

**From:** mike@waveformenergetics  
**Sent:** 22 February 2006 18:43

**Subject:** RE: Advertising Standards Agency  
Hi Cliff

Please see response in blue.

Best wishes

Mike

-----Original Message-----

**From:** Cliff  
**Sent:** 18 February 2006 13:30  
**Subject:** Re: Advertising Standards Agency

Hi Elizabeth,

Mike still cannot understand the difference between the ASA and CAP. The ASA only enforce the rules made by CAP. Therefore we have to work with the CAP to get shiatsu recognised under a number of their disease headings. Having been very much involved with both of the cases brought to the Shiatsu Society by the ASA, I do know the difference between the ASA and the CAP. If you remember correctly I was the person who advised the MC on this, so I am very much aware of who and what is involved.

It is not a case of being fraudulent each time a client is treated with shiatsu. It would only be seen as being fraudulent in the eyes of the ASA if any of us ADVERTISED that we can cure a particular illness / disease with shiatsu. A bit of hair splitting going on here Cliff, however have a look under 'Advertising' in the Shiatsu Society Code of Conduct, where it states quite clearly that no member is allowed to claim to 'cure' an illness or disease.

If you look at the material that you have in abundance from the ASA, you will see that you are not allowed to claim to even to be able to "treat" a disease or ailment, let alone "cure" it. If you do so the ASA accusations start with; that you are are fraudulent in your dealing with the public, you are leading people away from proper medical attention; and there are usually another four or five breaches of the code listed in addition to this.

Just in case you feel that only 'private' people complain to the ASA, I suggest that you have a look at the item I have attached here. 'The Medicines and Health-care products Regulatory Agency (MHRA), the government agency responsible for ensuring medicines are safe and effective' complained about the advertising of a chain of acupuncture clinics, and this was up held by the ASA. Guess what was included in the list of transgressions?! Everwell's (acupuncturists) leaflet was found to have breached eight sections of the Committee of Advertising Practices, including those covering **honesty and scientific substantiation** and for **discouraging readers from seeking essential treatment for serious medical conditions**. The same old chestnuts!  
It is very worrying that government agencies are now getting in on the act, and time that all of us stood up for what we believed in, instead of some of us compromising our values and our skills by publically saying, 'We have sinned and we are sorry'.

The leg to stand on as I recall was that we sue the ASA. As it was pretty clear that we had transgressed the rules that they uphold, the majority view of the Board was that it would cost us an awful lot more than £25k to lose the case.

A bit of selective memory here Cliff, I suggest that you look at all the information again and make all of it available to the newcomers on the MC- If you can't find it, let me know because I am sure that I can! I suggest that you also look at my response to David Home's letter you where you will be reminded that there was an area open to question which I suggested that we pursued and ( yet again) it is included in my response to Elizabeth's letter.

The area I suggested that we pursue is how the standards were arrived at, and by whom.

Re suing the ASA: -

One area, amongst several others, we, (that is me and David \*\*\*\*\* at separate times) were found guilty of by the ASA was, in the area of truthfulness, as, they say, Shiatsu cannot be scientifically proven. As far as the ASA were concerned whatever took pace in terms of improved health, didn't happen. And if it did, it had nothing to do with us and shiatsu treatment, and therefore we had been fraudulent in our dealings with the public. It was suggested, and not only by me, that the ASA be challenged over this and be prevented from making damaging, unsubstantiated statements, that were to be made public, contravening the Universal Declaration of Human Rights article 12, for both myself and David \*\*\*\*\*. Accusations of 'fraud' need to be supported by proof that we had deliberately gone out of our way to hoodwink the public. That is a serious accusation which went unchallenged. As you have accepted the ASAs ruling on the case you have accepted the ASAs decision that David and I were fraudulent in our dealings with the public. This also means that any member of the Shiatsu Society who claims/advertises that they can treat the illnesses and injury they have been trained for, ( which is what the person in the street recognises rather than you treating a person's Ki) will be classed as fraudulent. Instead you chose to challenge the ASA on 'Freedom of speech', and came unstuck.

The bottom line is, that you didn't really try very hard when you had a course of action you could follow up to protect us (members of the Society) and our integrity, and also our profession; You also had a chance of successfully challenging the credibility of their rules, and the way they were set up by the CAP.

Anyway you chose to do something different and it didn't work. To me there is an incongruence in expecting graduates and MRSS to fulfil the core curriculum for recognition by the Shiatsu Society; and then expecting them to accept and understand that, after three years hard work, by the society's (new) rules they cannot advertise their skills as being other than for 'relaxation', without, for a start, breaking the rules of the Shiatsu Society. This seems crazy to me!

*"How the standards were arrived at, and (agreed?) by whom is certainly very questionable"( from my reponse to Elezabeth's letter)*

There was a lot of discussion about this area of approach to the ASA; which you decided not to pursue even though the ASA were evasive at all times about it, David even mentions how evasive they were on this subject in his report from the CAP meeting in London in October. We do however know who compiled the rules, and these people are hardly impartial or even knowledgeable about what we do. However you decided not to pursue that area. Would you like me to provide these details again for the new members of the MC?

Unless we change the rules we cannot dictate the wording of every advert that a member uses. Our rules say that a member's advertising should comply with CAP etc. This rule must be a very recent addition which the members have yet to be informed about as, until very recently the rules stated 'Guidelines for practice – Advertising' number 9 "Advertising shall comply with the British Council of Advertising Practice", a body, which I as far as I am aware, does not exist. You ( Cliff) admitted in October 05 that the rule was incorrect and had to be changed - but I have yet to see a sign of this.

