Jersey

MEDICINES (ADVERTISING) (JERSEY) ORDER 2000

Unofficial Consolidated Version
20.625.10
Showing the law as at 1 January 2019

MEDICINES (ADVERTISING) (JERSEY) ORDER 2000

Contents

Article

Jersey

MEDICINES (ADVERTISING) (JERSEY) ORDER 2000[1]

THE HEALTH AND SOCIAL SERVICES COMMITTEE after consultation with the Medicines Advisory Council, in pursuance of Articles 90 and 110 of the Medicines (Jersey) Law 1995, orders as follows –

Commencement [see endnotes]

PART 1

GENERAL

1 Interpretation

(1) In this Order unless the context otherwise requires –

"advertisement" has the meaning assigned by Article 87 of the Law except that, in relation to a relevant medicinal product, reference material, a factual, informative statement or announcement, a trade catalogue or a price list shall not be taken to be an advertisement if it makes no product claim;

"common name" in relation to a relevant medicinal product means the international non-proprietary name, or, if one does not exist, the usual common name;

"1965 Directive" means Council Directive 65/65/EEC of 26th January 1965 on the approximation of provision laid down by law, regulation or administrative action relating to medicinal products (O.J. No. L22 9.2.65 p 369) (as amended by Council Directive 89/341/EEC (O.J. No. L142 25.5.89 p 11) and as it applies in accordance with Council Directives 75/319/EEC (O.J. No. L147 9.6.75 p 13), 89/342/EEC (O.J. No. 142 25.5.89 p 14), 89/343/EEC (O.J. No. L142 25.5.89 p 16), 89/381/EEC (O.J. No. 181 28.6.89 p 44) and Article 9(1) of Council Directive 92/73/EEC (O.J. No. L297 13.10.92 p 8));

"homoeopathic medicinal product" means any medicinal product (which may contain a number of principles) prepared from products, substances

or compositions called homoeopathic stocks in accordance with a homoeopathic manufacturing procedure described by the European Pharmacopoeia or, in the absence thereof, by any pharmacopoeia used officially in any Member State of the European Union;

"Law" means the Medicines (Jersey) Law 1995;

"name" in relation to a relevant medicinal product means the name given to the product which may be either an invented name or a common or scientific name, together with a trade mark or the name of the person responsible for marketing the product;

"promotional aid" means a non-monetary gift made for a promotional purpose by a commercially interested party;

"registered homoeopathic medicinal product" means a homoeopathic medicinal product to which Council Directive 92/73/EEC (O.J. No. L297 13.10.92 p 8) applies which is marketed in the United Kingdom under a certificate of registration granted in accordance with the provisions of the Medicines (Homoeopathic Medicinal Products for Human Use) Regulations 1994 of the United Kingdom;

"relevant medicinal product" means –

(a) a medicinal product for human use to which Chapters II to V of the 1965 Directive apply and accordingly includes products to which Title II of Council Regulation 2309/93 (O.J. No. L214 24.8.93 p 1) applies;

(b) a substance or article for human use –

(i) to which Chapters II to V of the 1965 Directive apply, and

(ii) specified in an Order made under Article 93 or 94 of the Law; or

(c) a registered homoeopathic medicinal product other than one in respect of which there is in force a licence of right;

"summary of product characteristics" means the information required to accompany any application for a product licence by virtue of article 4a of the 1965 Directive which was inserted by article 1(2) of Council Directive 83/570/EEC (O.J. No. L332 28.11.83 p 1) and amended by article 1(1) and (4) of Council Directive 89/341/EEC. (O.J. No. L142 25.5.89 p 11).

(2) In this Order, unless the context otherwise requires, a reference to a Directive is to a Directive as it was in force immediately before the date on which this Order was made.

(3) Without prejudice to Article 10 of the Interpretation (Jersey) Law 1954, every provision in the Law that relates in any other way to its interpretation shall also apply in the same way to this Order, unless the context otherwise requires.

2 Restrictions on advertisements – general

(1) No person shall issue an advertisement relating to a relevant medicinal product unless –

(a) a product licence is in force in respect of that product; or

(b) it is a registered homoeopathic medicinal product.

(2) No person shall issue an advertisement relating to a relevant medicinal product unless that advertisement contains particulars that –

(a) comply with the particulars listed in the summary of product characteristics; and

(b) encourage the rational use of that product by presenting it objectively and without exaggerating its properties.

