



Obagi Medical Products (OMP) Internet Supply Guideline

This document should serve as a guideline for online advertising of Obagi Medical Products, including some rules/regulations from various governing bodies.

Obagi Medical Products are only available via trained Healthcare Professionals; patients require and deserve the best professional care and supervision when using these products.

This is intended as general guide for those considering supplying Obagi® online and as such is not absolute. Healthxchange Pharmacy cannot be held accountable for the accuracy of the content which may change from time to time.

Responsibility for compliance with all relevant regulations lies with the owner of the website, associated account holder, and/or prescriber.

Healthxchange Pharmacy reserves the right to determine the supply of Obagi® products to accounts at all times without prejudice.

Legislation of Note:

Prescription Medication

'The Medicines (Advertising) Regulations 1994' Council Regulation (EEC) No 2309/93; Article 88, paragraph 1: Member States shall prohibit the advertising to the general public of medicinal products which (a) are available on medical prescription only.

Unlicensed Medication

'The Medicines (Advertising) Regulations 1994' Council Regulation (EEC) 2309/93 in respect of 'unlicensed medication' Title 3, Chapter 1, Marketing Authorisation, Article 6, 1. No medicinal product may be placed on the market of a Member State unless a marketing authorisation has been issued by the competent authorities of that Member State in accordance with this Directive or an authorisation has been granted in accordance with Regulation (EEC) No 2309/93.

For reference, www.legislation.gov.uk/ukxi/1994/3144/schedule/3/made, The Medicines for Human Use (Marketing Authorisations Etc) Regulations 1994, Schedule 3, Offences, Penalties Etc. In particular Section 14. "Any person guilty of an offence under any of the preceding paragraphs shall be liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both."

Other Regulations

1. GPhC code of practice
2. GMC regulations
3. Directive 2001/83/ EC as amended by Directive 2004/27/EC, Title VIII (advertising)
4. Medicines Act 1968 (that places restrictions on sales of medicinal products)
5. Medicines (Monitoring of Advertising) Regulations 1994
6. UK legislation
7. Advertising Standards Agency (ASA) and the Committee of Advertising Practice (CAP) code

General:

The following would not be considered acceptable:

1. Use of the word "Obagi" in the headline URL (although "domain/obagi" is OK)
2. Use of advertising e.g. Google AdWords or similar. Read the full trademark policy here <https://support.google.com/adwordspolicy/answer/6118?hl=en>
3. Stating "Authorised or Official Stockist or Distributor" (where applicable "Obagi Ambassador" is OK if you are a current member of the network)
4. Stating "All Products held in Stock"
5. Holding unlicensed POM items in stock
6. Purchase of POM items without prior consultation
7. Purchase of non-POM items within the ranges of Nu-Derm® or Obagi-C® without prior patient consultation
8. Supply of unlicensed POM items to persons other than the named person as shown on the prescription.
9. Any imagery or web presence that is considered not to reflect the status of the premium Obagi® brand (e.g. poor quality imagery; bucket shop sites)

Consequences of Non-Compliance

Any website considered to be in breach of any of the above will result in the associated Obagi® account being suspended with immediate effect. A three strikes approach will be strictly applied. Any websites which continue to fail to comply will have their account suspended for six months and reviewed by the Ethics Committee prior to release.

Selling Obagi® Online

If you are considering selling Obagi® online, it is required that you meet the following criteria before launching your online shop:

- Submit a copy of your patient consulting process to the Healthxchange Medical team for review and comply with all necessary legislation and rules in force by any regulatory or competent body e.g. the MHRA.
- Ensure you use the correct brand assets and logo as required by the Obagi® Marketing team at Healthxchange Pharmacy and comply with any and all changes as required within seven days of notice being issued.
- Comply with the ASA and CAP Code for the correct marketing of Obagi® products and agree to submit to any ruling or sanction issued by such authority for any breach of its rules.

