

## **No change of spots, then!**

### **The hasty resignation of Andy Burnham from the British Fluoridation Society does not signal a retreat over the imposition of water fluoridation.**

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The appointment of Andy Burnham, MP, Vice-President of the British Fluoridation Society (BFS), as Secretary of State for Health has revealed to the public just how dangerously out of touch the Prime Minister has become with public concerns. The revelation of Mr Burnham's close relationship with the BFS on Tuesday last, apparently undisclosed in the Parliamentary Register of Members' Interests, led to the immediate announcement of his resignation from the BFS.

But he came bouncing back, unapologetic and fighting mad, with an outburst of brazen aggression that will surely have shaken any health professional who lives by the ethical code underlying the practice of medicine. At the National Health Service Confederation's annual conference in Liverpool Mr Burnham said that the Government had been too timid at times on the public health agenda, and exhorted the delegates to ignore public opposition to water fluoridation, saying

*“ don't feel you have to wait for permission to invest in prevention . . . Let's press ahead with fluoridation of water supplies, given the clear evidence that it can improve children's dental health.”*

#### **Credentials.**

Ignore for a moment the fact that he has no scientific credentials that qualify him to make or endorse such a controversial medical claim. He has a degree in English from Cambridge University, but this is hardly likely to inspire confidence in someone running the country's complex medical sector. Any claims that he makes about the supposed evidence for fluoridation are certainly not derived from personal research or expertise. His wording gives it all away – he relies on briefings by the fluoridation lobby.

In fact, Mr Burnham seems blissfully unaware that the consultation process in Southampton is now bogged down in some very keen legal challenges by a number of extremely angry and resourceful people. Both the South Central and the North West Strategic Health Authorities (SHAs) are waiting anxiously to see how the latest attempt to set a new fluoridation project precedent turns out. Neither will go ahead until all of the legal issues have been resolved, and clear rules issued for any further adventure into this controversial intervention.

#### **Recommendation to ignore medical ethics..**

His endorsement to conference delegates of the extraordinary view that they need not wait for permission 'to invest in prevention' is worth a closer examination. This example of political spin is designed to encourage health professionals to ignore the most fundamental ethical imperative of the medical profession – the prohibition on the treatment of a person without their express informed consent. This is clearly set out on page 6 of the NHS Constitution for England (2009):

***Respect, consent and confidentiality: You have the right to accept or refuse treatment that is offered to you, and not to be given any physical examination or treatment unless you have given valid consent.***

The argument that fluoridation is not medication, repeatedly forwarded by fluoridation advocates and the Department of Health, is an affront to the intelligence of the public, and is

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rejected in both national and international law. Consent can only be ignored in the most extreme circumstances, when withholding it would pose a substantial risk to others or when a person is incapable of consenting. The deliberate misuse of data on the state of children's teeth in Britain to suggest a public health emergency certainly does not justify attempting to dispense with public consent.

Mr Burnham's rhetoric employs the misleading language of spin to encourage listeners to regard as an investment an action that is technically medical assault. There is no admission in his presentation that much of the burden of this 'investment' will actually fall onto the public, who will be forced to pay for private sector dental services to repair teeth disfigured by dental fluorosis.

### **A uniquely personal approach to the ethics of medication without consent..**

But this is not the first time that Mr Burnham's enthusiasm for his personal brand of democracy has clashed with conventional medical ethics. It was he who introduced the Parliamentary Early Day Motion to amend the wording of the fluoridation clauses in the Water Bill in March 2003, and persuaded a gullible Parliament to give Health Authorities the power to order water companies to fluoridate their product.

In this debate he repeatedly revealed his disregard for public concern over medication without consent, expressing his opinion very bluntly;

*We could say that fluoridation is enforced medication, but I would ask, "What is wrong with that?"*

The answer is, of course, 'Everything - ask any Medical Research Ethics Committee!'

In fact the new Act did recognise the absolute need for public consent. This was revealed by Mr Richard Venters, who was the legal adviser to Water UK. In a Press Release on 11<sup>th</sup> November 2003 summarising the changes to the fluoridation provisions in the new Water Act, he listed the legal requirements for public consultation, including the following:

*Before applying to a water company for fluoridation, the health authority or authorities must:-*

- (a) consult Ofwat, the water company and each other for the purpose of ensuring that the proposed scheme will be operable and efficient; and*
- (b) consult affected consumers for the purpose of ascertaining that they support the fluoridation of their water supply.*

Note the inclusion of the word 'must' – there's no question of ignoring the need to obtain public permission for a new fluoridation scheme. In this press release Mr Venters was making it clear to everyone that no fluoridation scheme can be started before it has been found to be both practical, but also acceptable to the public.

