

Chairman: Lord Harris
National Trading Standards Board
c/o ACTSO Ltd
Sylvan Court
Sylvan Way
Southfields Business Park
Basildon
Essex
SS 15 6TH



Email contact via admin@actso.org.uk

Paul Burnett

Sent by Email

3 August 2017

Dear Mr Burnett

Thank you for your letter addressed to Lord Harris, dated 27 July 2017.

National Trading Standards (NTS) is not a public authority and as such is not legally bound by the Freedom of Information Act. However the NTS Board has agreed a policy whereby we will try to comply with the spirit of that legislation in all cases and this response has been drafted in accordance with that policy.

In response to your questions

1) *Would you please supply to us the full content of your 'discussions' both with LB Camden and, most particularly, with ASA that you refer to in your letter to Mr Burnett dated 29th June, to include the questions asked of ASA and the answers given. With whom at ASA did you and/or your office communicate (and was it yourself personally in conversation with ASA)? What conclusions did you reach as a result of these discussions?*

At this point, in relation to homeopathy, no referrals have been sent by the ASA to Camden to act upon. The discussion NTS has had with Camden to date was simply to be clear about potential timelines and the approach to Camden requesting resources to respond to any referrals if/when they are sent.

There have been 2 short meetings with NTS, the ASA and Camden, the first took place in July and was a short discussion where the actions agreed were for ASA to agree what their plan was in terms of making referrals and for Camden to consider what resources might be required in terms of expert evidence, legal advice etc. Before any plans were written, a subsequent meeting took place on 1st August 2017. At this meeting, I advised Camden and ASA that NTS could not take any further action in relation to any such referrals until we had confirmation from the Department of Business Energy and Industrial Strategy (BEIS) that they considered that this fell within the scope of the grant agreement under which NTS operates. I requested this clarification given the clear links to Department of Health (DH) policy responsibilities.

We have requested that BEIS arrange a meeting to discuss this issue with DH and confirm whether they feel these actions are in scope for NTS. It is hoped that this meeting will take place in early September. Until this is completed neither NTS nor Camden will be undertaking any further work into this area. The email which confirms this discussion with BEIS and the outcomes of the meeting of 1st August is appended to this letter.

2) *Did you or your office discuss with ASA representatives the Swiss HTA authors' letters (copies also sent to you on 13th June) and, if so, what was ASA's specific response concerning those letters' accusations: e.g., that 'ASA's writing does not even begin to approach a professional standard', and that all the RCT research had been 'airbrushed out of existence'?*

NTS has not discussed this with ASA representatives.

3) *The Crown Prosecution Service states: 'You must not give expert opinion beyond your area of expertise'. How does Trading Standards interpret both the qualifications and the career experience requirements for an 'expert' on homeopathy?*

The necessary evidence and expertise required would depend on the specific nature of any referral received and the substance of any alleged complaint. As no such referrals have been received, we cannot comment.

4) *CAP's website states: 'To date, the ASA has not seen persuasive evidence to support claims that homeopathy can treat, cure or relieve specific conditions or symptoms. We understand this position is in line with other authoritative reviews of evidence'. But CAP fails to identify the reviews it purports to be quoting, and neither ASA nor CAP are subject to FOI requests. What information do you hold on which reviews, and whose 'authoritative' opinion (and for what reason more 'authoritative' than much other opinion reaching the opposite conclusion) CAP is referring to?*

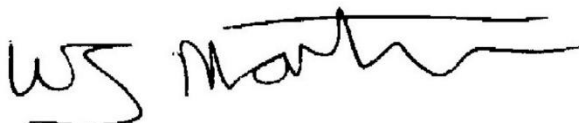
We hold no information on this. This would be a matter for the ASA/CAP to respond to.

5) *By what criteria do you assess the capability of Camden Trading Standards service to be ASA's compliance partner for homeopathy and for complementary medicine?*

As in many Trading Standards cases, the necessary expertise in a specific subject area would be sought from an independent person or organisation as the appropriate times. As no such referrals have been received, no assessment has yet been made of what additional expert evidence would be required.

To conclude the current position is that ASA have made no referrals in relation to homeopathy for action and NTS will not be undertaking any further work in this area until the conclusion of the meeting with BEIS and DH.

Yours sincerely,



Wendy Martin
Programme Director,
National Trading Standards

ANNEX 1 – COPY OF EMAIL TO BEIS AFTER MEETING 1 AUGUST 2017

Wendy 15:53 (16 hours ago)
Martin <wendy.martin@actso.org.uk>
to Galvin,

Daragh I updated colleagues from ASA and Camden today on the current thinking about the scope of NTS remit to deal with this under our Grant agreement with you.

We (ASA, Camden and NTS) feel that the next step should be a meeting with us and relevant BEIS and DH officials. In that way we can each outline the current position of our various organisations and agree what the appropriate way forward needs to be. We feel this would be more productive than a range of bilateral information exchanges.

I am aware ASA have a meeting with the Minister in mid September so a meeting during the first week of September would be ideal.

Until the outcomes of this meeting are known, I have asked Camden not to do any further work on this issue. To confirm that as this point no referrals have been made to us in relation to this issue so there are no active investigations.

I have copied in the colleagues who should be invited, though to work around dates we can agree whether more than 1 person from each is needed.

Can you please confirm that you will arrange this.

Many thanks

Wendy Martin
Programme Director - National Trading Standards
Director of Policy - ACTSO

On 31 Jul 2017 09:11, "Galvin Daragh (CCP)" <Daragh.Galvin@beis.gov.uk> wrote:
Hi Wendy, hope you had a nice time away last week!

We still need to do more work on this (e.g. speak to DH) but in terms of an initial steer, I think it is fair to say that we don't think this in scope of the BEIS grant agreement - we feel that this is a DH lead as they have been doing various work in this area, e.g. consultation last year and subsequent banning of homeopathic treatments only last week on the NHS.

It would however be helpful to speak to Camden (Martin Harland agreed to send us through some more info on their thinking but we have yet to receive anything) and we are trying to get in touch with relevant colleagues in DH to seek their views, as Margot will need to be sighted. I've already been in touch with ASA colleagues to get a bit more background on homeopathic complaints over the past few years.

Grateful if we could have phone catch up later this week to let me know how the meeting went?

Kind regards,

Daragh

From: Wendy Martin [mailto:wendy.martin@actso.org.uk]
Sent: 28 July 2017 10:35
To: Galvin Daragh (CCP); Haseldine Karen (ER); Dixon-Green Jobshare
Subject: urgent - homeopathy

Hello,

Prior to my leave two weeks ago, I had raised the potential that NTS may receive referrals from the ASA that relate to homeopathy. It was agreed that due to the clear links with DH policy in this area you would speak to them and advise us how, as a matter of principle, you wish NTS to proceed and whether you feel it is appropriate for us to use the grant provided by BEIS for this work area, which could be significant.

You will see below that the issue is already being escalated.

I have a meeting with Camden and ASA on 1st August and need your steer before this meeting goes ahead.

We do not of course expect BEIS to get involved or comment in any way on any individual case. Indeed at this point no referrals have been made. However we do need to clear mandate from you, on policy grounds, and confirmation as to whether or not you consider this to be in scope in terms of the grant agreement that you issue us with, or whether you feel as a DH issue, that we should not be using our grant to deal with this issue.

Wendy Martin
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