

Health, beauty, slimming & medical conditions

Advertising Guidance (non-broadcast)

Legal, decent, honest and truthful



Foreword

The Committee of Advertising Practice (CAP) offers guidance on the interpretation of the UK Code of Advertising (the CAP Code) in relation to non-broadcast marketing communications.

The Broadcast Committee of Advertising Practice (BCAP) offers guidance on the interpretation of the UK Code of Broadcast Advertising (the BCAP Code) in relation to broadcast marketing communications.

Advertising Guidance is intended to guide advertisers, agencies and media owners how to interpret the Codes but is not a substitute for those Codes. Advertising Guidance reflects CAP's and/or BCAP's intended effect of the Codes but neither constitutes new rules nor binds the ASA Councils in the event of a complaint about an advertisement that follows it.

For pre-publication advice on specific non-broadcast advertisements, consult the CAP Copy Advice team by telephone on 020 7492 2100, by fax on 020 7404 3404 or you can log a written enquiry via our [online request form](#).

For advice on specific radio advertisements, consult [Radiocentre](#), and for TV advertisements, [Clearcast](#).

For the full list of Advertising Guidance, please [visit our website](#).

Revisions to this guidance:

Revised: November 2008

The Law

Marketers should establish whether medicines law, medical devices law or food law applies to the product, its constituents or the claims made for it.

Advice on medicine law and medical devices law can be sought from the Medicines & Healthcare products Regulatory Agency (MHRA) and food law from Trading Standards Officers (TSOs).

The CAP Code states

1.10.1 “Marketers have primary responsibility for ensuring that their marketing communications are legal. Marketing communications should comply with the law and should not incite anyone to break it.”

CAP Code rules

All relevant Code clauses apply but those listed below have particular relevance to health, beauty and slimming marketing communications that refer to medical conditions:

12.1 “Objective claims must be backed by evidence, if relevant consisting of trials conducted on people. If relevant, the rules in this section apply to claims for products for animals. Substantiation will be assessed on the basis of the available scientific knowledge.

Medicinal or medical claims and indications may be made for a medicinal product that is licensed by the MHRA or EMEA, or for a CE-marked medical device. A medicinal claim is a claim that a product or its constituent(s) can be used with a view to making a medical diagnosis or can treat or prevent disease, including an injury, ailment or adverse condition, whether of body or mind, in human beings.

Secondary medicinal claims made for cosmetic products as defined in the appropriate European legislation must be backed by evidence. These are limited to any preventative action of the product and may not include claims to treat disease.”;

12.2 “Marketers must not discourage essential treatment for conditions for which medical supervision should be sought. For example, they must 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.

Health professionals will be deemed suitably qualified only if they can provide suitable credentials, for example, evidence of: relevant professional expertise or qualifications; systems for regular review of members’ skills and competencies and suitable professional indemnity insurance covering all services provided; accreditation by a professional or regulatory body that has systems for dealing with complaints and taking disciplinary action and has registration based on minimum standards for training and qualifications.”;

12.11 “Medicines must have a licence from the MHRA before they are marketed. Marketing communications for medicines must conform with the licence and the product’s summary of product characteristics. For the avoidance of doubt, by conforming with the product’s indicated use, a marketing communication would not breach 12.2.

Marketing communications must not suggest that a product is “special” or “different” because it has been granted a licence by the MHRA.”

References to Medical Conditions in Marketing Communications

To help the industry the Copy Advice team has compiled two lists. The first identifies medical conditions for which medical advice from a suitably qualified person should be sought, the second identifies conditions which could legitimately be referred to in marketing communications without breaching Rule 12.2, subject to them complying with all other appropriate Code Rules.

