

## **CAM PRACTITIONERS IN CROSS-HAIRS OF UK SKEPTICS**

### **Advertising Standards Agency's remit expanded to digital media from 1<sup>st</sup> March and policing to be assisted by UK skeptics**

**DORKING, 4<sup>th</sup> March, 2011.** The Alliance for Natural Health International (ANH-Intl), representing practitioners, consumers and suppliers in the field of natural health, reveals today a systematic drive by non-government bodies and skeptics to challenge the reputation of complementary and alternative medicine (CAM) practitioners in the UK.

ANH-Intl claims that that new rules being enacted this week by the Advertising Standards Agency (ASA), combined with a controversial European law on health claims and the action of volunteer skeptics under the banner of the Nightingale Collaboration, are being combined and used as a weapon against responsible CAM practitioners who fulfil an important role in communities as healthcare providers.

The ASA, as an independent watchdog on advertising standards, has expanded, as of 1<sup>st</sup> March, its remit to cover the internet. Its recently revised code on advertising includes a section that self-appoints the ASA as a policing agent of the EU Nutrition and Health Claims Regulation, which has been widely criticised for unfairly rejecting hundreds of claims relating to the beneficial value of foods and food constituents. These concerns are amplified because the newly formed Nightingale Collaboration, headed by skeptic, journalist and physicist, Simon Singh, aims to use the ASA's advertising code specifically to challenge CAM practitioners.

ANH-Intl questions the competence of ASA adjudication panels to evaluate the type of scientific findings that are typically used to substantiate claims on food and health products. The ASA adjudication team appears not to include a single scientist. While the ASA says that it will, on occasions, bring in an independent reviewer, this person is Sir Hayden Phillips, who is again a non-scientist, with strong links to 'the establishment'. ANH-Intl also expresses concern over the way in which non-governmental and independent organisations like the ASA, as judge and jury over any publicity that might be able to be construed as advertising, could impact the livelihoods and reputations of practitioners and the health of their clients.

Commenting on the ASA's expanded remit, Robert Verkerk PhD, executive and scientific director of ANH-Intl, said: *"We are deeply concerned that the ASA, in conjunction with anti-natural health and skeptic campaign organisations such as the Nightingale Collaboration, will go after perfectly responsible practitioners on the basis of a misunderstanding or misuse of scientific substantiation methods. Making matters worse, the ASA's main stick to beat people with will be the highly controversial and soon to be fully enforced EU Nutrition and Health Claims Regulation."*

The ASA published its revised code on advertising practice (CAP code) on 1<sup>st</sup> September last year. Companies and sole traders have been given 6 months, say the ASA, to ensure that their digital media comply with the new code, enforced across the UK from 1<sup>st</sup> March.

Incorporated into the code (in Section 15) is the EU's Nutrition and Health Claims Regulation (No 1924/2006), which applies to all commercial communications about foods or food ingredients EU-wide. This will be relevant to any CAM modality where recommendations are made as to the consumption of foods, herbs, or food-derived

ingredients. Although the EU Regulation became effective in 2007, it is being enforced incrementally as particular transition measures expire. Among its most drastic measures, is the use of 'Napoleonic law' to ban any specific claim as to the health benefit of a particular food or food constituent, unless the claim has been specifically approved by the European Food Safety Authority (EFSA), based in Parma, northern Italy, and the European Commission, in Brussels. Apart from banning any unapproved specific health claim, the Regulation also bans non-specific claims (e.g. fish is good for you) relating to commercial products as these are deemed to mislead consumers. Enforcement of approved health claims cannot occur until EFSA has completed its evaluation of some 4.500 general function claims, leading to a 'Community Register' of approved claims under Article 13.1 of the EU Regulation.

EFSA has so far rejected hundreds of claims for foods or food constituents, these ranging from probiotics (gut health), to glucosamine (joint health) and blackcurrants (as antioxidants), as well as a host of other claims relating to fruit, vegetables and other botanicals.

The Nightingale Collaboration has specifically indicated that its remit will be to go after practitioners of complementary and alternative medicine (CAM), each month being devoted to a new modality. It has commenced its operation by targeting homeopaths during this current month.

*"It is important that practitioners are fully aware of what the requirements of the revised CAP code are and how they can minimise their exposure to those who seem intent to damage their ability to practice effectively"*, said Dr Verkerk, stressing the importance of regulatory training and education among the different CAM modalities.

**ENDS.**

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## **NOTES TO THE EDITOR**

### **ASA's expanded remit into digital media:**

From 1 March 2011, the CAP Code will apply to:

*"Advertisements and other marketing communications by or from companies, organisations or sole traders on their own websites, or in other non-paid-for space online under their control, that are directly connected with the supply or transfer of goods, services, opportunities and gifts, or which consist of direct solicitations of donations as part of their own fund-raising activities."*

<http://www.cap.org.uk/Media-Centre/2010/Extending-the-Digital-remit-of-the-CAP-Code.aspx>

### **ASA acts as enforcer of EU Nutrition and Health Claims Regulation (under CAP code, Section 15):**

[http://www.cap.org.uk/The-Codes/CAP-Code/~/\\_media/Files/CAP/Codes%20CAP%20pdf/CAP%20Section%2015.ashx](http://www.cap.org.uk/The-Codes/CAP-Code/~/_media/Files/CAP/Codes%20CAP%20pdf/CAP%20Section%2015.ashx)

### **Nightingale Collaboration**

[www.nightingale-collaboration.org](http://www.nightingale-collaboration.org)

Led by skeptic, journalist and physicist, Simon Singh, well known for his distaste for complementary and alternative medicine (CAM), and supported by a number of equally skeptic academics and celebrities, the Nightingale Collaboration is determined to put the screws on alternative medicine. Its key aim is “challenging misleading claims made by practitioners on their websites, in adverts and in their promotional and sales materials and subjecting these to scrutiny by the appropriate regulatory bodies; striving to ensure that organisations representing complementary and alternative practitioners have robust codes of conduct for their members that protect the public and that these are rigorously enforced.”

### **European Food Safety Authority — general function claims under the EU Nutrition and Health Claims Regulation:**

<http://www.efsa.europa.eu/en/ndaclaims/ndaclaims13.htm>

### **About Alliance for Natural Health international**

[www.anh-europe.org](http://www.anh-europe.org)

Founded in 2002 by Dr Robert Verkerk, the Alliance for Natural Health International (ANH-Intl) is an international organisation that lobbies and campaigns to help protect and promote natural health across Europe, in the USA and beyond. As an active non-governmental organisation, it works with a wide group of interests, ranging from consumers, to practitioners, doctors, scientists, lawyers and natural health companies.

ANH-Intl campaigns across a wide range of fields, including to maintain freedom of choice in natural healthcare, and to see the wider acceptance of natural health modalities by mainstream medicine practitioners. It also operates campaigns that aim to restrict mass fluoridation of water supplies and the use of genetically modified foods. Through its work particularly in Europe and the USA, ANH-Intl seeks to accomplish its mission through its unique application of ‘good science’ and ‘good law’.