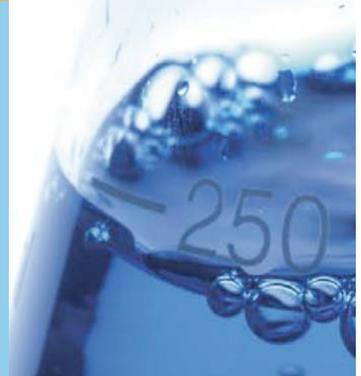


Issue: March 2016



# PROFESSIONAL STANDARDS AND GUIDANCE FOR ADVERTISING MEDICINES AND PROFESSIONAL SERVICES



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# PROFESSIONAL STANDARDS AND GUIDANCE FOR ADVERTISING MEDICINES AND PROFESSIONAL SERVICES

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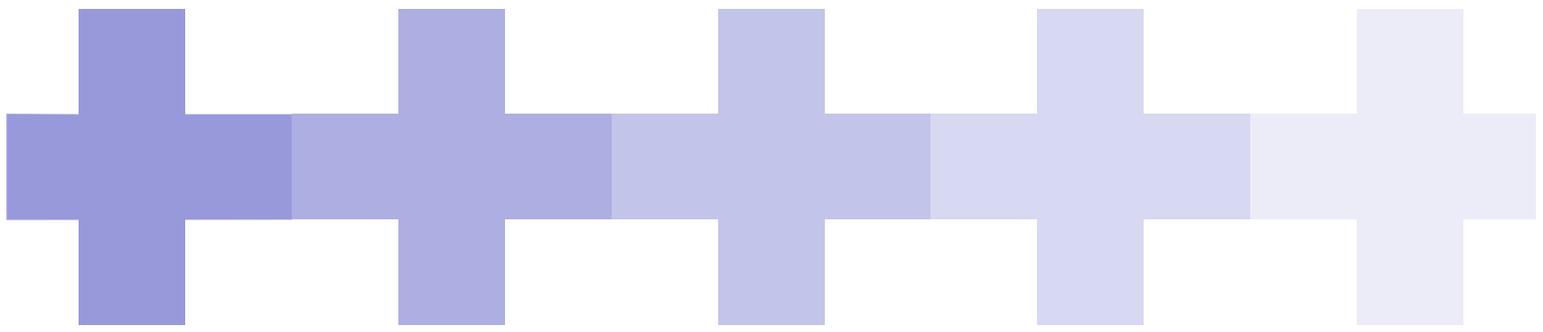
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## STATUS OF THIS DOCUMENT

This guidance is addressed to pharmacists to help them understand the standards which must be observed when advertising medicines and professional services.

Standard 2.1.12 of the Code states that a pharmacist must be aware of and adhere to all relevant legislation, and all current standards and guidance which apply to your practice.

This document contains:

- mandatory professional standards (indicated by the word 'must' and 'have to') for all registered pharmacists;  
*and*
- guidance on good practice (indicated by the word 'should', 'might', 'may', 'would', 'will' and 'could') which should be followed in all normal circumstances.

Serious or persistent failure to follow this guidance will put a pharmacist's registration at risk. The pharmacist must, therefore, be prepared to explain and justify his<sup>1</sup> actions.

If a complaint is made against a pharmacist, the Pharmaceutical Society of NI's, Fitness to Practise committee will take account of the requirements of the Code and underpinning documents, including this one. The pharmacist will be expected to justify any decision to act outside the terms set down in these documents.

## ABOUT THIS DOCUMENT

The Code sets out five principles of ethical practice that a pharmacist must follow. It is the pharmacist's responsibility to apply the principles to his daily work, using his professional judgement in the light of the principles.

<sup>1</sup>'Pharmacist' appears with the masculine pronoun and is understood to refer to male/female gender.

