

FURTHER UPDATE ON BCA v SIMON SINGH

26 May 2009

Since 7 May 2009, when in the Royal Courts of Justice Mr Justice Eady provided his ruling on *BCA v Singh*, there has been significant media interest in the trial.

The BCA has, until now, declined to comment, choosing to let the legal process take its course. Much criticism has been levelled at the BCA for not entering a debate, criticism which is in itself misguided.

The law exists to protect citizens and organisations from falsehoods and the BCA used the law because of the damage caused by Simon Singh's Guardian article.

The case brought against Dr Singh was simply a case to establish a libel contained in his article; it never was, and still is not a "freedom of speech" issue.

Had Dr Singh simply apologised and retracted his remarks, as the BCA originally requested, any action would have been averted – he has chosen not to do so in the face of overwhelming evidence. Therefore an apology continues to be sought along with damages and costs.

The words sued upon stated that the BCA deliberately promotes fraudulent chiropractic treatments to children with certain conditions/symptoms in the knowledge that there is no evidence whatsoever to support their efficacy. This is completely untrue.

In his Defence Dr. Singh stated that the BCA promotes treatments which are positively dangerous. But the reality is that Dr. Singh cannot justify his stance and has not made any attempt to do so.

In the course of this litigation the BCA has disclosed to the Courts a plethora of medical evidence showing that the treatments work and that the risk associated with the treatments is minimal, if indeed any risk exists at all.

On 3 November 2008, Dr. Singh was asked by the BCA to state whether he had read 27 different publicly-available research papers before writing his article. If Dr. Singh had read the research he could not have held the view he expressed in the Guardian unless he simply chose to ignore the facts.

To this day Dr. Singh has refused to answer the question as to whether he had adequately researched his article by reading the source materials.

Rather than focusing on the facts of the case, Dr. Singh's Defence is now based on maintaining that he didn't 'literally' mean what he actually said, instead claiming the words were a mere 'rhetorical flourish' and what he meant to write was that there was no reliable scientific evidence to support the treatment.

The payment of damages has never been a priority for the BCA. A nominal sum was requested from the earliest exchanges as a point of principle.

Far more important is an acknowledgment by Dr. Singh that what he published was wrong, and provide an apology for it. Simon Singh has steadfastly refused to do this.

His attitude is best exemplified by his statement to the BCA when the association tried to find a sensible compromise. Dr. Singh said that he would continue to litigate because "I've got the time and I've got the money."

The case continues.

Ends

Press enquiries: Publicasity - Tel: 020 7632 2400