



Advertising Standards Authority
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Dear sir/madam

We have received a complaint about your website, which advertises homeopathy. This letter provides information about who we are, why we are writing to you and what you need to do.

Who we are

The Advertising Standards Authority (the ASA) is the UK's advertising regulator. The Advertising Codes we enforce ensure that advertisements, wherever they appear, remain legal, decent, honest and truthful. You may have seen the recent advertising campaign we ran. It can be viewed [here](#).

We are independent of both the Government and the advertising industry and operate according to published standards of service. Our authority is recognised by the Government, the courts, other regulators such as the Office of Fair Trading (OFT) and Office of Communications (Ofcom) as the established means of consumer protection from misleading advertising. You can find out more about us on our website www.asa.org.uk

Why are we writing to you?

On 1 March 2011 we extended our remit to include marketing communications on all UK websites, regardless of sector, type of businesses or size of organisation, including advertisers' own websites. Following this extension, we received over a hundred and fifty complaints about over a hundred different websites advertising homeopathy. Because your website promotes a service and/or products to UK consumers, the claims that appear on it constitute marketing communications as defined by the non-broadcast code; the CAP Code. Your website has received one or more complaints and we are writing to introduce ourselves and help you change it so that it complies and you avoid further complaints.

You are not the only advertiser we are writing to. We have sent a similar letter to others whose websites have attracted complaints. This letter contains general advice on claims likely to be acceptable for homeopathy and claims that, based on the requirements of the Code and previous rulings we have made are not acceptable. The Code has general requirements for substantiation of claims in the health sector and the Committee of Advertising Practice (CAP) has specific guidance on marketing health-related products and services. Some of the information in this letter will apply to the particular claims you have made on your website and some might not; however, it is your responsibility to identify and amend any claims you are currently making that are in breach of the Code.

We know that many web-based advertisers may not be aware of the ASA or its Code and we are also aware that this letter may for some have come out of the blue. For that reason we are adopting a pragmatic approach to securing compliance. To

ensure that we are even-handed across the sector we are contacting all of the advertisers complained about, as well as those bodies that represent homeopaths and homeopathy in the UK and we are going to make clear what changes are required and provide a reasonable timescale for the changes to be made.

The Code's requirements

The Advertising Codes lay down rules for advertisers to follow. They include general rules and specific rules that cover ads for health services and products. Claims on companies' websites are regulated under the CAP Code (The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing) and the most relevant Code rules that apply to your advertising are listed below:

3.7

Before distributing or submitting a marketing communication for publication, marketers must hold documentary evidence to prove claims that consumers are likely to regard as objective and that are capable of objective substantiation. The ASA may regard claims as misleading in the absence of adequate substantiation.

12.2

Marketers must not discourage essential treatment for conditions for which medical supervision should be sought. For example, they must not offer specific advice on, diagnosis of or treatment for such conditions unless that advice, diagnosis or treatment is conducted under the supervision of a suitably qualified health professional. Accurate and responsible general information about such conditions may, however, be offered.

Health professionals will be deemed suitably qualified only if they can provide suitable credentials; for example, evidence of: relevant professional expertise or qualifications; systems for regular review of members' skills and competencies and suitable professional indemnity insurance covering all services provided; accreditation by a professional or regulatory body that has systems for dealing with complaints and taking disciplinary action and has registration based on minimum standards for training and qualifications.

How to ensure your advertising claims do not breach the Code

The ASA has an established position on claims that can be made, and those claims that are not likely to be acceptable for homeopathy, based on the requirements set out in our Code and previous ASA adjudications. We accept that homeopathy might make some people feel better in some situations, however the Code requires all marketers to hold objective substantiation to prove any claims they make. Because the ASA has not seen reliable evidence to substantiate claims for the efficacy of homeopathy in relation to maintaining or improving health, you will need to remove any such claims from your website.