When referring to either list, please consider these points:

- Rule 12.2, and therefore the rest of these guidelines, does not apply to marketing communications: for products that hold a product licence or a marketing authorisation to treat a serious or prolonged medical condition; for hospitals, clinics and the like that employ qualified practitioners; that are addressed only to members of the medical or allied professions;

- Rules 12.1 and 12.2, and therefore the rest of these guidelines, do apply to marketing communications for products classified as a medical device under the Medical Devices Regulations;
- Rule 12.1 is not intended to prohibit claims that products or therapies can help reduce the risk of contracting a serious or prolonged medical condition (although it is important to ensure that such claims are legal);
- Most health practitioners specialise in treating different types of ailments and medical conditions. For example, a physiotherapist may treat aches and pains and a psychotherapist may help someone suffering from a phobia. Practitioners of the disciplines represented by these capital letters can probably treat those listed ailments or medical conditions that display the same capital letter:

P Psychology (for example, psychotherapy, behavioural therapy, counselling)

M Manipulation (for example, osteopathy, physiotherapy, chiropractic)

H Hypnotherapy

Ac Acupuncture

- That information is not exhaustive and may, on receipt of satisfactory evidence, be updated from time to time. More information on other therapies is available at www.cap.org.uk/AdviceOnline.aspx;
- unless otherwise indicated, prefixing an acceptable reference to a medical condition with "serious", "chronic", "persistent" or similar is likely to render it unacceptable;
- the lists are not exhaustive and are subject to amendment and updating in line with ASA adjudications and prevailing medical opinion, including Government reports.

Conditions for which suitably qualified medical advice should be sought

- Addictions
- Alcoholism (Dependence)
- Age related Macular Degeneration, AMD
- Anaemia
- Angina

- Anorexia
- Arthritis [c.f. Arthritic Pain (M)]
- Asthma
- Attention Deficit Hyperactivity Disorder, ADHD
- Autism
- Blood Pressure, High
- Bronchitis
- Bulimia
- Cancer
- Cataracts
- Crohn's Disease
- Circulation, Poor [c.f. Circulatory Problems]
- Chronic Obstructive Airway Disease, COAD
- Compulsions (P)
- Depression [c.f. Feeling Down or Feeling Blue] (P)
- Diabetes
- Diverticulitis
- Dizziness
- Drowsiness
- Drug Addiction (Substance Abuse)
- Ear Disorders, Serious
- Eating Disorders
- Emphysema
- Epilepsy
- Erection Problems or Erectile Dysfunction [c.f. Temporary Erection Problems, Temporary Erectile Dysfunction]
- Eye Disorders, Serious
- Fibroids
- Fits
- Frigidity (P)

- Gall Bladder Disorder
- Gall Stones
- Genito-Urinary Disorders

- Glaucoma
- Gout
- Hiatus Hernia
- Heart Disease
- Herpes Zoster (Shingles)
- Human Immunodeficiency Virus, HIV
- Hypertension Impotence [c.f. Temporary Erection Problems, Temporary Erectile Dysfunction]
- Infectious diseases
- Infertility [c.f. Sexual Counselling]
- Insomnia, Chronic
- Jaw Joint Dysfunction
- Kidney Disorders
- Learning Difficulties
- Leukaemia
- Malignant Diseases
- Mania (P)
- Multiple Sclerosis, MS
- Malaria
- Memory problems or Memory Lapses
- Menopausal Symptoms
- Menstruation, Regulation of
- Metabolic Diseases
- Migraine [c.f. Migraine Headaches]
- Muscular Dystrophy
- Myopathy

- Obesity [c.f. Diet, Trouble Sticking to]
- Obsessions (P)
- Obsessive Compulsive Disorder, OCD (P)

- Osteoporosis
- Overdose
- Pancreatitis
- Paralysis
- Parkinson's Disease
- Prostate Problems
- Psoriasis [c.f. Skin Problems]
- Psychosis (P)
- Polycystic Ovary Syndrome
- Respiratory Diseases
- Schizophrenia
- 'Senility'
- Sexually Transmitted Diseases
- Skin Disorders, Serious
- Spinal Injuries
- Stroke
- Suicidal thoughts (P)
- Thrush, Oral [c.f. Thrush, Vaginal]
- Tonsillitis
- Tuberculosis
- Ulcer, Gastric
- Under-eating
- Whiplash

