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21 October 2015  
**By post**

Dear Sir/Madam

## **YOUR ADVERTISING ON LIVE BLOOD ANALYSIS**

I am writing from the [Compliance team](#) at the [Committee of Advertising Practice \(CAP\)](#) to bring to your attention important information about the advertising of Live Blood Analysis (LBA). Specifically, the observation of “live” blood through a microscope. LBA might also be described as live cell analysis, live blood testing, nutritional microscopy, dark field blood microscopy or hemaview. Please read this e-mail carefully because it requires all marketers offering LBA to act **by the 20 November**.

### **Who we are**

CAP writes and maintains The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing ([the CAP Code](#)). The Advertising Standards Authority (ASA) is the UK’s independent regulator that administers the Code. You can read about the UK advertising regulatory system [here](#) and [here](#). It is not a voluntary system - all ASA upheld adjudications are strictly enforced by a range of [industry sanctions](#).

The Government and the Courts recognise CAP and the ASA as the [established means](#) of regulating non-broadcast advertising. Ultimately both CAP and the ASA are accepted by the Department for Business, Innovation and Skills, Trading Standards and the courts as the first line of control in protecting consumers and businesses from misleading advertising.

The CAP Compliance team is taking sector wide compliance action to help ensure that all affected advertisers make appropriate changes to their websites, sponsored ads, social media pages and any other relevant advertising material. These changes will ensure both compliance with the Code, and a level playing field among marketers offering LBA.

### **The position on Live Blood Analysis**

Please take the following rules of the [CAP Code](#) into account:

#### [Legal, decent, honest and truthful](#)

**Chairman** James Best **Director of the Committee** Shahriar Coupal  
Advertising Association • Atvod Industry Forum • Cinema Advertising Association • Direct Marketing Association • Direct Selling Association •  
Incorporated Society of British Advertisers • Institute of Practitioners in Advertising • Institute of Promotional Marketing • Internet Advertising Bureau •  
Mobile Broadband Group • Mobile Marketing Association • News Media Association • Outdoor Media Centre • Professional Publishers Association •  
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Committee of Advertising Practice Limited, registered in England No 08310744, Mid City Place, 71 High Holborn, London WC1V 6QT.

**2.2** All marketing communications should be prepared with a sense of responsibility to consumers and to society.

**3.1** *Marketing communications must not materially mislead or be likely to do so.*

**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.*

**3.11** *Marketing communications must not mislead consumers by exaggerating the capability or performance of a product.*

**12.1** *Objective claims must be backed by evidence, if relevant consisting of trials conducted on people. If relevant, the rules in this section apply to claims for products for animals. Substantiation will be assessed on the basis of the available scientific knowledge. Medicinal or medical claims and indications may be made for a medicinal product that is licensed by the MHRA or EMEA, or for a CE-marked medical device. A medicinal claim is a claim that a product or its constituent(s) can be used with a view to making a medical diagnosis or can treat or prevent disease, including an injury, ailment or adverse condition, whether of body or mind, in human beings. Secondary medicinal claims made for cosmetic products as defined in the appropriate European legislation must be backed by evidence. These are limited to any preventative action of the product and may not include claims to treat disease.*

**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. (See rule 12.11.) 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.*

**12.6** *Marketers should not falsely claim that a product is able to cure illness, dysfunction or malformations.*

**12.10** *Marketing communications must not suggest that any product is safe or effective merely because it is "natural" or that it is generally safer because it omits an ingredient in common use.*

With the above rules in mind, marketers must hold robust scientific evidence in the form of clinical trials to support any efficacy claims made for LBA, before publication.

Marketers who are not suitably qualified should not offer specific advice on, diagnosis of, or treatment for conditions for which medical supervision should be sought (rule 12.2). An example of a suitably qualified health professional might be a Doctor registered with the General Medical Council. CAP's guidance on [Health, beauty and slimming marketing communications that refer to medical conditions](#) includes a non-exhaustive list of conditions for which suitably qualified medical advice should be sought.

Even if considered suitably qualified, marketers should not state or imply that LBA can help with general health, identifying medical conditions or the quality of blood cells. CAP and the ASA have yet to see any scientific evidence to prove claims of this nature.

The ASA has ruled against the following advertisers in relation to the above issues:

- In April 2013 the ASA Upheld a complaint about an ad which stated that the advertiser, Errol Denton had helped people with *“Arthritis, Cancer, Diabetes, Eczema, Gout, Hypertension, Psoriasis and many more...eat and drink to clean your blood and there will be no disease or sickness”*. The advertiser went on to state that rather than opting for chemotherapy, surgery or radiotherapy, there *“are dozens of safe natural alternatives that are being deliberately hidden...”* The ASA concluded that the ad was misleading because no evidence was provided to support the stated claims, the ad made efficacy claims for conditions for which medical supervision should be sought and, the service was not offered by a suitably qualified health professional. Please read the full ruling on [Live Blood Test \(April 2013\)](#).
- The above advertiser was also ruled against for stating that the blood cells of Crohn's disease were identifiable and that he had treated medical conditions *“by using food as a medicine”*. The ad stated, *“learning about and understanding your genetic constitution will help you understand chronic health problems including...allergies...eczemas, high blood pressure, fatigue and hormonal imbalances...”* Again, no evidence was held to prove the efficacy claims and the ad discouraged essential treatment for conditions for which medical supervision should be sought. Read the ruling on [Live Blood Test \(February 2013\)](#).
- In March 2013, one advertiser claimed that LBA could be used to identify abnormalities in the blood, such as *“toxic metals, parasites, inflammation, anti-oxidant deficiencies, amino acid profile”*. The ad stated that it was an *“invaluable test to establish both the short and the long term nature of any health problems, as well as...an overall picture of your health.”* The ASA had not seen any evidence that the advertiser could alleviate, treat, cure or effectively diagnose medical or other health conditions. Read the ruling on [Steps To Perfect Health \(March 2013\)](#).
- [MyCityDeal Ltd t/a GrouponUK \(September 2011\)](#) were ruled against for stating that a live blood test could detect food intolerances, help people lose weight and *“prevent future problems”*. So too was [Live Blood Test in October 2010](#) for claiming that a live blood test could identify *“Blood sugar imbalance Vitamin deficiency”*. In

