



Advertising Standards Authority
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Elisia Rubio
Clerk to Lords Science and Technology sub-committee II
House of Lords
London SW1A 0PW

22 January 2009

Dear Ms Rubio,

I am writing from the Advertising Standards Authority (ASA) in relation to a reference made to the ASA during the House of Lords Science and Technology sub-committee II hearing on genomic medicine, which was held on the 17 December.

The ASA is the self-regulatory body for ensuring that all ads in paid for space anywhere in the UK, are legal, decent, honest and truthful. We work closely with the Medicines and Healthcare products Regulatory Agency (MHRA) on regulating the advertising of medicines and medical devices.

I understand that a representative from the MHRA, Mr. Richard Gutowski, gave evidence to sub-committee II on the 17 December. According to the transcript from this hearing, Mr Gutowski was asked the following question by Lord Taverne:

Lord Taverne: *"I want to ask a question about the claims made by some of the companies that provide Direct to Consumer tests on their websites – claims such as: "Genetic tests can enable you to live longer, feel and look better and slow down ageing", and that genetic tests "provide your map to better health". On the face of it, that is something for the Advertising Standards Agency. Do you think it is their role to look after this, and if so will your agencies provide the expert specialist support to investigate such claims?"*

Mr Gutowski: *"The short answer to your question is yes, we do regard it as the role of the ASA and we will provide and have provided specialist support to the ASA when they have undertaken investigations with regards to claims made by medical device manufacturers or service providers."*

Whilst Mr Gutowski is correct that the ASA and the MHRA work closely to regulate ads for genetic tests, the ASA has no remit to regulate claims made by companies on their own websites. The online remit of the ASA currently

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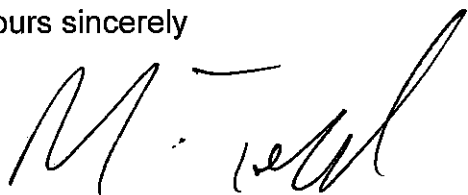
extends only to ads in paid for space and some sales promotions on websites. However, general website content is beyond the remit of the ASA. The full Advertising Codes can be found on the Committee of Advertising Practice (CAP) website, at www.cap.org.uk.

The sub-committee may be interested to know that the advertising industry is currently looking at the future of online advertising regulation. The Advertising Association (AA), on behalf of the advertising industry, has set up a Digital Media Group, which is tasked with proposing measures to extend the remit of the present regulatory system for advertising to all types of online media marketing communications. More information about the Digital Media Group can be found on their website at www.digitalmediagroup.co.uk.

On a related note, the ASA has engaged with the Human Genetics Commission (HGC) on the regulation of advertisements for genetic testing kits and I thought it might be useful to clarify the ASA's role in that respect. To date we have not come across any advertisements for these kits in the media we regulate and this has been confirmed by the HGC's own experience. These products are generally marketed through a company's own website. In the event that such kits were promoted in advertising that fell within our remit, we would ask to see a high level of evidence for any claims made and require the kits to be advertised in a responsible manner.

If you or anyone in the sub-committee group would like more information about the ASA, please don't hesitate to get in touch. You can also find information about the ASA on our website at www.asa.org.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M. Todd', written in a cursive style.

Michael Todd
Policy and Public Affairs Officer