

Chairman: Lord Harris
National Trading Standards
Sylvan Court
Sylvan Way
Southfields Business Park
Basildon
Essex
SS 15 6TH

**NATIONAL
TRADING
STANDARDS**

Protecting Consumers
Safeguarding Businesses

Email contact via
nationaltradingstandards@actso.org.uk

By email to _____

29 June 2017

Dear Mr Burnett,

Advertising Standards Authority and National Trading Standards

Thank you for your recent emails regarding your concerns over the Advertising Standards Authority. I thought it would be helpful if I set out the background to our relationship with the ASA.

The Advertising Standards Authority

The Advertising Standards Authority (ASA) is the UK's independent regulator of advertising across all media. The ASA is an independent non-governmental organisation funded by a levy on the advertising industry. They apply the Advertising Codes, which are written by the Committees of Advertising Practice. The role of the ASA is to ensure responsible advertising. The Advertising Codes explain in detail what advertisers need to do to make sure their advertisements are responsible and not misleading or unfair. The ASA monitor advertising and respond to complaints. If advertisements are judged to be non-compliant they will seek to persuade advertisers to amend or change offending advertising.

Complaints about the conduct of the ASA and any of its adjudications can be made by following the guidelines on the ASA website at <https://www.asa.org.uk/about-asa-and-cap/about-regulation/complaints-about-the-asa.html>.

Legal Backstop, National Trading Standards and London Borough of Camden.

On the rare occasions when the ASA is faced with advertisers who persistently break the Advertising Codes, they will refer these cases to Trading Standards. Prior to 2012 this legal backstop function was delivered by the Office of Fair Trading. Following Central Government changes in 2013, when the OFT was abolished, this function became the responsibility of National Trading Standards (NTS).

NTS does not have its own legal powers. It delivers all its work by commissioning specialist trading standards teams throughout the country. NTS commissions the work to deliver the legal backstop for the ASA from the London Borough of Camden Trading Standards Service. Camden uses its own legal powers under the above regulations to assess, investigate and take action (where appropriate) on any matters the ASA refers to it.

Any complaints about the conduct of a specific investigation must be dealt with via the LB Camden's Corporate Complaints Procedure which can be found on their website. This process can be escalated up to an including the Local Government Ombudsman if necessary.

Homeopathy

We are aware that for some time, the ASA have been concerned that some of the claims made by homeopaths do not comply with their Advertising Code. The ASA's current position is that they have established, through a number of rulings, advertisers may not make either direct or implied claims to treat medical conditions. In their deliberations the ASA have concluded that the evidence was insufficient to support any advertising of efficacy claims.

NTS and the LB Camden have been in discussion with the ASA and at this stage no referrals for possible enforcement action have been made but there is a possibility that they may be made in the future. If referrals are made LB Camden will use their legal powers and legal powers to determine whether any criminal action is appropriate on a case by case basis. NTS is not able to comment on any ongoing investigations.

I hope this clarifies the background and current position.

Yours sincerely

A handwritten signature in black ink that reads "Toby Harris". The signature is written in a cursive, slightly slanted style. There is a small dot above the 'i' in "Harris" and a flourish under the 'y'.

Lord Toby Harris
Chairman, National Trading Standards