that case, the ASA also considered that the before and after images implied that the "alkalizing" process referred to in the ad had removed "abnormalities" which had the potential to result in illness or disease in the future.

Marketers must not claim that LBA can be used as a diagnostic or detection health tool; that it can be used to analyse the quality of blood; detect medical conditions at any stage, including cancer, diabetes, allergies or digestive issues. It should not be advertised as being able to help with weight control issues, nutrition, abnormalities, infections, deficiencies, identifying bacteria, or help achieve overall good health. Treatments, remedies and advice should not be offered because there is no scientific evidence to prove that LBA can provide accurate assessments. Importantly, prescribing or providing treatments as a result of LBA could prove unnecessary and/or harmful.

In short, marketers should not state or imply that the service can be beneficial or useful in terms of treating or detecting any health issues until such time as robust scientific evidence is held to prove this.

Please read CAP's guidance on [Live Blood Analysis](#) and the Advertising Guidance on [Substantiation for health, beauty and slimming claims](#) which sets out the type of evidence CAP and the ASA expect to see.

Personal experiences and testimonials are not adequate evidence to support efficacy claims. Claims within testimonials still need to be supported with robust scientific evidence. See our guidance on [Testimonials and endorsements](#) and [Claims in testimonials and endorsements](#).

### **Advice**

In terms of advertising LBA, acceptable claims might focus on the process of observing blood at high magnification, providing consumers with the opportunity to view red and white blood cells, platelets and other structures in the blood. Any reference to health whether directly stated, implied, or visual, ought not be made, in order to avoid implying that that LBA can be effective in this respect (rules 3.1, 3.7 and 12.1) and, in order to avoid discouraging essential treatment for conditions for which medical supervision should be sought (rule 12.2).

CAP offers a [free 24 hour bespoke copy advice service](#), which you may find useful regarding any further advice you would like to receive about your current or future advertising claims.

### **What you need to do**

Please review your website and any other relevant marketing communications to ensure compliance with the above position. If your advertising does not currently comply, please make the necessary changes as soon as possible or by the **20 November at the latest**.

Importantly, marketers must take responsibility to ensure that all advertising claims comply with the CAP Code. The Code also applies to the content of paid-for advertising on the Internet (e.g. banner and pop-up ads), marketing communications in e-mails, mobile marketing, video on demand (VOD) and marketing communications in other non-paid-for

space under their control, leaflets, brochures, press ads and posters. You can read more about what the Code does and does not apply to in the "[Scope of the Code](#)".

### **Enforcement action**

We will begin monitoring non-broadcast media from the 20 November and any appropriate enforcement action will be considered from this date.

In the unlikely event that marketers do not comply with the Code we have a number of sanctions available to us. These include working with internet search engines to remove paid-for search advertisements that link to pages on a website that include non-compliant claims; working with publishers and social networking sites to stop problematic content from being published; a marketer's name and non-compliance may be featured on a dedicated section of the ASA website and, if necessary, in an ASA advertisement appearing on an appropriate page of an internet search engine, so that a marketer's name and non-compliance will be drawn directly to people's attention. CAP's poster industry members can invoke mandatory pre-vetting for advertisers who have breached the rules in the Code.

For misleading or unfair advertising, the ultimate sanction is referral to Trading Standards for legal proceedings under the Consumer Protection from Unfair Trading Regulations 2008.

You can view examples of these sanctions on the [CAP website](#). As a result, marketers will likely face adverse publicity if they are unwilling or unable to remove or amend problematic content.

Please note that Trading Standards recently took steps to bring the trader London Natural Therapies into compliance. The website was taken down until such time as all health claims relating to live blood testing were removed.

Under the Cancer Act 1939 it is an offence to take any part in the publication of any advertisement containing an offer to treat, advise or prescribe any remedy for cancer. A breach of this Act could lead to fines and imprisonment.

We hope that no action will be necessary so please take immediate action to ensure your ads comply.

Yours faithfully



Avghi Theocharous

**Avghi Theocharous**  
**Compliance Executive**

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We shall use the information you give us, together with other information from or about you, to investigate compliance with the UK Codes of Advertising, Sales Promotion and Direct Marketing (The CAP Code and The BCAP Code), to seek assurance of compliance with those codes, to inform you of ASA adjudications that may impact your business, and to record any advice given.

We may pass your contact details and information about your advertising to another regulatory body or third party to enforce sanctions, including but not limited to, the ASA and ASA(B), as well as advertising regulatory bodies in other countries.

Full details of our privacy policy can be found at [www.cap.org.uk](http://www.cap.org.uk).