Standard 3.1 of the Code, states that the pharmacist must '**Act with honesty and integrity at all times**'. In adhering to this principle, the pharmacist is expected to:

- adhere to accepted and acceptable standards of personal and professional conduct at all times both inside and outside your work environment;
- maintain public trust and confidence in your profession by acting with honesty and integrity in your dealings with others. This applies to your professional, business and education activities.
- provide information, both written and spoken, accurately and unambiguously.

This document expands on the principles of the Code to set out a pharmacist's professional responsibilities. When advertising medicines or professional services, the pharmacist must comply with legislative requirements and with other relevant codes of practice and guidelines.

## 1 BACKGROUND

It is in the public interest to publish information about pharmacy opening hours and pharmaceutical services. All information or publicity material regarding pharmacy services must be honest and accurate and reflect the professional nature of pharmacy. Promotional material and advertisements come in various formats including:

- TV, radio and internet advertisements,
- newspaper and magazine articles,
- posters,
- leaflets,
- e-mails and other forms of electronic messaging.

Legislation prohibits the advertising of Prescription Only Medicines (POM) for human use to members of the public. However, there are exemptions to allow information such as price-lists and reference materials, for example, Summary of Product Characteristics (SPC), to be made available. The advertising and promotion of General Sales List (GSL) and Pharmacy (P) medicines are permitted. The pharmacist must adhere to the standards in this document and other relevant documents as listed in '*Other useful sources of information*' at the end of this document.

There are specific restrictions on the advertising of veterinary medicines set out in the current Veterinary Medicines Regulations ([www.vmd.gov.uk](http://www.vmd.gov.uk)). Further guidance on these requirements can be found in the Royal Pharmaceutical Society's guidance 'Guidance on the sale and supply of veterinary medicines' ([www.rpsgb.org](http://www.rpsgb.org)).

The Association of the British Pharmaceutical Industry (ABPI), Code of Practice, sets out the requirements for the promotion of medicines by the pharmaceutical industry. It covers the promotion of medicines to health professionals and appropriate administrative staff. The advertising and promotion of non-prescription medicines is regulated by the Proprietary Association of Great Britain through its Codes of Advertising Practice. These self-regulatory codes reflect and extend beyond UK requirements.

## 2 INFORMATION AND PUBLICITY STANDARDS

All information and publicity for goods and professional pharmacy services, including publicity issued by a third party on the pharmacist's behalf, must:

- 2.1 be accurate, legal, decent<sup>2</sup> and truthful;
- 2.2 not bring the profession into disrepute;
- 2.3 be presented and distributed in a way that allows the recipient to decide independently whether or not to use a service;
- 2.4 not involve the inappropriate use of patient information held in a patient's, Patient Medication Record (PMR);
- 2.5 use patient information for the purposes for which it was collected and within the terms of the Data Protection Act 1998: (Refer to *Professional Standards and Guidance on Patient Consent*);
- 2.6 not abuse the trust or exploit the lack of knowledge of the public;
- 2.7 be compatible with the role of pharmacy professionals as skilled and informed advisors about medicines, common ailments, general health care and well being;
- 2.8 be presented in a manner that does not disparage the service of other pharmacies or pharmacy professionals.

### GOOD PRACTICE GUIDANCE

- Consideration should be given to what creates a professional image in the eyes of the general public. The style, presentation and content of the advertisement need to be considered.

<sup>2</sup> "decent" as defined by Advertising Standards legislation and case law.

- Care should be taken to ensure that the public are not misled as to the specific services being offered at the pharmacy and their availability. For example, ‘*Pharmacist is available at all times for consultation*’ – Is this always the case?
- The use of the article ‘*The*’ is accepted in proposed pharmacy business names.
- Advertisements dealing with both professional and non-professional services are generally accepted, but the two types of service should be detailed separately.
- Leaflets, or other similar materials, can be left in GP practices for self-selection by patients of the surgery; however, the pharmacist should not seek exclusive arrangements in this respect.
- Particular care should be exercised when preparing advertisements for inclusion in newspapers or other forms of media. It is advisable to check the final proof of the article or advertisement before going to print.

