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Search

go

[Ad Campaign](#)
[About ASA](#)
[News and events](#)
[Adjudications](#)
 [Non-broadcast](#)
 [Broadcast](#)
[Ofcom Rulings](#)
[Focus On](#)
[Advertising Codes](#)
[Research](#)
[Annual Report](#)
[Statistics](#)
[Links](#)
[Keep Me Informed](#)
[How to Complain](#)
[Contact Us](#)
[Career Opportunities](#)
[Search](#)
[Privacy Policy](#)
[Accessibility](#)

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Non-broadcast Adjudication

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Health4Us Foundation
2000 Powell St
Emeryville
California 94608
USA

Date: 30th October 2002

Media: National press

Sector: Health and beauty

Agency: Smee's Advertising

Public Complaints From: Leicestershire, London

Complaint:

Objections to a national press advertisement for a health campaign. The advertisement was styled as an open letter to Prince Charles and members of the UK Parliament and UK members of the European Parliament. It was headlined "WHAT PRICE HUMAN LIFE" and stated "... On 8th March 2002, the world-renowned scientist Dr Matthias Rath announced the results of his breakthrough research into the natural treatment of cancer in the world's largest newspaper, USA Today. This remarkable natural approach is capable of controlling the spread of cancerous cells in the human body without damaging healthy cells and preventing the process known as metastasis, the deadliest phase of the disease. ... Did you know that: Over £120 billion has been spent on cancer research by pharmaceutical companies and taxpayers over the past three years? Despite this huge investment not even one effective therapy has been found? Over 90% of patients receiving chemotherapy die within months of starting the treatment? The pharmaceutical industry's second largest market is the final stages of cancer treatment in the form of chemotherapy and treatment of the hazardous side effects of chemotherapy? Worldwide, 3 million people die of cancer every year and there are 5 million new cases? On behalf of the electorate ... we call upon you to put an end to this "business in disease" by ensuring that the people's right to choose natural therapies like Dr Rath's instead of the poisonous compounds of the pharmaceutical industry, is protected ... What interest does this industry have in a cure for cancer when the continued existence of the disease earns them over £90 billion a year? ...". In a box was the statement "The Survival of the pharmaceutical industry at a cost of 3 million deaths a year OR Survival of cancer patients"; underneath the box were the words "YOU CHOOSE."

Two complainants challenged whether the claim "90% of patients receiving chemotherapy for cancer die within months of starting treatment":

1. could be substantiated and
2. was likely to distress cancer sufferers.

Another complainant objected that:

3. the advertisement misleadingly implied that 3 million lives could be saved if cancer patients stopped being treated by conventional medicine;
4. the advertisement misleadingly implied that the pharmaceutical industry was deliberately letting people die for financial gain and
5. the phrases "not even one effective treatment", "hazardous side effects" and "poisonous compounds" were misleading and distressing.

The Authority challenged:

6. whether the advertisement discouraged cancer sufferers from seeking essential treatment and
7. whether Dr Matthias Rath's treatment could control the spread of cancerous cells without damaging healthy cells and prevent the deadliest phase of cancer.

Codes Section: 3.1, 7.1, 9.1, 9.2, 50.1, 50.3 (Ed 10)

Adjudication:

1. Complaints upheld

The advertisers provided: statistics from Cancer Research UK, that showed cancer morbidity and survival rates; the General Register's Office 2000 Annual Report which showed the number of deaths recorded in the UK and their cause; a section of a report from the General Register Office for Northern Ireland that showed the number of deaths recorded in 2000 and their cause; a table of death rates from malignant neoplasms; a Statistical Annex to a World Health Organization Report, published in 2000, that reported worldwide incidence and mortality of various diseases, an Office of National Statistics review of the General Register Office Report and a report from GLOBOCAN, published in 2000, that showed the worldwide cancer incidence, prevalence and mortality. They claimed that those substantiated the claim. The Authority considered that, although the evidence submitted showed the rate of mortality from cancer, it did not show that 90% of patients who received

chemotherapy had died within three months of beginning their treatment. It concluded that the claim was misleading and told the advertisers to remove it.

2. Complaints upheld

The advertisers said the advertisement was an open letter to people involved in politics, published with the intention of opening a political debate. They said they had not intended to cause distress but acknowledged that some readers might be upset by the letter because it was about an emotive subject. The Authority considered that the unsubstantiated claim was unduly alarmist and concluded that it was likely to distress cancer sufferers.

3. Complaint upheld

The advertisers said the advertisement did not imply that cancer patients should stop using conventional medicine. The Authority considered that the advertisement in general and especially the statement "Survival of the pharmaceutical industry at a cost of 3 million deaths a year ... OR Survival of cancer patients" implied that by abandoning conventional treatments of cancer, lives would be saved. It noted the advertisers had not substantiated that claim and told the advertisers not to use the advertisement again.

4. Complaint upheld

The advertisers reiterated that they had intended to open a political debate by raising questions about the pharmaceutical industry's commitment to finding a cure for cancer. They said readers of the advertisement would draw their own conclusions. The Authority considered that the claims were presented as statements of fact, not as the advertisers' views. It moreover considered that the advertisement implied that the interests of the pharmaceutical industry were diametrically opposed to the interests of cancer patients. Because the advertisers had not substantiated that they were, the Authority told the advertisers not to use the advertisement again.

5. Complaint upheld

The advertisers reiterated that they had intended to open a political debate. They asserted that they had research to back up the claims but did not supply it. The Authority was concerned that the advertisers did not provide substantiation for the claims. It concluded that the claims were misleading and distressing and told the advertisers not to use them again.

6. Upheld

The advertisers said they rejected the challenge. The Authority considered that the advertisers had not proved that effective alternatives to conventional treatments were available and concluded that the advertisement was unduly alarmist and might discourage the use of chemotherapy. It concluded that the advertisement was misleading.

7. Upheld

The advertisers sent one paper that described Dr Rath's theory. The paper claimed that the spread of cancer cells could be prevented by inhibiting enzymes that broke down the body's extra-cellular matrix. The paper argued that natural substances, such as vitamin C, amino acids and minerals, could inhibit the enzymes or make the extra-cellular matrix more resistant to attack and recommended increased intake of those substances. It contained two short case studies. The Authority considered that the one paper sent by the advertisers was not sufficient proof that the treatment was effective and told the advertisers not to suggest in future that it was.

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