

Lord Harris of Haringey,
Chair of National Trading Standards.

27th July 2017

Dear Lord Harris,

Advertising Standards Authority Ltd.

You will recall that we asked you in our letter of 13th June 2017 for your ideas on how to solve an impasse with ASA Ltd. But your letter to Mr Burnett of 29th June raises fresh concerns. You state, as a fact, that 'The ASA works within this legal framework [of the Consumer protection from Unfair Trading Regulations, and Business protection from Unfair Marketing Regulations 2008] to make sure that advertising is not misleading or unfair.'

No doubt a good deal of ASA's work matches the above description, and we support that. But we have supplied both you and Mr Harland with robust evidence that ASA's behaviour with regard to homeopathy has nothing to do with protecting the public under the above laws: on the contrary, that ASA Ltd actively seeks to obstruct both homeopaths' legal freedom of speech ('*Safeguarding Businesses*'), and the public's right to receive evidenced information that they have a legal right to know ('*Protecting Consumers*').

Antimicrobial resistance

This is a crisis situation. You will well know that antimicrobial resistance is one of the biggest threats to the whole planet, and you will have read from what we sent you of homeopathy's massive success in areas where pharmaceutical medicine is becoming ever more dangerous. The Dept. of Health website stated back in June 2014 that '5,000 people die each year in the UK from antibiotic resistant infections'; a figure was expected to rise steadily year on year. Three years later, experts now put that UK death rate figure at 12,000. Given the evidence which we have already sent you of the vital part that homeopathy is, right now, playing in combating this impending global catastrophe, that would seem to be 12,000 good reasons why Trading Standards should commit itself to defeating ASA's, and others', abuse.

We don't say that homeopathy could necessarily save every one of those lives. But you will have read, for example in the Swiss HTA authors' letters, of the high quality RCT trials in upper respiratory tract infections (an area of much antibiotic use in conventional medicine) where homeopathy results were superior to trials using the pharmaceutical approach. The French research paper we sent you showed benefits of both systems of medicine to be the same in the first instance, but with no side-effects from homeopathy, and therefore without any contribution to development of AMR. The homeopathy approach is therefore self-evidently by a large margin the superior, according to the results of this research paper also.

It is widely accepted that there has been for many years a worldwide war of disinformation about homeopathy, driven, it is globally assumed, by pharmaceutical financial interests. But finally, that campaign is faltering badly. For example:

- Switzerland has joined the ranks of those countries who have placed homeopathy on a constitutional equal footing with pharmaceutical medicine.
- There are so many other countries where the homeopathy denigrators stood no chance of success - e.g. Germany's Chancellor Angela Merkel and India's Prime Minister Mr Modi made strong statements in favour of homeopathy, whilst homeopathy is so

embedded in French culture that the denigrators appear to have made no impression whatever. From such countries flows an ever increasing body of scientific research positive for homeopathy.

- The Australian National Health and Medical Research Council (NHMRC) report in 2015 concluded that there is no 'reliable evidence' that homeopathy works by using criteria that would have simultaneously rendered c. 98% of pharmaceutical medicine as having no effect. FOI replies have now revealed that the original NHMRC conclusion was positive for homeopathy, but that that conclusion appears to have been then ordered to be doctored. There is currently a worldwide demand for the truth to be revealed on how that happened.

Natural Justice and the CPRS

Quite aside from AMR and the part that homeopathy is indisputably right now playing in combating this massive danger, there is furthermore Natural Justice to consider. We are well aware of a team of other UK homeopathy denialists, all 'peddling' unsubstantiated opinions, and all contradicted by the facts, and ASA Ltd has been for years in possession of a plethora of evidence of homeopathy's efficacy, effectiveness, safety and cost-effectiveness. We are also well aware of all the arguments that ASA Ltd uses to justify its position, and have shown all of them to be bogus. Yet any number of appeals, letters, deputations, etc. to ASA Ltd. make no impression. Why might that be?

It is obvious to many that ASA Ltd is not engaging with the most appropriate advice concerning homeopathy, and it surely cannot be the role of Trading Standards to support what appears to us to be an illegal cartel. May we rely on your personal support, to the limit of your powers, to now rid our systems of this gross injustice?

Separate from the above, to which we look forward to your full response, we make please also the Freedom of Information requests which follow.

Yours sincerely,

*Paul Burnett,
(and others redacted)*

Freedom of Information requests to Lord Harris

27th July 2017

- 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?

- 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'?
- 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?
- 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?
- 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?

Dear Mr Harland,

We are concerned not to have received a reply from you to our letter of 21st June 2017. Was this perhaps an administrative oversight, such that your reply was written but accidentally not sent?

Aside from reading your detailed response to our whole letter, we particularly wish, with some urgency, to know whether you referred on our complaint against ASA and, if so, to whom?

There remains also outstanding our unanswered question from 27th April:

'Are you [in the light of all the problems with ASA Ltd which we brought to your attention] satisfied that your close association with ASA is ethically suitable?'

Once again, we look forward to your detailed response.

Yours sincerely,