Social media

Here are some general social media guidelines to follow:

Using social media is considered a promotional tool and as such you should not use it to promote the use of prescription or unlicensed medicines to the general public. Any comments or graphical images you place on social media relating to Obagi® should be consistent with the messaging and tone of the brand and we request you also use the hashtag #Obagi and #ObagiUK.

Posts can:

- Only reference products that have a licence from the MHRA, VMD, or under the auspices of the EMA. Posts for medicines must conform with the licence and the product's summary of product characteristics. Additionally, posts must not suggest that a product is "special" or "different" because it has been granted a licence by the MHRA.
- Only be factually correct, and not exaggerate, materially mislead, or be likely to mislead, by the inclusion or omission of information.
- Make claims about the action that a cosmetic has on or in the skin but should distinguish between the composition of the product and any effects brought about by the way in which it is applied, for example by massage. Scientific evidence must also make that distinction.
- Refer to temporarily preventing, delaying, or masking premature ageing using cosmetics, if those skin changes are caused by environmental factors.
- Contain illustrations of the effect or action of a product so long as they are accurate.
- Include a testimonial so long as it has evidence of the endorsement, permission to use that testimonial, and it should relate to the product being promoted.

Posts should not:

- Imply that a product can be sold legally if it cannot.
- Invite consumers to diagnose themselves, particularly if that may lead to a mistaken diagnosis.
- Falsely claim that a product is able to cure illness, dysfunction, or malformations. References to the relief of symptoms or the superficial signs of ageing are acceptable if they can be substantiated.
- Include a product claim for a medicinal product.
- Discredit or denigrate another product, trademark, or other tradename. They should also not show a trademark or quality mark without the correct authorisation.

Posts must not:

- Advertise prescription-only medicines or prescription-only medical treatments to the public.
- Confuse consumers by using unfamiliar scientific words for common conditions.
- Mislead, exaggerate, or be likely to mislead, either by the inclusion or omission of information.
- Encourage consumers to use a product to excess and must hold proof before suggesting the product or therapy is guaranteed to work, absolutely safe, or without side-effects.
- Cause offence, particularly on grounds of race, religion, gender, sexual orientation, disability, or age. They must not cause fear or distress that is excessive or without justifiable reason, and not use a shocking claim merely to attract attention.
- Claim that a medical product's effects are guaranteed, that it is absolutely safe, or without side-effects, or as good as or better than those of another identifiable product. Posts that have claims must be able to substantiate those claims.

- Use health professionals or celebrities to endorse POM or unlicensed medicines. However, the reposting of unsolicited social media by a health professional or celebrity is allowed so long as credit is given to the original post with regards to their intellectual property and copyright. The re-post should not be altered from the original to mislead or give a false impression.
- Target anyone under 18.
- Discourage essential treatment for conditions for which medical supervision should be sought. They must also not offer specific advice on, diagnosis of, or treatment for such conditions unless that advice, diagnosis, or treatment is conducted under the supervision of a suitably qualified health professional. Accurate and responsible general information about such conditions may, however, be offered.
- Suggest that a medicinal product is either a food or a cosmetic.

In the case of 'sharing' publicly available information; this is generally OK, however you should review the content before sharing to ensure it fits within the Obagi® messaging, brand, and tone. Particular care should be taken not to repost any messages which directly refer to prescription or unlicensed products.

Presentation and profile are very important for you and your business and this is particularly true online where comments remain publicly accessible for many years. If your additions online are open to misinterpretation or could bring about a negative view/response, please refrain from doing so.

Take care when directly responding to product requests/advice, especially in relation to prescription and unlicensed medicines. If a patient is requesting clinical advice, it is good practice to ask them to speak with you privately, either through email or on the telephone, not through social media as patient confidentiality should be paramount.

It is critical that you show proper respect for the legislation set out by the MHRA surrounding promotion and presentation of information relating to prescription products. If you're unsure we advise you to consult the MHRA Blue Guide <https://www.gov.uk/government/publications/blue-guide-advertising-and-promoting-medicines>.

Contact

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