### **The slippery issue of the cogency of evidence - who decides what is 'cogent'?**

There is a serious defect in the water and fluoridation legislation. It contains no instructions on how public opinion is to be measured and judged. The problem was made worse when the fluoridation consultation regulations also failed to provide clear guidance on the protocols and procedures that should be applied in assessing the evidence obtained during consultation. Inevitably, heated arguments have ensued over exactly (or even approximately) what criteria need to be applied to decide the cogency of arguments, and who should have the authority to decide what is cogent, and what is not.

And since fluoridation is incompatible with the European and English law on the supply and promotion of medicinal products, any decision to consult the public on it is in fact highly improper. Not even the Secretary of State himself has the authority to seek permission from the public to allow the Department of Health to carry out an act of medical assault. The charade of the recent Southampton 'Consultation' process, in which overwhelming public rejection of fluoridation was arrogantly dismissed by the SHA, emphasises just how impossible it is for any such programme to be carried out, even if it were actually permissible in the first place.

As the Prime Minister himself recently confirmed, any decision to fluoridate public water supplies must be taken locally. Predictably, he was characteristically vague and failed to supply the detail of just who amongst the 'local' community has the authority to take the crucial decision. The people of Southampton are now only too well aware of who actually decided to over-ride their stated refusal of consent and forcibly medicate them and their children – the Department of Health.

### **Freedom of speech – but only to support Mr Burnham's beliefs.**

In his Liverpool speech last week Mr Burnham expressed his very definite views about people being allowed to object to their water being contaminated by an unwanted chemical. He was clearly unsympathetic to the view that anyone with a contrary opinion to his own should even be allowed to express their opinion on the matter. He said

*it is time to stop a vocal, letter-writing minority standing in the way of a progressive change*

Then he invented a bizarre new angle on democracy that would have had even Lord Mandelson himself gasping in admiration. First he offered an apparently placatory concession to public opinion:

*It is time to create a democratic framework in which communities, not water companies, take the final decision.*

Amen to that! But in a mind-blowing leap of Mandelsonian deviousness, he then presented the delightfully irrational argument

*Even if people oppose fluoridation, they cannot oppose democracy.*

So in his eyes fluoridation equates with democracy, and anyone opposing it is taking a stand against the very principle under which this country is governed! He forgot that, even in this democracy of ours, the right to express an opinion is protected under Article 10 of the Human Rights Act – a right that only last week forced the Advertising Standards Authority to throw out an attempt by the BFS to censor any evidence that challenged its own extreme pro-fluoridation opinions.

### **Selecting the evidence – not all research is of comparable validity.**

Mr Burnham then appeared to soften his theme, by conceding that the public should be able to express a view, presumably provided that it agreed with his own, and recommending more research into fluoridation, so that

*once the research is completed, communities will have access to even better research when making their decisions.*

His comment implies that it will only take a little more research for even the most obstinate objector to see the light, whereas recent experience suggests that the result will be quite the opposite. His comment will certainly raise eyebrows in Southampton, where the democratic process was brutally abolished by the SHA's disdainful rejection of public opinion against the proposal to fluoridate the the City's water supply. To Mr Burnham's obvious irritation a reprehensible 'vocal

minority' in that besieged City is certainly active in writing letters (and far more), whilst a befuddled water company sits on the fence chanting the mantra that it must fluoridate if the Health Authority orders it to do so.

Democracy in Southampton appears to be regarded as the sole prerogative of those who hold political allegiance to the SHA, and who can demonstrate the proper degree of respect for its esoteric understanding of 'cogency'. The only acceptable evidence seems to be that which is consistent with its own unique interpretation of the scientific material that it has selected to justify its fluoridation ambitions.

In the six years since the Water Act was passed there has certainly been a lot of reputable research published on fluoridation and fluoride toxicology. But unlike Mr Burnham and his scientifically illiterate pro-fluoridation associates, the people of Southampton did ensure that they secured access to better research when making their decision to reject fluoridation.

That, after all, was the main reason that they rejected it, once they had seen the damage that it would cause to their children. And that is also the basis for the current legal action against the SHA, in which its management of the public consultation process has been scheduled for Judicial Review.

### **Shiny new post, rusty old rhetoric.**

Mr Burnham's position as Vice-President of the BFS was of course utterly incompatible with his new appointment as Secretary of State for Health. But his hasty severing of his embarrassing link with the BFS has done nothing to moderate his approach to water fluoridation. His Liverpool speech followed his relinquishment of the BFS post, but was peppered with the tired and discredited claims of the pro-fluoridation lobby.

It would be naïve to suppose that simply resigning from this controversial organisation will in any way alter his support for the propaganda that its members peddle so persistently and openly within the National Health Service precincts, to which they now appear to have unlimited and unquestioned access.

So the public is now entitled to ask, is it really appropriate that the man in charge of protecting the nation's health should hold such extreme views about a discredited medical practice - one that is widely regarded within the scientific community as 'the greatest medical fraud of the century, if not of all time'?