### 3 PROMOTION OF MEDICINES STANDARDS

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Pharmacies may advertise the prices at which medicines are to be sold (subject to any legal restrictions) including any discounts offered. However, medicines are not ordinary items of commerce and there is a professional responsibility to ensure that promotions emphasise the special nature of medicines and do not encourage inappropriate or excessive consumption or use of them. Pharmacy owners and superintendent pharmacists have a responsibility to ensure that medicines promotions are professionally acceptable. Individual pharmacists must be able to justify decisions to supply medicines to a particular purchaser. Promotions for medicines aimed at the public must:

- 3.1 comply with relevant legislation and codes of practice
- 3.2 be carried out with respect to the special nature of medicines;
- 3.3 not make any medicinal claim that cannot be substantiated;

3 Code of Ethics, Part 1, Obligation 1.14 states: “**Methods by which medicinal products for human use are sold to the public should reflect the pharmacist’s professional responsibility, and the need to maintain the confidence of the public in the pharmacist’s knowledge, ability, judgement and position as a guardian of the public interest in the safety, quality and efficacy of medicines.**”

The following are methods of sale in which the pharmacist should not take part or seek to encourage:

- (a) Promotion to the public by means of free samples, prizes, gifts, competitions, circulars (door to door or direct mail) or vouchers;
- (b) Advertisements or display material which contravene the principle that the quantity supplied should be limited to the reasonable need of the customer;
- (c) Advertisements or display material which have the effect of undermining the pharmacist’s professional responsibility to advise on the appropriate choice of medicinal product.

- 3.4 be consistent with the SPC approved by the Medicines and Healthcare products Regulatory Agency (MHRA) as part of the licensing procedures. Where the product is a herbal or homeopathic remedy, promotions must be consistent with the MHRA registration scheme;
- 3.5 not promote a medicine through endorsement by a pharmacist. The pharmacist may recommend a product only in response to a request for advice from an individual patient, or his representative;
- 3.6 not promote inappropriate or excessive consumption or use of medicines, or promote their misuse, injurious to health;
- 3.7 not seek to persuade patients to obtain medicines that are not needed, or quantities substantially in excess of those needed.

#### GOOD PRACTICE GUIDANCE

- The Blue Guide – Advertising and Promotion of Medicines in the UK, published by the MHRA, contains specific advice regarding ‘multiple purchase promotions for analgesics’ and advertising via the internet, with which a pharmacist should comply with.
- Promotions involving Pharmacy (P) medicines need to be considered on their individual merits. Consideration should be given to the product, the pack size, the condition to be treated and the intended recipient. The pharmacist has to make a professional judgement in deciding where to draw the line. For instance, a 3 for 2 promotion on Kaolin and Morphine is unlikely to be justifiable, but a similar promotion on an antihistamine product, where the pack is small and the patient is likely to need the medicine for an extended period of time, may well be acceptable provided that you are able to justify your decision.

#### 4 CREST STANDARDS OF THE PHARMACEUTICAL SOCIETY NI

The use of the organisation’s coat of arms by third parties, for whatever purpose, is not permitted. Its use is restricted to publications (both printed and electronic) generated directly by the organisation.

