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Sir Hayden Philips,  
Independent Reviewer of ASA Rulings,  
7th Floor North, Artillery House,  
11-19 Artillery Row,  
London SW1P 1RT

April 4 2018

Dear Sir Hayden,

**Complaint about a Ruling by the ASA Council: Ref. A17-388045 (April 4 2018)**

I am complaining about the above ruling on the following nine grounds.

**1. Six substantial flaws in the process**

**(a) Prejudging the issue before receiving the substantiation**

The ASA's first letter, of June 27 2017, stated, without any substantiation: "We do not think it is likely that you will be able to substantiate direct links between electromagnetic radiation, associated products and the symptoms highlighted." It seems procedurally wrong for the ASA to prejudge our substantiation before seeing it. Most courts, to my knowledge, do not deliver their likely verdict before they have heard the evidence.

**(b) Unequitable procedures: peer-review**

The ASA has not provided to ES-UK a single peer-reviewed study which disproves the wording of the poster. In contrast the ASA demanded specific peer-reviewed studies from ES-UK. Therefore the ASA is not operating a level playing field.

Indeed, the ASA's original letter of June 27 2017 stated that "One complainant has also highlighted the WHO webpage on electromagnetic radiation in support of their complaint." As I have pointed out to the ASA several times already, this WHO webpage was not peer-reviewed and could not pass peer-review because it makes scientifically untenable claims and refers to only two studies, both outdated, and includes other incorrect information. Emile van Deventer, the person at WHO responsible for the webpage, has refused to say who was the author.

If this is the level of scientific substantiation demanded for a complaint against the properly and fully substantiated wording of the information poster, then it seems that there are two entirely different standards being applied by the ASA. The ASA values a non-peer-reviewed and outdated claim for the complainant above hundreds of peer-reviewed studies fully substantiating the wording of the poster which it demanded for the poster. In fact, the ASA and the complainants have continually preferred to use non-peer-reviewed claims by groups like the WHO, CRUK and NHS in support of its viewpoint

rather than peer-reviewed studies. If these organisations presented accurate peer-reviewed science, of course, there would be no need for any information poster, since these groups would then present the actual evidence and not their outdated and wishful thinking.

**(c) Unequitable procedures: full studies**

The ASA has demanded full studies and abstracts. This is a most unusual procedure. The ASA has shown that it lacks the ability to evaluate non-peer-reviewed claims effectively, so it is pointless to demand a full peer-reviewed paper where the ASA is even less likely to be able to assess e.g. the precise procedures of proteomics, radical pair and spin-resonance effects, the relevance and scope of bio-assays and antagonists in determining molecular, cellular, intercellular and intracellular flux rates and their significance, along with biophysical judgements on factors such as non-linear effects involving frequency windows, modulation and pulse shapes. It seems likely that the ASA has not required full studies from the complainants against this poster, since no such studies can, by definition, exist given that positive studies substantiating the wording already exist.

**(d) Lack of Accountability**

One of the ASA's four Shared Values is that it is 'Accountable'. The ASA, however, does not apply accountability to its ruling and has refused to identify which scientist(s) wrote their critique. None of the ASA's Council is an expert on the health risks from electromagnetic exposure referred to in the poster. It seems as though the ASA is trying to hide its lack of scientific expertise by anonymity, whereas authorship in scientific review is crucial. This is one reason why the anonymous and non-peer-reviewed hypotheses promulgated by groups like the NHS, CRUK and WHO can be worthless.

**(e) Political motivation should be excluded**

The ASA's Code excludes 'Political advertisements' from its remit. This is because a political viewpoint is based on value judgements on which not all members of society agree. The same argument applies to the ASA's ruling which was clearly adopted for political and/or commercial reasons, since it is obviously scientifically invalid. Political reasons are one factor as to why the NHS and WHO information websites are wrong since their political masters refuse to allow accurate information as supported by the majority scientific viewpoint, instead preferring to keep to their minority hypothesis based on Schwan's mistake of 1953. This is why they cannot be peer-reviewed because they do not always present scientific information as the ASA would wish: honestly, fairly, not misleading and with full substantiation. The ASA should avoid making a similar political/commercial judgement on a health issue, without substantiating scientific evidence.

**(f) Conflicts of Interest**

The ASA has conflicts of interest, in that it is financed by advertisers, including the wireless industry, such as mobile phone manufacturers and mobile phone operators. These obviously feel that accurate knowledge about the growing scientific evidence could jeopardise their reliance on radiofrequency radiation which is already classified as a 2B human carcinogen. It is inappropriate for the ASA to give a ruling in an area where it has significant financial benefit from the viewpoint adopted by the claimant.

## **2. Two substantial flaws in the ruling:**

### **(a) Misleading**

The ASA claims the poster's wording is "misleading". This is clearly invalid, since the wording follows the WHO/IARC, in peer-reviewed articles, which state that health risks are 'possible'. It is inconceivable that it is misleading to follow the WHO/IARC's peer-reviewed judgement on this issue.

### **(b) Not substantiated**

The ASA claims the poster's wording is not substantiated. This is also inconceivable. Not only do the WHO/IARC's peer-reviewed articles substantiate the wording, but so do the other 400+ studies supplied or quoted. In fact, it is the ASA's ruling which is not substantiated. The ASA's ruling references not even a single peer-reviewed study, let alone one disproving all the 400+ studies provided in my substantiation, if that were possible.

## **3. Further evidence**

Since submitting my main substantiation in July and August 2017 there has been much further development in this area. This includes the following.

- A growing number of leading expert scientists is calling for the WHO/IARC to reclassify radio frequency radiation and power line fields as class 2A (probable) or class 1 (certain) human carcinogens. This supports the wording of the poster.
- Major studies have been released or updated showing cancer from RF, such as:
  - the US National Toxicology Program
  - the Ramazzini Institute,
- Incidences of the most aggressive form of brain tumour in the UK have more than doubled in the last 20 years (Philips A et al.: "Brain tumours: rise in Glioblastoma Multiforme incidence in England 1995–2015", 2018).
- A recent study on Wifi (Pall M: "Wi-Fi is an important threat to human health", 2018), if correct, suggests an urgent need for governments to rethink allowing the use of Wifi in schools and homes.
- There have been many further studies on other aspects of this subject too showing increasing evidence of health harm.

This all supports the precise wording of the poster.

In summary, the ASA's remit is to check commercial advertising of products or services for sale. It does not have the remit, the expertise or the appropriate procedures to assess information posters about health issues already approved by scientific experts in the relevant field. Unsubstantiated and invalidated rulings like this one damage the ASA's reputation and should be withdrawn.

Yours sincerely,

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