



Committee of Advertising Practice
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By post

ADVERTISING STANDARDS FOR HOMEOPATHY

We are writing from the Compliance team at the Committee of Advertising Practice (CAP). CAP writes and enforces the CAP Code, the UK rulebook for non-broadcast advertising. The Advertising Standards Authority (ASA) is the UK's independent regulator of advertising across all media and is recognised by the Department for Business Energy and Industrial Strategy and Trading Standards as being the first line of control in protecting consumers from misleading advertising.

One of the functions of the Compliance team is to ensure that advertisers are made aware of, and adhere to, rulings which have implications across a sector. This helps to ensure a level playing field and in turn ensures fair competition.

Why we are writing to you

Today, we are writing to homeopathy practitioners across the country. We want to bring to your attention important information about the advertising of homeopathy which might affect you and which might mean that you need to make changes to your marketing materials. For the avoidance of doubt, we are concerned only with ensuring that marketing claims for homeopathy services comply with the Code; we are not seeking to regulate practitioners' practices or consultations.

The ASA's current position, which was established through a number of ASA rulings, is that homeopaths may not currently make either direct or implied claims to treat medical conditions.

In arriving at this position, the ASA considered a significant body of evidence which sought to demonstrate the efficacy of homeopathy in treating a range of medical conditions. On the basis of expert advice, the ASA concluded that the evidence was insufficient to support any advertising efficacy claims.

What you need to do

We ask that you review your marketing communications, including websites and social media pages, to ensure that they do not make any direct or implied claims that homeopathy can treat medical conditions. If they do, we ask that you change them as soon as possible and by **Thursday 3 November**, at the latest.

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 • Newspaper Publishers Association • Newspaper Society • Outdoor Media Centre • Professional Publishers Association • Proprietary Association of Great Britain • Royal Mail • Scottish Newspaper Society
Clearcast • Radio Advertising Clearance Centre
Committee of Advertising Practice Limited, registered in England No 08310744, Mid City Place, 71 High Holborn, London WC1V 6QT.

Helping you to comply

CAP is committed to helping marketers comply with the rules. Therefore, on the ASA and CAP websites, www.asa.org.uk and www.cap.org.uk, you will find a number of free resources, including dedicated advice on homeopathy. We strongly encourage you to use this guidance to make the necessary changes to your marketing materials.

We have also enclosed, with this letter, a Frequently Asked Questions guide, which we hope will answer any questions you might have about the remit and powers of the ASA and CAP.

In addition, we have worked closely with the Society of Homeopaths over the course of the last year, helping them to produce detailed guidance to support their members. The guidance is accessible via the Society of Homeopaths' website, www.homeopathy-soh.org.

Deadline for compliance

We ask that any changes are made to your website by **Thursday 3 November**. After the expiration of this period, we will carry out extensive monitoring spot checks. Homeopathy practices that have failed to comply will be contacted again. After this time, we will consider the application of appropriate sanctions.

Sanctions in the event of non-compliance

We must emphasise that it is our objective to work with and support advertisers to achieve compliance, and the application of sanctions against those advertisers who are unwilling or unable to comply will always be our last resort.

However, if you are unwilling or unable to appropriately amend your advertising, possible sanctions could include featuring your name and non-compliance on a dedicated section of the ASA website and, if necessary, in an ASA advertisement appearing on an appropriate page of an internet search website. We can also ask internet search engines to disable your paid-search ads, where those ads link directly to non-compliant content.

The ultimate sanction is referral by the ASA to the Trading Standards under the Consumer Protection from Unfair Trading Regulations 2008. Trading Standards is the legal backstop for the ASA. What this means is that where the threat or application of our sanctions have failed to achieve compliance, the matter may be formally referred to Trading Standards. Trading Standards will consider cases to determine if there are breaches of relevant legislation and take appropriate action in accordance with its own enforcement policy.

Thank you in advance for your co-operation.

Yours sincerely

The CAP Compliance Team

To comply with the Data Protection Act, processing by the Committee of Advertising Practice Ltd (CAP), the Broadcast Committee of Advertising Practice Ltd (BCAP), the Advertising Standards Authority Ltd (ASA) and the Advertising Standards Authority (Broadcast) Ltd (ASA(B)) is covered by notifications with the Information Commissioner's Office.

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.