

THE MEDICINES BORDERLINE SECTION AND THE INTERNET

A constant question to the Medicines Borderline Section is “how can I give my customers information without making medicinal claims”?

Information linked to an unlicensed product which makes direct or implied claims may well cause the Section to say that a product falls within the definition of a medicinal product.

A particular problem is information on the internet. It should be noted that material on the internet is not excluded from the definition of an ‘advertisement’ contained in the Medicines Act 1968 or elsewhere in medicines legislation.

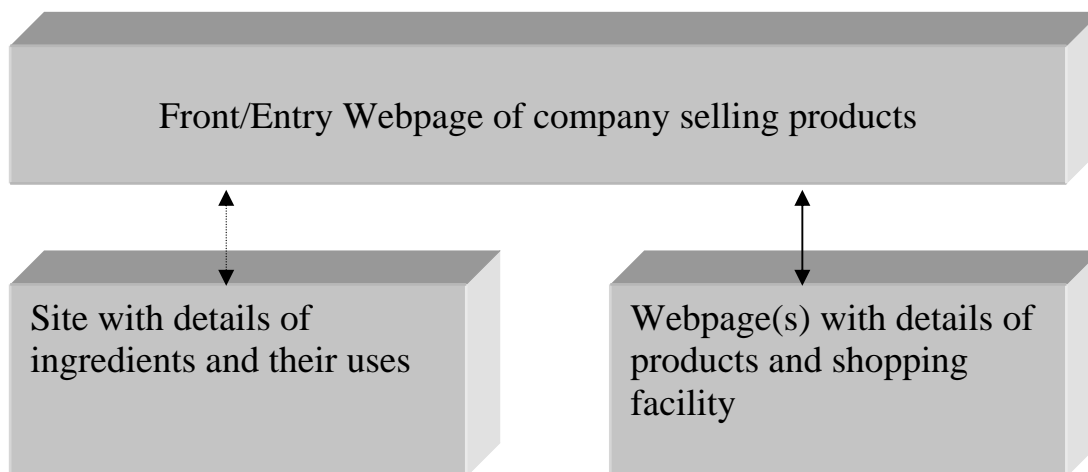
Where a product is sold on or has links to a website which presents that product as a medicine, the website will be used by the Section as evidence in the determination process. Similarly, where a customer is directed from a website selling a product, to another website for more information about the substances contained in a product and their uses, that may also be used by the Section as evidence in the determination process.

Decisions as to whether a product falls within the definition of a medicinal product are made on a case by case basis. The approach that the Section takes is set out in Guidance Note 8 *A guide to what is a medicinal product*. In order to clarify the position on generic information which is *not linked* to any particular product the following may be helpful.

Companies would be able to refer consumers to a website with a non-product specific list of ingredients and their uses, provided that there were no references to any actual products. To demonstrate that the information was not being used by the website selling the products to make medicinal claims, the information must be contained on a separate site. To further separate the products and the information there must be no purchase facility on the entry page of the company’s site.

All products should be featured on subsequent pages to the entry page. In addition, the only reference to the information site/pages should be on the entry page where the following wording (or similar) could be used “Information on food supplements and their uses can be found by clicking here”. The MHRA would expect the information to be indexed on ingredients and not diseases/adverse medical conditions.

The Section envisages the relationship between sites as follows



Medicines Borderline Section
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