Perhaps it would be wise to draw their attention to this and highlight the sort of phrasing that would be seen as unacceptable by ASA. I think that this would be a very wise, and honest move Cliff.

I dont think it would help to give every little detail of the correspondence, but a broader picture may be informative. Communication within the Society has deteriorated badly particularly over the last 10 years or so, and had been one of the areas I hoped to improve whilst I was a member of the Management Committee. I regret that I was unable to make the degree of change that I wanted to, and was badly needed before leaving the MC.

I am disappointed that the new members of the MC have been kept in the dark by their colleagues about this very important matter which effects them, as well as the members they represent. My hope is that there can be promoted within the management Committee a new openness of communication before the enthusiasm of the new, badly needed MC members disappears and they, frustrated and disillusioned, resign like many others before them.

With best wishes

Mike

love  
Cliff

On 18 Feb 2006, at 13:11, mike@waveformenergetics wrote:

Dear Elizabeth

Thank you for a full and frank reply, it is greatly appreciated.

If you are happy to accept that each time you treat a client who has come to you with an illness, that the ASA may consider you to be fraudulent ( A deception deliberately practiced in order to secure unfair or unlawful gain) then that is your choice, however it is not mine. Testimonial from a GP or anyone else ( as your longstanding MC colleagues already know) is unacceptable to the ASA, neither are statistics, only 'scientific' evidence!! I suggest that you speak to Samantha and get all the letters and notes on this case for yourself. However you have all the notes on what is acceptable, and not acceptable from the ASA and CAP therefore you already know this. You may not, of course have the exchange of emails that took place between members of the MC on this matter.

There **was** 'a leg to stand on', only the MC chose not to stand on it. Have a look at the earlier letter I proposed we should sent to the ASA, and the information I sent to you and Katherine at your request; this was overruled by other members of the MC and another tack was decided upon which did not play on the weakness in the ASA's argument, which was in an area that they were not prepared to discuss (again, please look it up). The ASA, not surprisingly, decimated the Society's choice of argument.

*"The best way foward, most members feel, is to try and undertake more rigorous research and publish some statistical data that can be peer-reviewed etc".*

Which members are these, as the membership has not been advised of your decision yet?

As to whether I feel abandoned?  
I do not feel abandoned by the Society, which has absolutely no idea what the MC has decided on their behalf, and although the MC has known about this for nearly five months it appears to have not considered that the members should know of, and have a say in this. It is their future the MC is playing with.

Perhaps it was too close to membership renewals to let them know, but the renewals are in, so what is the hold-up now??  
Whatever the reason, the members, whom the MC is supposed to serve, have been kept in the dark about something which is going to greatly effect them as students, practitioners and Teachers; no-one is untouched by this decision.

As one teacher who I talked to about this said " To comply with the ASA, all that is required can be taught in one weekend; how do we justify to students a three-year syllabus and training which also includes A, P and P?" How can a SS practitioner demonstrate their abilities, if they are prevented from advertising what they can do, unless they are prepared to be labelled as fraudulent?

This sums up the reality of it all; and is a decision that you are going to have to explain to the members of the Society, that is, when you get around to it!

In an email to David Home, dated the 9th November 2005, I asked when the members were going to be informed of this, and I did not receive an answer. As I am not renewing my membership of the Shiatsu Society it now no longer matters if David decides to reply, however I feel for the members of the Society who are completely oblivious of the MCs decision in this matter.

*"With the spectrophotometer calibrated to some agreed standard, we cant really do anything about it, except lose a lot of money and a lot of credibility by trying to fight it more"*

How the standards were arrived at, and (agreed?) by whom is certainly very questionable, and as you know the ASA do not want to discuss this; however £25,000 still left in the SS marketing budget when I left the MC at the end of last year is a reasonable amount of the member's money to use on their behalf if needed.

In my opinion, the credibility of the Shiatsu Society has been lost by **not** fighting the case on behalf of its members, and protecting Shiatsu as the powerful healing therapy that we know it to be.

With best wishes Elizabeth

Mike

-----Original Message-----

**From:** Elizabeth Davies  
**Sent:** 09 February 2006 09:53  
**To:** Mike Webster

**Subject:** Advertising Standards Agency

Dear Mike,

sorry for not getting back to you sooner on this. I did bring up the advertising issue at the Shiatsu society (SS) meeting in Jan, and we discussed it at length. Thankyou very much for the info you sent me; many of the new MC members were very interested to see all the details. The result of all the discussion was that the SS is now trying to work within the Committee of Advertising Practice (CAP) guidelines, and feels that we did breach the code in operation at the time, and did not really have a leg to stand on. The best way foward, most members feel, is to try and undertake more rigorous research and publish some statistical data that can be peer-reviewed etc. We have already commissioned some of this, and there are more projects in the pipe line. There has also been a journal publication from a GP who received treatment, and of course, because he is a GP, he is within the CAP guidelines as a PROPER medical practitioner! so he can make claims, because he has the accepted credentials!

Anyway, we believe that the best way foward will be to get some larger scale studies which provide the basis for good statistical analysis, so that any robust trends in healing can be seen and trusted as fact rather than just possibly subjective or coincidental events, which is always the scientific argument when just one case study is presented. In science, one case study is not evidence.

I hope this wont make you feel abandoned. I think your work is much appreciated. This was just an unfortunate red flag to some bull out there. And unfortunately, our flag was not quite the right shade of red to comply with the guidelines. With the spectrophotometer calibrated to some agreed standard, we cant really do anything about it, that's what the MC wanted me to convey to you.

with very best wishes

Elizabeth

Dr Elizabeth Davies  
3, Beatrice Lane  
Eastbourne  
East Sussex  
BN21 2AE  
mobile: 07812333750  
home: 01323 735046