

To: Mr Martin Harland,
Principal trading standards officer,
Camden Council.

21st June 2017

Please reply to: xxxxxxxxxxxxxxxx

Dear Mr Harland,

Thank you for your reply of 13th June 2017 to our letter of 27th April (plus follow-up Email of 2nd May 2017), which nevertheless raises further concerns.

Your strategy so far appears to be to find any number of reasons not to act, whereas the evidence of malfeasance on the part of ASA Ltd. appears to us to be so strong that we see real potential of matters seriously rebounding on you and the Trading Standards service if you fail right now to take decisive action to persuade ASA Ltd to obey the law. And in the light of antimicrobial resistance not least (see letter of 13th June to Lord Harris, Email CC'd to yourself), exposure in a court of law of the behaviour of homeopathy denialists such as ASA would seem to be a requirement. What information do you and your lawyers currently lack that would enable you to begin your investigation of ASA Ltd., under whatever legal instruments you see fit?

- 1) You gave no answer to our Question 3 of 27th April, i.e. '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?'

You state that 'the ASA refusing to consider certain expertise is a matter for the ASA and you should redirect your enquiries to them'. Not only do we strongly disagree, but your claim raises further disquiet. If, for example, a shop-keeper in Camden continued after prior warning to sell furniture and furnishings that did not meet statutory fire safety requirements, on the grounds of quoting 'expert' advice from persons unqualified to give it, on what grounds could Camden Trading Standards office refuse to examine the matter? Would you leave it to the public to take action, as in our case?

As you know, Professor Peter Matthiessen and Dr Gudrun Bornhöft, both medical researchers whose work has had a profound influence on healthcare worldwide, have stated that 'ASA's writing [on homeopathy at any rate] does not even begin to approach a professional standard'; Professor Robert Hahn has also demonstrated ASA Ltd's 'position' to be totally false, whilst the French research which we sent you on 13th June proves it beyond question. How can you justify being in a legal agreement with ASA whilst simultaneously, on your own admission, taking no interest in the reliability of the data that ASA Ltd is using?

So we ask you again: are you satisfied that your close association with ASA is ethically suitable?

- 2) In response No.2, ASA is not a statutory regulator but a private limited company receiving levies from advertisers in return for monitoring advertising. We do not understand why that is not supplying a service. Would you please explain your reasoning in full detail.

- 3) You say that ‘ASA only acts against advertisers, not consumers.’ But in attempting to prevent certain advertisers making wholly lawful communications to the public, and therefore attempting to prevent members of the public of having access to information which may be in their best interests to know, we put it to you that ‘acting against consumers’ is precisely what ASA is doing. Do you on reflection now agree with us?
- 4) You say in your response 1): ‘even if we could investigate this matter, it would be unjust to do so. This is because we have a working relationship with the ASA and any investigation would not be independent or wholly impartial’. Are you seriously telling us you consider it acceptable for you to take no interest whatever in whether your working partners are acting within the law or not? Were a complaint of malfeasance made by others against a private contractor working part-time for Camden Council, (a window cleaner, perhaps), would that person be beyond Trading Standards’ remit on account of working also for Camden council? Or would that be a dereliction of duty in public office if you declined to investigate?

What you seem to be saying is that you do not have a process to investigate which would be independent or impartial – is that a correct understanding? It might indeed in those circumstances be prudent to refer the window-cleaner complaint to others perhaps higher up the Trading Standards ladder. But your letter makes no mention of referring on our complaint against ASA. Can you confirm whether or not you have done so, and if so to whom?

Rather than originally suggesting specific laws under which you should investigate, it might have been better to tell you the problem and leave you to assess which legal processes be best suited to achieve Natural Justice, which we hope is your desire as well as ours. We look forward to receiving your detailed responses to our questions today, and to reading your plan of action on how you intend to achieve Natural Justice.

Once again, please tell us what information you and your lawyers currently lack that would enable you to begin your investigation of ASA Ltd.

Yours sincerely,

Paul Burnett,
(and others redacted)

CC The Lord Harris of Haringey, Chair, National Trading Standards Board
Mr Leon Livermore, Chief Executive, Chartered Trading Standards Institute
Mr Mike Cooke, Chief Executive, Camden Council