed the ASA of various important issues which this expert had not taken into account, but these were ignored.

The ASA is effectively claiming that to be an expert in pharmacology is to be an expert in homeopathy. Those pharmacologists who have trained to be homeopaths (including one of our trustees) can confirm that this is ridiculous.

How does the ASA investigate?

The ASA appoints an Investigation Executive to oversee an investigation against a marketer (the person whose advert is being complained about). The Investigation Executive decides on the specific complaints and puts the case against the marketer. The Investigation Executive also decides what defence information will be included, and how it is expressed. The Investigation Executive also recommends the judgement for each complaint. The decision is then made by the ASA Council, but only on the basis of the information supplied by the Investigation Executive.

A travesty of justice

If you take the parallel of a court, it would mean that one person controls the defence case and is able to censor and distort it. The same person controls the prosecution case and is able to adjust it to counter the defence case. Again, the very same person is the judge. The jury only gets to see the case as presented by this person. This is a travesty of justice, and it can only possibly work if there are very clear rules about how evidence is treated, and if those rules are adhered to. We believe that this is not happening in cases involving CAM therapies.

Conclusion

On the basis of our case, we believe that we have clear evidence that

- **The ASA is endorsing a position dangerous to patients, in conflict with the available science, in conflict with good medical practice and in conflict with the government regulator of medicines;**
- **The ASA has contravened its own guidelines about evidence and expertise;**
- **The ASA is setting unjustifiable limits on what information can be given to the public;**
- **The ASA is abusing its investigatory powers.**

We are protesting because these are serious issues for everybody. They may immediately affect the ability of H:MC21, homeopaths and other CAM therapists to publicise their work, but they are most damaging because they help to create a lasting threat to the safety of patients, especially those using conventional medicine.

About H:MC21

Homeopathy: Medicine for the 21st Century (H:MC21) is a charity based in the UK and exists to campaign for homeopathy and to provide access to information and research for homeopaths, patients and others interested in supporting diversity in medical approaches.

As part of our work we provide information about the unscientific nature of the attacks on homeopathy. We help patients campaigning to defend access to homeopathy in the NHS. We also help individuals and groups facing attacks from those opposed to homeopathy. We have two websites and produce a newsletter.

The majority of our funding comes from donations by individuals, with occasional donations from other charities or CAM organisations. Our supporters include homeopaths, patients and friends of patients. They even include people who do not use homeopathy but object to the witch-hunting they have seen over the last few years.

For more information go to

www.hmc21.org

www.homeopathyworkedforme.org

Or contact us at

info@hmc21.org

The photo is of the H:MC21 banner at the 'Defend the NHS' demonstration in 2007.

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