

On 27 April 2011, the Advertising Standards Authority published their adjudication on a complaint against an advert placed by Dr Batras Positive Health Clinic (UK) Ltd, upholding all three points. I have attached a scan of the ad, which appeared in the 10 February 2011 issue of the Wembley & Kingsbury Times.

According to their website, the homeopath working at the London clinic is Irfan Molvi and I understand he is a member of the Society of Homeopaths.

I note that the ASA stated:

Assessment

1. Upheld

The ASA understood that Dr Batra had been practising homeopathy for over 30 years, but noted that we had not seen any evidence which showed that he held a general medical qualification. In addition, although we understood that the "Dr Batra" brand name was trademarked in some parts of the world, we noted that the brand name was not yet a registered trademark in the UK. Although we considered that readers would understand that the ad was promoting a clinic which offered homeopathic treatments, because we considered that the use of the term "Dr" in the company name implied that Dr Batra was medically qualified, and because we had not seen any evidence that that was the case, we concluded that the ad was misleading.

On that point, the ad breached CAP Code (Edition 12) rules 3.1 (Misleading advertising), 12.2 (Medicines, medical devices, health-related products and beauty products).

2. Upheld

We noted that the ad stated "Chat with our expert doctors between 9am - 4pm" and considered that readers would therefore understand that the Dr Batras Clinic staff who responded to their queries during those times would be medically trained. Because we had not seen any evidence that that was the case, we concluded the ad was likely to mislead.

On that point, the ad breached CAP Code (Edition 12) rules 3.1 (Misleading advertising), 12.2 (Medicines, medical devices, health-related products and beauty products).

3. Upheld

We considered that the reference to "Freedom from ... Psoriasis" and the claim that Dr Batras Clinic had a "track record in treating Psoriasis", implied that the advertisers could treat psoriasis. We therefore considered that the ad could discourage readers from seeking essential medical treatment for that condition, and concluded that the ad breached the Code.

On that point, the ad breached CAP Code (Edition 12) rules 3.1 (Misleading advertising), 12.2 (Medicines, medical devices, health-related products and beauty products).

Action

The ad must not appear again in its current form. We told the advertisers to remove the claims "Dr", "expert doctors" and the claims relating to the efficacy of homeopathy treatment on psoriasis.

Although the complaint was about the newspaper ad, ASA has told the advertiser that adjudications apply to marketing communications in all media, including broadcast (TV and radio), claims on marketer's own websites and ads appearing in paid-for space on the internet. They therefore expect any changes to be applied to all marketing communications.

I note that your Code of Ethics and Practice includes:

38 All advertising must be published in a way that conforms to the law and to (the guidance issued in the British Code of Advertising Practice). *[sic]*

39 Professional advertising must be factual and not seek to mislead or deceive, or make unrealistic or extravagant claims. Advertising may indicate special interests but must not make claims of superiority or disparage professional colleagues or other professionals. No promise of cure, either implicit or explicit, should be made of any named disease. All research should be presented clearly honestly and without distortion, all speculative theories will be stated as such and clearly distinguished.

42 The use of the title 'Doctor' should be avoided, when the use of that title may create a false impression that the individual concerned is a registered medical practitioner or entitled to be a registered medical practitioner in the United Kingdom.

44 Claims, whether explicit or implied, orally or in writing, implying cure of any named disease must be avoided.

I note that the website contains claims for specific medical conditions, including the specific one in the ad and uses the term Dr or doctor both as a title and in the brand name as was used in the ad and therefore does not comply with the ASA's adjudication.

In addition, the website also contains case studies and testimonials that I doubt can be substantiated and a slide show of 'treated' cases that I doubt are the result of treatment by homeopathy. I believe these are additional breaches of the ASA's CAP Code and therefore breaches of your Code of Ethics and Practice.

In light of the adverse ASA adjudication and the claims still being made on the website of Dr Batras Positive Health Clinic (UK) Ltd, please treat this email as a formal complaint against Irfan Molvi for breaches of your Code of Ethics and Practice.

I understand that the owners of Dr Batras Positive Health Clinic (UK) Ltd are Akshay Batra and Mukesh Batra. I would be grateful if you could confirm if they are also members of the Society of Homeopaths. If either of them are, please treat this complaint as a complaint against them in addition to Irfan Molvi. Please also include in this complaint any other members of the Society of Homeopaths working at, or responsible for, this clinic.

If you require any further information, please do not hesitate to contact me.

Please acknowledge receipt of this email no later than 17:00 on Wednesday 4 May 2011.

Under no circumstances are my personal details to be divulged to anyone other than absolutely necessary for the processing of my complaint and I would remind you of your obligations and responsibilities under the Data Protection Act 1998.

Please keep me fully informed of your progress in dealing with my complaint.



www.drbatras.com

*Freedom from...
...Psoriasis*

Dr Batra's

Dr Batras' Positive Health Clinic [UK] Ltd., 3rd Floor, Front North, 17, Harley Street, London W 1

World's largest Homeopathic Healthcare Corporate with a track record in treating Psoriasis now comes to Harley Street. Dr Batra's is internationally recognised for successfully treating more than 25,000 cases of psoriasis. We are backed by 35 years of experience in treating this condition.

Please carry this coupon to avail a **Discount of 10%** on treatment.

For appointment call: **020 7631 1169, 020 7631 1187**
Clinic Timings: 11.00 am to 8.00 pm, Monday - Saturday (Sunday Closed)
Chat with our expert doctors between 9am-4pm on www.drbatras.com