

Rt Hon Andy Burnham MP  
Secretary of State for Health  
Department of Health  
Richmond House  
79 Whitehall  
London  
SW1A 2NS  
08/03/2010

Dear Mr Burnham,

**The Statutory Regulation of Practitioners of Acupuncture, Herbal Medicine, Traditional Chinese Medicine and other Traditional Medicine Systems.**

I am writing to you as Chair of the European Herbal and Traditional Medicine Practitioners Association that represents professional associations that together provide membership for some 1500 UK practitioners. I was also a stakeholder chair on the DH Steering Group that reported to Ben Bradshaw when he was a health minister in June 2008.

We are, of course, aware that the Department of Health is currently assessing some six and a half thousand responses to its public consultation conducted last year on the regulation of our sector and that you will shortly be making a decision about whether to implement statutory regulation.

I am writing to you now to urge you to rule in favour of statutory regulation which, as I am sure you are aware, the Government backed as long ago as 2001 and has subsequently been considered by three DH working groups as well as being the subject of a previous public consultation in 2005 that showed huge public support for statutory regulation. Recent research by Ipsos MORI for the Medicines and Healthcare products Regulatory Agency (MHRA) has found that millions of people in the UK use herbal medicines and that 77% of adults agree it is important that herbal medicines are regulated, with this figure rising to 87% among regular users of herbal medicines (defined as those who have used a herbal medicine within the last 2 years). As you will also be aware, in a recent court case at the Old Bailey, a woman pleaded guilty to supplying a banned herb *Aristolochia fangji*. The trial judge commented that the supplier did not know she was breaking the law. He went on to say, "In this country, if you are operating a business like Miss Wu's of supplying traditional Chinese medicine, there is no system in place whatever to make you aware of these regulations." In the light of this it is evident that regulation of practitioners is essential.

However, whilst the recent consultation document proposed the possibility of other arrangements than statutory regulation, it is clear that only statutory regulation will provide the public with the necessary protection from incompetent or bogus practitioners and secure a system for ensuring the quality and safety of herbal medicines used by practitioners.

Neither voluntary regulation nor a statutory licensing system (as opposed to statutory regulation) can truly safeguard the public as only statutory regulation can ensure that practitioners use herbal medicines from reliable suppliers and manufacturers under arrangements proposed by the MHRA published on its website <http://www.mhra.gov.uk/NewsCentre/CON2025657>. Moreover, under these same arrangements, statutory regulation is the only system that can ensure that patients can

continue to access the full range of herbal medicines they have been using after the Traditional Herbal Medicinal Products Directive is fully implemented in April 2011. Neither voluntary regulation nor statutory licensing is capable of ensuring this continued availability of herbal medicines.

As you may know, very sadly, Professor Mike Pittilo, who so ably chaired two of the three DH working groups I mentioned, died on the 16<sup>th</sup> February. A week earlier on 9<sup>th</sup> February, Mike wrote a letter to *The Times* which I reproduce here because it so clearly sets out the case for statutory regulation.

*'In June 2006 Jane Kennedy established a steering group convened by myself to prepare the ground for the regulation of those using acupuncture and herbal medicine along with other traditional medicine systems practised in the UK. We reported in May 2008.*

*There was a great deal of criticism of the report and a public consultation by the DH has recently been completed. The report's recommendations are entirely consistent with health policy over the past decade. A previous consultation on regulating herbal medicine and acupuncture received overwhelming support resulting in a timeframe for regulation being set by the DH that has not been adhered to. Resistance comes mainly from scientists who say that statutory regulation will give credit to disciplines where the evidence base is very thin. The forceful nature of the criticism has resulted in some universities withdrawing programmes, even where there was scientific content that would have helped to inform critical appraisal of evidence.*

*The steering group placed high emphasis on improving the evidence base, even stating that it should be mandatory for NHS funding. This should, however, proceed alongside implementing statutory regulation and not as a prerequisite to it. There is very high public demand for herbal medicine and acupuncture. The public deserve to be protected as much as possible. Statutory regulation will enable this.'*

If there are any details or issues about this matter you would like to discuss with me before making your decision, I would be delighted to help in any way I can.

Yours sincerely,

Michael McIntyre  
Chair EHTPA