



Medicines & Healthcare products
Regulatory Agency

Advertising a pharmacy service

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OFFICIAL-SENSITIVE



Definition of an advertisement

Regulation 7 of the Human Medicines Regulation 2012

Advertisements relating to medicinal products

7.—(1) In these regulations “advertisement”, in relation to a medicinal product, includes anything designed to promote the prescription, supply, sale or use of that product.

Legislation and guidance

The screenshot shows the legislation.gov.uk website. At the top, there is a navigation bar with links for Home, Browse Legislation, New Legislation, Coronavirus Legislation, and Changes To Legislation. The main content area displays "The Human Medicines Regulations 2012" and "UK Statutory Instruments > 2012 No. 1916 > PART 14". Below this, there are tabs for "Table of Contents", "Content", "Explanatory Memorandum", "Impact Assessments", and "More Resources". The "Content" tab is active, showing "PART 14 Advertising", "CHAPTER 1 General", and "Interpretation". The "Interpretation" section includes the following text: "277.—(1) In this Part— 'court' means the High Court or, in Scotland, the Court of Session; 'injunction' (except in regulation 313) includes an interim injunction; 'OFCOM' means the Office of Communications; 'person qualified to prescribe or supply medicinal products' includes— (a) persons who, in the course of their profession or in the course of a business, may lawfully— (i) prescribe medicinal products, (ii) sell medicinal products by retail, or (iii) supply medicinal products in circumstances corresponding to retail sale, and (b) employees of such persons; 'publication', in relation to an advertisement, means the dissemination or issue of that advertisement— (a) orally;

The cover of "The Blue Guide" features the MHRA logo at the top right, which includes the text "MHRA Regulating Medicines and Medical Devices". The title "The Blue Guide" is prominently displayed in large white font on a blue background. Below the title, the subtitle "Advertising and Promotion of Medicines in the UK" is written in a smaller white font. At the bottom, it states "Medicines and Healthcare products Regulatory Agency" and "Third Edition Third revision - November 2020".

Appendix 6
**Advertising of medicines:
Guidance for providers offering medicinal treatment
services**

1. Purpose

This guidance has been developed by the Medicines and Healthcare products Regulatory Agency (MHRA) and is supplementary to the regulatory framework as set out in Part 14 of the Human Medicines Regulations 2012 (SI 2012/1916 as amended – the Regulations). General advice on compliance with the Regulations is given in the MHRA Blue Guide.

The internet is used widely to provide information to consumers and to promote products and services. This guidance is intended primarily for companies and organisations which do not hold marketing authorisations for medicines but which provide services that may lead to the prescription and supply of a prescription only medicine (POM). The guidance seeks to ensure that the content of websites and other digital communications channels does not contravene the Regulations. In particular, it highlights the prohibition by regulation 284 of the Regulations of advertisements to the public likely to lead to the use of a POM. It is designed to help advertisers to promote their services without promoting specific POM medicines and thereby coming within the scope of the Regulations.

Key provisions

- Prohibition on the advertisement of unlicensed medicinal products
- Prohibition on the promotion of a Prescription-Only Medicine to the public
- Promotion of over-the-counter medicinal products:
 - must be identifiable as such
 - must meet quality standards:
 1. Consistent with the Summary of Product Characteristics
 2. Supports rational use of the product
 3. Not misleading
 - no endorsement by celebrity or healthcare professional
- No provision of free samples to the public of medicinal products or at a price effectively free

Advertising a treatment service

DO

- Promote the service you provide (eg, weight loss)
- Provide information on conditions and their management as a balanced overview
- Promote over the counter medicines correctly and responsibly
- Think about all your materials
- Think about everyone involved in the business, including any third parties

DON'T

- Promote specific Prescription-Only Medicines, likely to lead to their use
- Promote unlicensed medicinal products such as Specials or extemporaneous products
- Offer free samples of any medicinal product to the public

Ensuring compliance

Casual browsers should not be presented with advertising for specific POMs



- Website homepages should focus on the service provided and/or medical conditions
- Focus on the provision of a consultation, not a purchase
- Website homepages may indicate a price for treatment of a condition and/or consultation
- Further webpages a consumer chooses to access may provide non-promotional information on specific medicines as a balanced overview of potential treatment options
- Further webpages may provide factual lists of prices for treatments



- Website homepages should not reference named POMs (including hover text, small print, customer testimonials, and URLs)
- There should be no mention of POMs on social media or in sponsored links
- Further webpages should not encourage viewers to choose a product based on price

