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Compliance Executive,
Advertising Standards Authority,

April 25 2019

Dear xxx,

Thank you for your email of April 24 2019. I should be most grateful if you could answer the four questions in my letter of April 18 2019. These were:

- (a) why the ASA has not read the fully robust scientific evidence quoted on the poster;
- (b) why the ASA has not read the fully robust scientific evidence substantiating at great length our previous poster, when the ASA then failed to provide any robust science;
- (c) to whom the ASA refers our fully robust scientific evidence before forming its unscientific claims – last year I offered to supply names of recognised experts;
- (d) why the ASA has again made a “mistake” by already prejudging this poster, without waiting for our robust scientific evidence or reading that referenced on the poster, against the judgement of xxx, the ASA’s Independent Reviewer.

As I stated before, the poster “How safe is your phone?”, about which your complainant raised their objection, clearly did not breach any part of the ASA CAP Code because it was totally truthful. This is a key requirement of all our information posters and something which the ASA also rightly requires. If we had stated other than what was on the poster it would have been untruthful and we would not have allowed this.

The ASA ruling of 2018 was that “The ad must not appear again in the form complained of.” We complied with this and produced an entirely new information poster.

As explained, the new poster also complied fully with the ASA’s requirement for full robust scientific evidence. We referenced all three statements, showing that they were not our own but had respected national and international robust scientific backing. The ASA has supplied no robust scientific evidence against these.

Your argument that two statements on the poster date from 2011 appears irrelevant. These did not appear on the 2018 poster and the ASA did not, and does not, provide any robust scientific evidence proving that these two statements were unsubstantiated. In fact, all the robust scientific evidence which we supplied proved that they were correct. If we omitted such evidence, or stated the opposite, the poster would be untruthful.

Your argument that “the evidence provided for the 2018 claim within the current ad was based on a trial with rats, rather than human participants” is a misunderstanding. As you

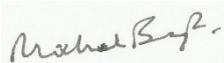
may know, this was a \$30 million trial, probably the most expensive so far, by the NTP, the top toxicology laboratory in the USA. It was requested by the FDA, on behalf of the FCC which has no health expertise, to see if mobile phone radiation causes cancer in animals – obviously cancer experiments using radio frequency on humans are unethical and illegal under the Nuremberg Code. It found that there was “clear evidence” that mobile phone exposure does cause tumours and cancer. “Clear evidence” is the NTP’s top classification, the equivalent of IARC’s Class 1 Certain carcinogen. Because it is a toxicology experiment, where more concentrated exposures are used to verify findings at lower levels, it inevitably used higher levels of exposure, as in all similar tests. This was built into the testing sequence from the start and agreed by everyone, including the FDA. As you know, the safety margin for public health exposure to toxins is usually 50 to 100 times lower than the lowest known toxic level, so the NTP results confirm that mobile phone radiation is carcinogenic in terms of public health safety, even if the actual level used experimentally appears different, as mentioned by Dr Bucher. The exposure was time limited, too, unlike some human scenarios. The result is that the FDA received a valid and scientifically robust answer from this \$30 million experiment, that mobile phone radiation is carcinogenic.

Radiofrequency radiation has been known to cause cancer in humans since 1953. The results of this new NTP study, therefore, confirming that mobile phone radiation is a carcinogen, are consistent with existing evidence. That is why, as you will have noted, the NIEHS toxicologist who designed the NTP study has rebutted “unfounded criticism” and stated that “The concordance between rats and humans in cell type affected by RFR strengthens the animal-to-human association” and the “expert peer-review panel recently concluded that the NTP studies were well designed, and that the results demonstrated that both GSM- and CDMA-modulated RFR were carcinogenic to the heart and brain of male rats” (Submissions 1 and 2). That is also why we asked “How safe is your phone?” It would be untruthful to deny relevant robust scientific evidence.

The majority of scientists now accept that the NTP study confirms that mobile phone radiation is a probable or certain human carcinogen. That is why one of the IARC’s high priorities is re-evaluating its existing 2B classification of RF radiation (The Lancet, April 17 2019). Since there is now so much robust scientific evidence that RF radiation causes cancer, it is unlikely that IARC will simply confirm its 2011 classification, that RF is 2B; it is more likely to reclassify it as 2A or 1. It would, therefore, be untruthful to claim the NTP study is irrelevant to RF safety, when the majority of top scientists clearly think it is.

I can reassure the ASA that the commercial display of the poster “How safe is your phone”, the subject of this letter, ended in January 2019. I can reassure you that we will continue to give truthful information substantiated by fully robust scientific evidence.

Yours sincerely,



Michael Bevington