

Press Release from the College of Practitioners of Phytotherapy (Herbal Medicine);
a professional association of herbal medicine practitioners

6th April 2010

(Response to Department of Health Press Release, 1st April 2010: "Next steps for complementary therapy")

Burnham Bodes Herbal Regulation: Health Secretary fails to appreciate the complexity, urgency and seriousness of the situation

Andy Burnham's press release concerning the regulation of herbal medicine is lamentably vague.

It purports to represent the Government's decision on herbal regulation following a public consultation on the Department of Health's own Steering Group Report on this matter.

Mr Burnham states that he is "minded to legislate" such that all herbalists "must be registered with the Complementary and Natural Healthcare Council (CNHC)."

In taking this action Mr Burnham has ignored the advice of the Steering Group, which was that herbalists should be statutorily regulated by the Health Professions Council (HPC).

Mr Burnham has failed to make clear the form of legislation he intends to enact. **Statutory regulation** was recommended by the Department of Health Steering Group, and this is the only form of regulation that will enable the public to have access to the full range of herbal products on which their health depends, following the introduction of the Traditional Herbal Medicinal Products Directive in 2011.

Statutory regulation is the only form of regulation that can effectively protect the public, and the only form of regulation that would have prevented the recent tragic case of a woman who developed kidney cancer after taking a herbal product containing aristolochic acids.

The CNHC is not constituted to provide statutory regulation – it was set up to provide a home for voluntary regulation of complementary and alternative medicine (CAM). Voluntary regulation is inadequate to protect against the risks posed by herbal medicine – a fact that the Government has recognised for over 10 years, since the House of Lords report into CAM in 2000.

Mr Burnham leaves many crucial questions hanging, and he must urgently answer them:

- Does he intend to statutorily regulate herbalists or not?
- If the CNHC is to statutorily regulate herbalists then will he be providing the extra staff and funds that they will need in order to do so?

Peter Conway, President of the College of Practitioners of Phytotherapy (Herbal Medicine) and a member of the Department of Health Steering Group said today:

"Frankly, coming as the conclusion to 10 years of co-operation towards achieving regulation between herbalists and the Government, Mr Burnham's press release is not just a let down, it is a disgrace. He fails to state the type of regulation he intends to bring in and he fails to justify why herbalists would best be regulated by the Complementary and Natural Healthcare Council (CNHC) – a body that is currently a completely unsuitable legislative home for herbalists. He has ignored the advice of his own Department of Health Steering Group that herbalists should be statutorily regulated by the Health Professions Council (HPC). Mr Burnham appears to have capitulated to the Royal College of Physicians who, in a blatant act of protectionism, have sought to exclude herbalists from the HPC. He appears to have failed to appreciate the complexity, urgency and seriousness of this matter – if herbalists are not statutorily regulated then patients will lose access to many of the herbal products upon which they rely and the public will be exposed to continuing and even increased risk from dangerous herbal products and suppliers. It is imperative that Mr Burnham rapidly atones for his non-announcement by publicly confirming that herbalists will be statutorily regulated and by either changing his position to state that herbalists will be regulated by the HPC or publicly committing the Government to providing the increased resources that will be required by the CNHC in order to upgrade them into a statutory regulator."

ENDS

Notes:

1. History of Herbal Regulation:

2000 – House of Lords Report recommends **statutory regulation** for herbal medicine and acupuncture

2001 – The Government Response accepts this recommendation

2003 – Acupuncture and Herbal Medicine Working Group Reports published

2004 – Department of Health Consultation on the Working Group Reports shows widespread public and professional support for statutory regulation (698 responses were made, the vast majority of which supported statutory regulation)

2005 – Department of Health publishes its report on the Consultation and says that it expects to publish a draft Section 60 Order enabling statutory regulation later that year

2005 - 2008 Delays in progress justified by the Department of Health on the basis that we are to await the results of other reports that may impact on the regulation of acupuncture and herbal medicine

2008 – The Steering Group Report is published recommending statutory regulation with the Health Professions Council

2009 – The Department of Health consultation on the Steering Group Report is launched and introduces alternatives to statutory regulation

April 1st, 2010 – Department of Health delivers its verdict on the consultation via a flimsy and vague press release

2. The Steering Group Report

The statutory regulation of practitioners of herbal medicine and acupuncture was recommended by the House of Lords Select Committee for Science and Technology in their report: *Complementary and Alternative Medicine* (2000). Three Department of Health Working Parties since then have also recommended statutory regulation, most recently through the: *Report to Ministers from The Department of Health Steering Group on the Statutory Regulation of Practitioners of Acupuncture, Herbal Medicine, Traditional Chinese Medicine and Other Traditional Medicine Systems Practised in the UK*, chaired by Professor Michael Pittilo, Vice-Chancellor of Robert Gordon University. It can be found at: http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_086359

The Steering Group Report made 2 key recommendations:

- a). that herbalists should be statutorily regulated
- b). that statutory regulation should take place with the Health Professions Council

3. The Consultation

We understand that the consultation on the Steering Group Report generated 6,500 responses – the vast majority of which supported statutory regulation via the Health Professions Council. Despite this Mr Burnham has chosen to ignore both the Steering Group and the consultation response by recommending registration with the Complementary and Natural Healthcare Council.

4. Herbal Kidney Cancer Case

Please see below for details:

<http://news.bbc.co.uk/1/hi/health/8520171.stm>

5. The Royal College of Physicians (RCP)

Whilst the RCP supported the statutory regulation of herbalists in the 2004 consultation it changed its position in response to the consultation on the Steering Group Report, instead opposing both statutory regulation and registration with the Health Professions Council. The RCP leadership decided this against the explicit advice of its own internal expert Integrated Health Committee.