Safeguarding delegated by Health Ministers – public trust

- Obligations to consider complaints about advertisement of medicines
- Scrutiny function
- Policy work
- Advice and guidance

MHRA advertising investigations: themes

- Vast majority of complaints received are for advertisements by treatment providers
- Some advertisers show repeated patterns of non-compliance
- Most complaints are for promotion of POMs to the public, undermining the role of the professional in a consultation
- Key prescription products of concern:
 - Weight loss and diabetes
 - Steroid injection for hayfever
 - Botulinum toxin for aesthetics purposes
- Other complaints generally relate to promotion of unlicensed medicines (“prescription ingredients”), undermining the regulatory appraisal system for appropriate safety, quality and efficacy

Promotion of POMs for weight loss: particular concern

Complaints received about (online) pharmacy advertisements for prescription weight-loss products

- Website homepages, including mobile versions
- Social media, all platforms, and other push content
- Printed flyers distributed locally
- In-store leaflets on pharmacy counters
- In-store posters displayed in premises windows
- Pull-up banners on display in public locations (eg, shopping centres)
- Digital advertisements (eg, display screens in airport departure lounge)
- TV advertisements
- Questionable media engagement by business owners
- Provision of free samples of medicinal products
- Off-label promotion of medicines outside product indication
- Direct-to-consumer emails to customer base
- Concerns over commercial relationships with third parties

“Free anti-sickness tablets included”

“Reduce your cancer risk by losing weight with skinny pens [image]”

“Searching for Weight Loss Treatment? Try Wegovy or Saxenda. Weight Loss Injection discuss with our pharmacist today”

“Ozempic Weight Loss Injection Pens can help to reduce up to 20% of body weight” [their emphasis]

“TESTOSTERONE-ENHANCING WEIGHT LOSS Obesity is closely linked to low testosterone levels...As part of this programme, you’ll have access to GLP-1 weight loss medications...” [image of Wegovy]

“Ready for take-off? Weight loss injections at a feather-light price. Wegovy from £129/month. Mounjaro from £139/month. Order online. Discreet delivery”

“Take the Big step Towards Your weight loss. Once weekly mounjaro (tirzepatide) injection 0.5ml”

“Breakthrough medication Independent patient reviews from [website]

“Started Wegovy 11 weeks ago and have lost 9lbs...now I never finish a meal...”

[Patient first name]

Wegovy – Taken for 6 months”

“GET 70% OFF!” [Mounjaro image]
IT’S LIVE
Your exclusive Black Friday deal is here. For the next hour only, you can get **70% off your first month** of Mounjaro, but only if you act fast. Use code **SAVE70** at checkout”

“[Name].HealthJourney

Hi, Im [sic][Name]! [heart emoji] Diary of my weight loss/health journey on Mounjaro. UK [balloon emoji]
[social media icon image]

Meal replacement shakes “[NAME]15” for 15% off
[supplier logo] Order Mounjaro “[NAME]25” for 25% off”

From: [company email address]
Date: xx December 2024 at hh:mm:ss GMT
To: [recipient]
Subject: Get help with losing weight [handshake emoji]

“Hi [first name]

We’re excited to announce that **weight loss treatments** are now available on [company name]

Explore treatments

Mounjaro
[image]

- **Weekly weight loss injection**
- **Suppresses appetite and reduces cravings**

“GET 70% OFF!” [Mounjaro image]
IT’S LIVE
Your exclusive Black Friday deal is here. For the next hour only, you can get **70% off your first month** of Mounjaro, but only if you act fast. Use code **SAVE70** at checkout”

“[Name].HealthJourney

Hi, Im [sic][Name]! [heart emoji] Diary of my weight loss/health journey on Mounjaro. UK [balloon emoji]
[social media icon image]

Meal replacement shakes “NAME15” for 15% off
[supplier logo] Order Mounjaro “NAME25” for 25% off”

From: [company email address]

Date: xx December 2024 at hh:mm:ss GMT

To: [recipient]

Subject: Get help with losing weight [handshake emoji]

“Hi [first name]

We’re excited to announce that **weight loss treatments** are now available on [company name]

