

Regulating the advertising and supply of medicines from online pharmacies

The Medicines and Healthcare products Regulatory Agency (MHRA) and the General Pharmaceutical Council (GPhC) are working together on their approach to their respective roles in regulating the advertising and supply of medicines from online pharmacies.

What is the role of the MHRA and the GPhC?

The MHRA is responsible for regulating all medicines and medical devices in the UK. One of their statutory roles is to regulate the advertising and promotion of medicines in the UK. They do this by working closely with other statutory regulators like the GPhC and self-regulatory bodies to ensure a consistent approach so that public health is safeguarded.

The GPhC, as the regulator for pharmacy professionals and pharmacies in England, Scotland and Wales is responsible for setting the **standards for pharmacy professionals** and the **standards for registered pharmacies** to ensure that pharmacy professionals are fit to practise and that registered pharmacies are safe to provide services.

We work together because one body is responsible for regulating medicines and medical devices and the other is responsible for regulating pharmacy professionals supplying those medicines and medical devices and the premises from where supplies are made.

What is the approach of the MHRA and the GPhC?

The guidance set out in the MHRA's Blue Guide, Advertising and promotion of medicines in the UK, describes the UK legislation on the advertising of medicines and the role of MHRA and the wider regulatory framework. It provides advice on how to comply with the legislation on advertising to healthcare professionals and the public in a wide range of settings to safeguard the public from the effects of misleading advertising and promotion of medicines.

The **Blue Guide** includes stand-alone appendices, based on the general principles of the Guide. **Appendix 6** gives guidance on the advertising of medicines by providers of online treatment services. It provides guidance on how the home page of websites should be set up and sets out that "buy now" icons should not be used. Price lists should not include product claims or actively encourage viewers to choose a product based on price. It states that the website should make it clear that a medical consultation can be offered but this may or may not lead to the provision of a prescription and the decision about treatment is a joint one to consider for the prescriber and patient. Pages about a condition that a consumer chooses to access may contain non-promotional information on specific medicines provided this is presented in the context of a fair overview of the treatment options.

The guidance published by the GPhC expects pharmacy owners to make sure that their website and the websites of companies they work with to be arranged so that a person cannot choose a prescription-only medicine and its quantity before there has been an appropriate consultation with a prescriber. The GPhC guidance reflects what is set out by the MHRA's Blue Guide on the advertising and promotion of medicines but sets an additional requirement for online pharmacies and as such requires an appropriate consultation to be carried out before a POM and its quantity can be chosen. It also stipulates that online pharmacies should make clear that the decisions about treatment are for both the prescriber and the person to jointly consider during the consultation, in line with the MHRA's guidance. However, the final decision will always be the prescribers.

The MHRA and GPhC have been working together to ensure a consistent approach to regulating online pharmacies and the supplies of medicines from them. As the regulator for registered pharmacies, the GPhC have produced guidance for registered pharmacies providing pharmacy services at a distance, including on the internet. Following this guidance is an important part of making sure that the GPhC standards are met.

Who will take enforcement action against pharmacies if the GPhC guidance is not followed?

As the GPhC is the regulatory body for registered pharmacies they can take enforcement action if the standards are not being met, and the public is being exposed to increased risks, or the appropriate steps to achieve a desired outcome under our standards are not being put in place.

What is the enforcement role of the MHRA?

Failure to comply with the Human Medicines Regulations will result in the Advertising Standards and Outreach Unit requesting that the website is amended or withdrawn. If this action does not result in timely compliance, the MHRA will take appropriate enforcement action and may also refer cases to GPhC.