## GUIDANCE THAT SUPPORTS THIS DOCUMENT

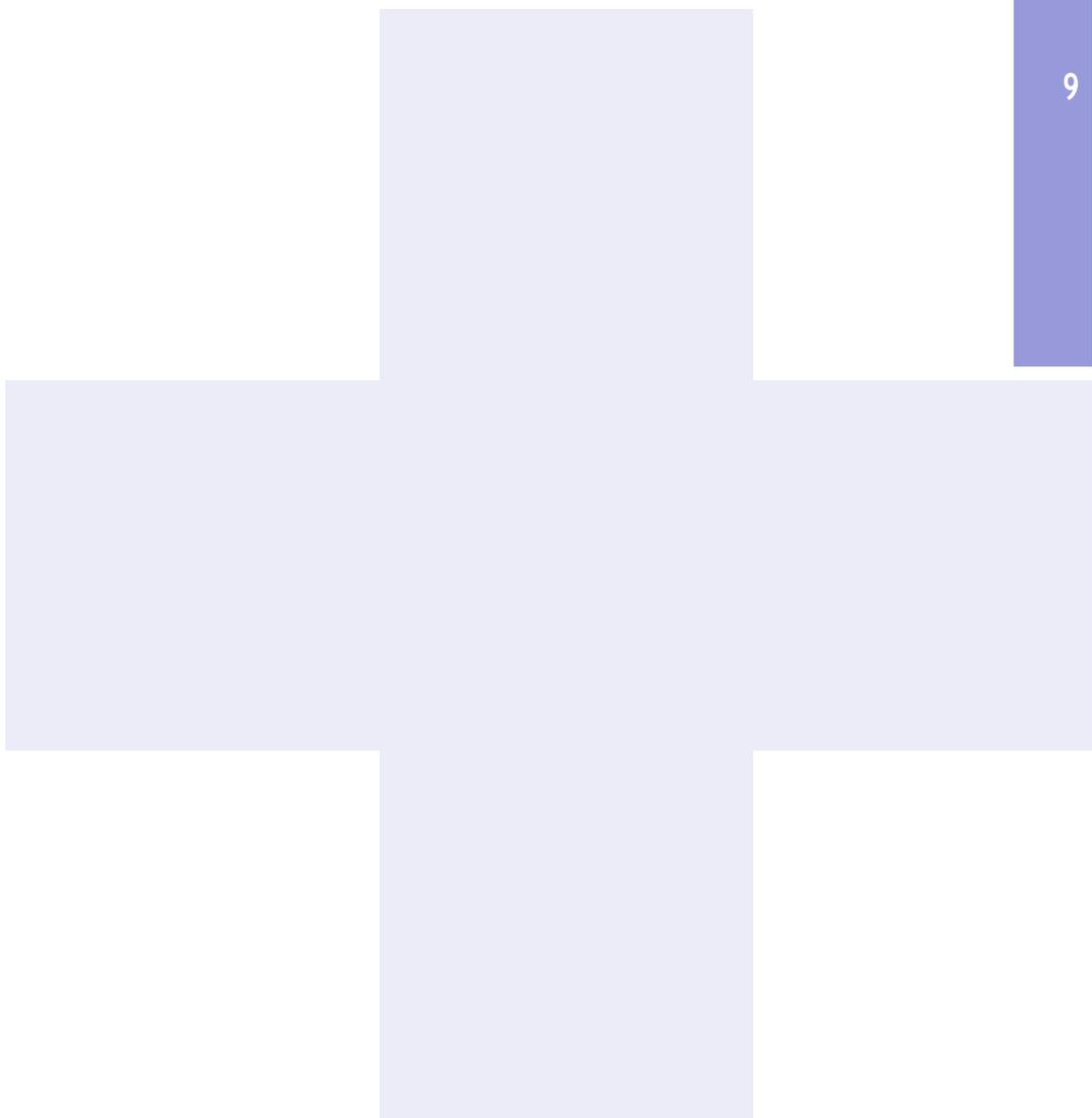
The Pharmaceutical Society NI has produced the following document, which should be considered in conjunction with these standards:

- The Code – professional standards of conduct, ethics and performance for pharmacists.

Copies of this document can be downloaded from the organisation's website ([www.pсни.org.uk](http://www.pсни.org.uk)) or telephone on 02890 326 927 for a hard copy.

Other useful sources of information:

- The Blue Guide – Advertising and Promotion of Medicines in the UK: [www.mhra.gsi.gov.uk](http://www.mhra.gsi.gov.uk).
- Association of British Pharmaceutical Industry Code of Practice: [www.abpi.org.uk](http://www.abpi.org.uk).
- Proprietary Association of Great Britain Codes of Advertising Practice: [www.pagb.co.uk](http://www.pagb.co.uk).



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## NOTES