Explore treatments

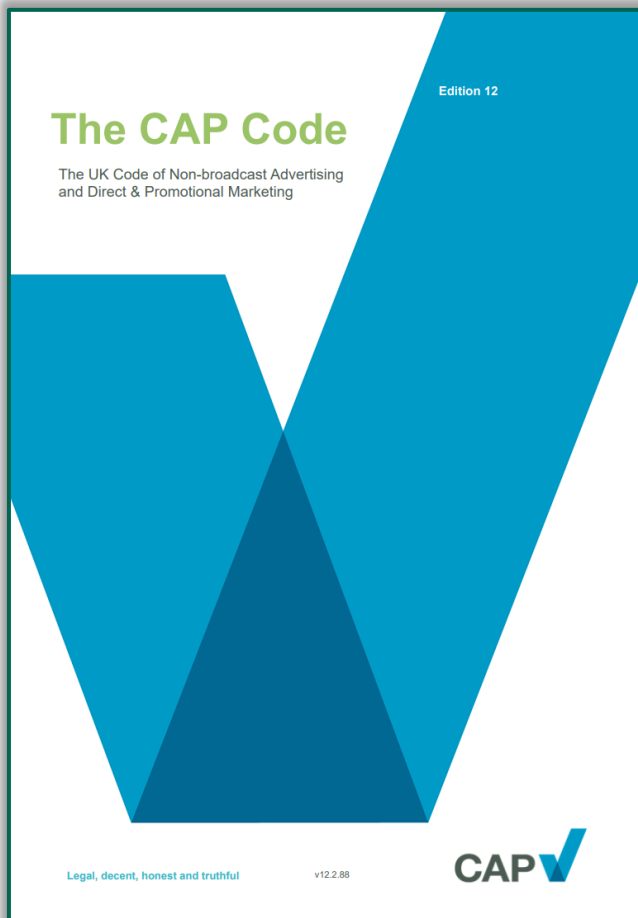
Mounjaro
[image]

- **Weekly weight loss injection**
- **Suppresses appetite and reduces cravings**

Statutory powers

- Most cases resolved at early stage through voluntary cooperation with advertiser
- There is statutory recourse where this cannot be achieved
- Breach of legislation and/or failure to comply with statutory notices can ultimately lead to unlimited fine or 2 years' imprisonment, or both
- On behalf of Ministers, the MHRA can serve a “minded to” notice on any person responsible for the issue or publication of an advertisement to advise them that:
 - 1 the advertisement, if published, would be in breach of the Regulations and why
 - 2 the person may be required to refrain from publishing that advertisement
 - 3 the person has 21 days to make written representations against the determination

Joint regulation



Sign in / Sign up ASA CAP Search...

Home About ASA and CAP Codes and rulings Advice and resources Issues and topics Make a complaint

Ad Alert - POM Weight Loss Treatments

Ad Alert | 04 Jul 2023 ☆ Add to my favourites

You're here: Home > Advice and resources > Resource library > Resource search results > Ad Alert - POM Weight Loss Treatments

Prescription-only medicines (POMs) should not be advertised to the public. Saxenda, Ozempic (injectables) and Rybelsus (oral), often marketed as "Skinny Jabs" or "Skinny Pills" are POMs. Please consult the CAP [Copy Advice](#) team before accepting ads for what you suspect might be prescription-only medicines

Ad Alert - POM Weight Loss Treatments
0.1MB
[DOWNLOAD](#)

Ad Alerts

Links

HMRs 2012 (Part 14): <https://www.legislation.gov.uk/ukxi/2012/1916/part/14>

Blue Guide: <https://www.gov.uk/government/publications/blue-guide-advertising-and-promoting-medicines>

Appendix 6, Blue Guide: https://assets.publishing.service.gov.uk/media/6012d8c9d3bf7f05c2040b4e/Appendix_6.pdf

Advertise your medicine gov.uk: <https://www.gov.uk/guidance/advertise-your-medicines>

Advertising investigations: <https://www.gov.uk/government/collections/advertising-investigations-by-mhra>

Advertising Standards Authority: <https://www.asa.org.uk/>

Committee on Advertising Practice codes: <https://www.asa.org.uk/codes-and-rulings/advertising-codes.html>

Enforcement notices:

Weight loss: <https://www.asa.org.uk/resource/enforcement-notice-advertising-of-prescription-only-weight-loss-treatments.html>

Hayfever injection: <https://www.asa.org.uk/resource/enforcement-notice-advertising-of-kenalog-injections.html>

Botulinum toxin: <https://www.asa.org.uk/resource/enforcement-notice-botox-social-media.html>

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