Conditions for which evidence could be sought by the ASA or CAP

- Aches and Pains (M)
- Acid Indigestion
- Acidity, Stomach

- Acne
- Allergic Rhinitis
- Alopecia (Hair Loss)
- Anxiety (P)
- Arthritic Pain (M)
- Athlete's Foot
- Backache (M, Ac)
- Back Pain (M, Ac)
- Bacterial Vaginosis, BV
- Bedwetting (P)
- Bronchial Congestion
- Bunion
- Calluses
- Candida
- Catarrh
- Chilblains
- Circulatory Problems, Local or Minor (M) [c.f. Poor Circulation]
- Cold
- Cholesterol, High
- Chronic Fatigue Syndrome (Formerly ME) (P)
- Colic
- Concentration (P)
- Confidence (P)
- Constipation
- Conjunctivitis
- Cough

- Cramp (M)
- Cystitis
- Dandruff

- Dental Pain (Ac)
- Dermatitis
- Diarrhoea, Acute
- Diet, Trouble Sticking to (P) [c.f. Obesity]
- Digestion Problems (M)
- Dyspepsia
- Earache
- Eczema
- Eczema, Stress-related (P)
- Emotional Problems (P)
- Enuresis (Bedwetting) (P)
- Erection, Improved
- Erection Problems, Temporary; Erectile Dysfunction, Temporary [c.f. Impotence, Erection Problems, Erectile Dysfunction]
- Fears (P)
- Feeling Down or Feeling Blue (P) [c.f. Depression]
- Fever
- Fibromyalgia (Fibrositis) (M)
- Flatulence
- Fluid Retention
- Foot Odour
- Frozen Shoulder (M)
- Gastric Reflux
- Gastroenteritis
- Gingivitis
- Glue Ear

- Grief (P)
- Guilt (P)
- Haematoma

- Haemorrhoids
- Halitosis
- Hayfever
- Headaches (P, Ac)
- Heartburn
- Herpes Simplex
- Hoarseness
- Impetigo
- Indigestion
- Indigestion, Nervous
- Inflammation
- Influenza
- Insomnia
- Irritable Bowel Syndrome, IBS (H)
- Joint Pains (M)
- Jumpy (P)
- Lethargy (P)
- Libido, Low (P)
- Lumbago (M)
- Menopause Menstrual Pain
- Migraine Headache [c.f. Migraine]
- Motion Sickness
- Mouth Ulcers
- Muscle Spasms (M)
- Muscle Tension (M, P)
- Nailbiting (P)

- Nails, Fungal infections
- Nappy Rash
- Nausea (Ac)

- Neck Ache (Ac)
- Neuralgia (M)
- Numbness
- Panic Attack (P)
- Period Pain
- Phobias (P)
- Piles
- Pins and Needles
- Pre-menstrual Tension or Pre-menstrual Syndrome (P)
- Relationship Problems (P)
- Relax, Inability to (P, M)
- Rheumatic Pain (M, Ac)
- Rheumatism (M)
- Ringworm
- Sexual Counselling (P)
- Sciatica (M)
- Sinuses, Congested
- Sinusitis
- Skin Problems [c.f. Psoriasis]
- Skin Problems, Stress-related (P)
- Sleep, Trouble Getting to (P)
- Sleeplessness, Intermittent (P)
- Smoking Cessation (P, H)
- Snoring (P)
- Spasms (M)
- Sports Injuries, Minor (M)

- Stammering (P)
- Stomach, Upset Stress (P, H)
- Tension (P, M)

- Tiredness
- Thrush, Vaginal [c.f. Thrush, Oral]
- Travel Sickness
- Verrucae
- Water Retention
- Warts
- Wind

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