Claims you cannot make

You must remove any content from your website that claims directly or indirectly that homeopathy and homeopathic products can diagnose/treat/help health conditions. This applies to claims made by both lay and medically trained homeopaths advertising their service and/or products. Please note that any reference to health professionals in the Code refers to those that are recognised

within the Health Care Professions and therefore excludes homeopaths. If a homeopath is also a qualified health care professional, their marketing communications that refer to homeopathy will have the same restrictions. Qualified doctors, nurses or pharmacists, for example, may be suitably qualified to diagnose and treat medical conditions and prescribe licensed medicines. However if they, and any other similarly medically qualified professionals, are also practicing homeopaths, they are not allowed to make any claims in any marketing communications for the efficacy of homeopathic services/products.

Claims you can make

We appreciate that your website may be the primary source of your marketing communications and that you may be required to remove a significant amount of its content so as to avoid formal intervention by us. While we have strict rules about what claims can be made for homeopathy, we also have guidelines about the kinds of claims that are likely to be acceptable under to Code. Provided you make clear that what is being said is the opinion of some, not a generally held belief, and it does not breach the Code in the ways described above by implying homeopathy can diagnose, treat or relieve symptoms or health conditions, the following information is likely to be acceptable.

1. The history and traditions of homeopathy and the general philosophical basis. For example, "Homeopathy is an alternative form of medicine that has been used for over 200 years...".
2. How you believe homeopathy works. This might include information about the theory of "like cures like" and not how you believe homeopathy can benefit specific or general medical conditions. For example, "Homeopathy works on the principle of treating like with like, with the active ingredient diluted heavily in water".
3. What happens at a homeopathic consultation? This information would explain to readers what they can expect during a session. For example, "During your first consultation, you will be asked a series of questions about how you are feeling physically and emotionally."

Please note that testimonials from patients (which must be genuine) that imply efficacy for homeopathic treatment do not constitute substantiation but may give a misleading impression that efficacy is proven. Therefore it is essential that any testimonials also only make general references to an improved sense of wellbeing. For example, "Since taking homeopathic remedies I feel less stressed/happier/more relaxed."

These are just some examples but for more information and guidance on how to change your website to ensure it complies with the Code, you might find it helpful to visit our Copy Advice website, www.copyadvice.org.uk which provides Help Notes that address marketing communications that refer to medical conditions as well as online advice specifically on homeopathy. Alternatively you can contact a Copy Advice executive on 020 7492 2100 or email your query to advice@cap.org.uk.

Next Steps

We are giving you three months to review and amend the claims you make on your website. At three months, we will monitor compliance. We think this provides all advertisers with sufficient time to make the necessary changes. We will visit your website, along with all the other advertisers' complained about after 1 July 2011. If your website does not comply with the Code in the ways outlined in this letter we may have to take action.

Why are we not asking for substantiation?

Those advertisers who are familiar with the ASA may want to know why, in this case, we are not inviting them to submit evidence to substantiate the claims complained about. This is because, to date, the ASA has not seen robust scientific evidence to support claims that imply homeopathy is proven for treating any specific health condition. We have seen the most recent, authoritative and comprehensive review of the scientific evidence by the House of Commons Science and Technology Committee entitled "Evidence Check 2: Homeopathy". This provided an analysis of evidence and opinion submitted by a range of proponents and opponents of homeopathy, including some of the organisations representing homeopathy in the UK and practising homeopaths. The conclusion made clear that there was a lack of objective scientific evidence to substantiate the efficacy of homeopathy. Because the documents submitted for the "Evidence Check 2: Homeopathy" report provided a comprehensive collection of data for assessment, and homeopaths and the various bodies that represent them were invited to submit evidence as part of a consultation process, we do not intend to duplicate that process or assess the evidence again. We know that some studies suggest a positive effect from homeopathy; however, we understand that the evidence, when taken as a whole, does not support the conclusion that homeopathy in and of itself is proven to help or treat health conditions. That is not to say that individuals cannot benefit from consulting a homeopath if they choose to do so; the ASA's remit extends only to the content of marketing communications and we make no comment on individuals' homeopathic practice. You are free to promote your services provided you do so within the rules of the advertising Code.

We hope this letter provides a clear overview of our role and why you must now take steps to review and amend the content of your website.