PART 2

ADVERTISING TO THE PUBLIC

3 Scope of Part 2

Part 2 of this Order applies only to advertisements wholly or mainly directed at members of the general public and references in this Part to advertisements are to advertisements to which this Part applies.

4 Prohibition of advertisements likely to lead to use of medicinal products for certain purposes

(1) Subject to paragraph (2), no person shall issue an advertisement which is likely to lead to the use of a relevant medicinal product for the purpose of the treatment, prevention or diagnosis of any disease specified in, or any disease falling within a class of disease specified in, the Schedule to this Order.

(2) Paragraph (1) shall not be taken to prohibit a person from issuing an advertisement which is likely to lead to the use of a relevant medicinal product for the purpose of the prevention of neural tube defects.

(3) No person shall issue an advertisement which is likely to lead to the use of a relevant medicinal product or any other medicinal product, substance or article for the purpose of inducing an abortion in women.

5 Prohibition of advertisements for medicinal products on prescription only

No person shall issue an advertisement for a relevant medicinal product the retail sale of which is prohibited, except in accordance with a prescription given by an appropriate practitioner under Article 57 of the Law.

6 Prohibition of advertisements relating to certain medicinal products

No person shall issue an advertisement relating to any relevant medicinal product which –

(a) contains a substance which is listed in Schedule I, II or IV to the Single Convention on Narcotic Drugs signed by the United Kingdom on 30th March 1961 as amended by the Protocol Amending the Single Convention on Narcotic Drugs signed by the United Kingdom on 25th March 1972 (where the product is not a preparation listed in Schedule III to that Convention); or

(b) contains a substance which is listed in Schedule I to IV to the Convention on Psychotropic Substances signed by the United Kingdom on 21st February 1971 (where the product is not a preparation which may be exempted from measures of control in accordance with paragraphs 2 and 3 of article 3 of that Convention).

7 Form and content of advertisements

(1) Subject to paragraph (2), no person shall issue an advertisement relating to a relevant medicinal product unless that advertisement –

(a) is set out in such a way that it is clear that the message is an advertisement and so that the product is clearly identified as a medicinal product; and

(b) includes the following –

(i) the name of the medicinal product,

(ii) if it contains only one active ingredient, the common name of the medicinal product,

(iii) the information necessary for correct use of the medicinal product, and

(iv) an express and legible invitation to read carefully the instructions on the leaflet contained within the package or on the label, as the case may be.

(2) This Article shall not apply to an advertisement relating to a relevant medicinal product which is on a promotional aid if the advertisement –

(a) consists solely of the name of the product (or, in the case of a registered homoeopathic medicinal product, the scientific name of the stock or stocks); and

(b) is intended solely as a reminder.

8 Exception for approved vaccination campaigns

The provisions of Articles 4(1), 5 and 6 of this Order shall not apply to any advertisement as part of a vaccination campaign relating to a relevant medicinal product which is a vaccine or serum, provided that such campaign has been approved by the Minister.

PART 3

OFFENCES AND CITATION

9 Offences

A person who contravenes any provision of this Order shall be guilty of an offence and liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding level 3 on the standard scale, or both.

10 Citation

This Order may be cited as the Medicines (Advertising) (Jersey) Order 2000.

SCHEDULE

(Article 4(1))

DISEASES IN RESPECT OF WHICH ADVERTISEMENTS TO THE PUBLIC ARE PROHIBITED

Bone diseases

Cardiovascular diseases

Chronic insomnia

Diabetes and other metabolic diseases

Diseases of the liver, biliary system and pancreas

Endocrine diseases

Genetic disorders

Malignant diseases

Psychiatric diseases

Serious disorders of the eye and ear

Serious gastrointestinal diseases

Serious infectious diseases including HIV-related diseases and tuberculosis

Serious neurological and muscular diseases

Serious renal diseases

Serious respiratory diseases

Serious skin disorders

Sexually transmitted diseases

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
Medicines (Advertising) (Jersey) Order 2000	R&O.4/2000	1 February 2000
States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005	R&O.45/2005	9 December 2005

Table of Renumbered Provisions

Original	Current
PART I	PART 1
PART II	PART 2
PART III	PART 3

Table of Endnote References

[1] *This Order has been amended by the States of Jersey (Amendments and Construction Provisions No. 5) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*